

**GENERAL PLAN UPDATE
ENVIRONMENTAL IMPACT REPORT
RESPONSES TO COMMENTS**

**CITY OF ANTIOCH
CONTRA COSTA COUNTY, CALIFORNIA**

LSA

October 2003

This Page Intentionally Left Blank

**GENERAL PLAN UPDATE
ENVIRONMENTAL IMPACT REPORT
STATE CLEARINGHOUSE NO. 2003072140**

RESPONSES TO COMMENTS

**CITY OF ANTIOCH
CONTRA COSTA COUNTY, CALIFORNIA**

Prepared for:

City of Antioch
3rd and "H" Streets
Antioch, California 94509
(925) 779-7035

Prepared by:

LSA Associates, Inc.
1650 Spruce Street, Suite 500
Riverside, California 92507
(909) 781-9310

LSA Project No. CAN030

LSA

October 2003

This Page Intentionally Left Blank

TABLE OF CONTENTS

1.0 – SUMMARY OF THE FINAL ENVIRONMENTAL IMPACT REPORT

1.1	Introduction.....	1-1
1.2	Public Review Period.....	1-1
1.3	Comments on the Draft EIR and Responses.....	1-1
1.4	List of Persons, Organizations, and Public Agencies Commenting on the Draft EIR.....	1-2

2.0 – RESPONSES TO COMMENTS

2.1	General Responses	2-2
2.2	Responses to Specific Comments	2-7
A	U.S. Fish and Wildlife.....	2-8
B	California Department of Fish and Game	2-47
C	California Department of Transportation	2-59
D	California Office of Planning and Research.....	2-64
E	Bay Area Air Quality Management District.....	2-67
F	Contra Costa County Community Development Department.....	2-80
G	Contra Costa County Flood Control.....	2-90
H	Contra Costa Mosquito and Vector Control District	2-95
I	Contra Costa Water District	2-98
J	East Bay Municipal Utility District.....	2-103
K	East Bay Regional Park District.....	2-105
L	East Bay Regional Park District via Shute, Mihaly & Weinberger LLP	2-108
M	Exhibit 25, East Bay Regional Park District	2-200
N	East County Transportation Planning.....	2-227
O	Contra Costa County LAFCO	2-229
P	Nancy Bachman	2-234
Q	Bill Chadwick.....	2-236
R	Paul Cooney	2-238
S	Sonya Cooney.....	2-240
T	East Contra Costa County Habitat Conservation Plan Association	2-242
U	The Zeka Group Inc. via Gagen, McCoy, McMahon & Armstrong	2-245
V	Sherry Starks	2-266
W	Sherry Starks	2-268
X	Dave Walters	2-289

APPENDICES

Appendix A	Additional Responses to the Notice of Preparation
Appendix B	Exhibits from Document L, Shute, Mihaly & Weinberger LLP

This Page Intentionally Left Blank

1.0 SUMMARY OF THE FINAL ENVIRONMENTAL IMPACT REPORT

1.1 INTRODUCTION

The Final Environmental Impact Report (EIR) for the City of Antioch General Plan (State of California Clearinghouse No. 2003072140) has been prepared in accordance with the California Environmental Quality Act (CEQA) and the guidelines for the implementation of CEQA. The Final EIR consists of the following contents:

- A list of persons, organizations, and public agencies commenting on the Draft EIR (Section 1.4);
- The responses of the Lead Agency to significant environmental points raised in the public review and consultation process (Section 2.0); and
- Revisions made to the Draft EIR (July 2003), State of California Clearinghouse No. 2003072140, in the form of an addendum presented in Section 3.0.

1.2 PUBLIC REVIEW PERIOD

The public review period for the Draft EIR began on July 25, 2003, and ended on September 8, 2003, covering the CEQA-mandated 45-day public review period. A Notice of Completion for the Draft EIR was filed with the State Clearinghouse along with the required number of copies of the document for circulation to various State agencies. Copies of the Draft EIR were also mailed directly to local agencies, groups, and individuals for review. In addition, a copy of the document was made available to the public at the following City office:

City of Antioch City Hall
Community Development Department
Third and "H" Street
Antioch, California 94509

1.3 COMMENTS ON THE DRAFT EIR AND RESPONSES

Section 2.0 of the Final EIR contains the comments to the Draft EIR and responses to those comments. The primary objective and purpose of the EIR public review process is to obtain comments on the adequacy of the analysis of the environmental impacts, the mitigation measures presented, and other analyses contained in the report. CEQA requires the City to respond to all significant environmental comments in a level of detail commensurate to the comment (*CEQA Guidelines*, Section 15088). Comments that do not directly relate to the analysis in this document (i.e., are outside the scope of this document) are not given specific responses. However, all comments are included in this section so that the decision-makers know the opinions of the commentators.

1.4 LIST OF PERSONS, ORGANIZATIONS, AND PUBLIC AGENCIES COMMENTING ON THE DRAFT EIR

The persons, organizations, and public agencies that submitted comments on the Draft EIR through September 8, 2003 are listed below. A total of 24 written comment letters was received on the Draft EIR. For reference, each letter was assigned a code (A - X). These codes are included below, and represent the order of letters in Section 2.0.

Federal Agencies

A U.S. Fish and Wildlife Service

State Agencies

B California Department of Fish and Game
C California Department of Transportation
D Governor's Office of Planning and Research

Local Agencies and Districts

E Bay Area Air Quality Management District
F Contra Costa County Community Development Department
G Contra Costa County Flood Control
H Contra Costa Mosquito and Vector Control District
I Contra Costa Water District
J East Bay Municipal Utility District
K East Bay Regional Park District
L East Bay Regional Park District, via Shute, Mihaly & Weinberger LLP
M Exhibit 25, to letter from Shute, Mihaly & Weinberger LLP for the East Bay Regional Park District
N East County Transportation Planning (Transplan)
O Contra Costa County LAFCO

Citizens and Organizations

P Nancy Bachman
Q Bill Chadwick
R Paul Cooney
S Sonya Cooney
T East Contra Costa County Habitat Conservation Plan Association
U The Zeka Group Inc. via Gagen, McCoy, McMahon & Armstrong
V Sherry Starks
W Sherry Starks
X Dave Walters

2.0 RESPONSES TO COMMENTS

The comments on the City of Antioch General Plan Draft Program EIR (State Clearinghouse No. 2003072140) and individual responses to each comment are a part of this Final Environmental Impact Report. The primary objective and purpose of the EIR public review process is to obtain comments on the adequacy of the analysis of environmental impacts, the mitigation measures presented, and other analyses contained in the report. The California Environmental Quality Act (CEQA) requires that the City of Antioch respond to all significant environmental comments in a level of detail commensurate to the comment (*CEQA Guidelines* Section 15088). Comments that do not directly relate to the analysis in this document (i.e., are outside of the scope of this document) are not given specific responses. However, all comments are included in this section so that the decision-makers may know the opinions of the commentors. The City of Antioch, as the Lead Agency, is obligated to respond to comments on the Draft EIR. According to *CEQA Guidelines* Section 15088 (a), the Lead Agency shall evaluate comments on environmental issues received from persons who reviewed the Draft EIR and shall prepare a written response. The response to comments may take the form of changes directly to the Draft EIR or a separate section in the Final EIR. If the response results in important changes to the information contained in the Draft EIR, the Lead Agency should:

- Revise the text directly in the EIR, or
- Include margin notes indicating that the revised information is contained in the response to comments.

This section, which discusses the text changes that have been made to the Draft EIR and responses to comments that have been received on the Draft EIR, is included as a part of the Final EIR. The Draft EIR has not been substantially revised in response to any written comments received. However, minor additions and clarifications have been made at several locations in the text. The information contained in these minor text additions and clarifications was determined by the City of Antioch not to be “significant new information,” as it does not substantially change the project description, the impact analyses, or the proposed mitigation measures. Added text is shown as double underline (double underline) and the deleted text is shown as strikeout (~~strikeout~~).

Aside from issues not related to the environmental effect of the project — the courtesy statements, introductions, and closings — the text of each comment document has been divided into individual comments. Brackets and identification numbers in the right margin of each comment letter delineate each comment. A number that corresponds to the comment identified on the original comment document precedes each response.

2.1 GENERAL RESPONSES

The purpose of these general responses is to address issues that come up in several different comments and comment letters. Where relevant, responses to specific comments will refer to these general responses.

1. The proposed project for which environmental documentation is being prepared is a General Plan, which is a long-term policy document covering the City of Antioch, its sphere of influence and other lands bearing a relationship to the City's planning efforts. As described in Section 2.3 of the Draft EIR, the EIR was prepared as a "Program EIR," which evaluates the broad-scale impacts of the proposed General Plan. The EIR addresses the impacts of the General Plan as a whole, and is not a project-specific EIR addressing the impacts of one or more specific development projects. The General Plan is not itself a specific development proposal, but is a broad statement of community policy that the City will use to evaluate specific development proposals. As stated in California CEQA Guidelines (page 108):

"The Program EIR prepared for a general plan examines broad policy alternatives, considers the cumulative effects and alternatives to later individual activities, where known, and contains plan level mitigation measures. Later activities which have been adequately described under the program EIR will not require additional environmental documents. When necessary, new environmental documents such as a subsequent or supplemental EIR or negative declaration will focus on the project specific impacts of later activities, filling in the information and analysis missing from the program EIR."

Thus, pursuant to the provisions of State CEQA Guidelines, additional environmental review will be performed in connection with specific development proposals as they are designed and submitted to the City for review.

CEQA provides that the programmatic environmental analysis for such large scale planning efforts will differ from the sort of environmental analysis performed for a specific development project. According to Section 15168(a) of the State CEQA Guidelines, a State or local agency should prepare a Program EIR, rather than a Project EIR, when the Lead Agency proposes the following:

- Series of related actions that are linked geographically;
- Logical parts of a chain of contemplated events, rules, regulations, or plans that govern the conduct of a continuing program; or
- Individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects that can be mitigated in similar ways.

In *Al Larson Boat Shop, Inc. v. Board of Harbor Commissioners* (1993) (18 Cal.App.4th 729, 741-746), the Court of Appeal stated that, in preparing a "first tier"¹ EIR for a plan-level decision, an agency may permissibly defer until later project-specific EIRs analysis that might otherwise be

¹ "Tiering" refers to the concept of a multi-level approach to preparing environmental documents, beginning with a "first tier" document that addresses general areawide or program-wide impacts, and progressing with increasingly specific analyses as more detailed information becomes available (*CEQA Guidelines*, Section 15152).

required in a stand-alone project EIR. In upholding the alternatives analysis in the program EIR, the Court stated:

“No ironclad rules can be imposed regarding the level of detail required in the consideration of alternatives. EIR requirements must be ‘sufficiently flexible to encompass vastly different projects with varying levels of specificity.’ (*Rio Vista Farm Bureau Center v. County of Solano* (1992) 5 Cal.App.4th 351, 374.) The degree of specificity required in an EIR ‘will correspond to the degree specificity involved in the underlying activity which is described in the EIR.’ (CEQA Guidelines, § 15146.) Thus, ‘an EIR on the adoption of a general plan... must focus on secondary effects of adoption, but need not be as precise as an EIR on the specific projects which might follow.’ (*Rio Vista, supra*, 5 Cal.App.4th at p. 374.) The consideration of alternatives in this FEIR was adequate for its purposes.” (18 Cal.App.4th at pp. 741-742, 745-746.)

The *Larson* court also addressed the extent to which an agency, in preparing a first tier EIR, can defer the identification of environmental impacts and the formulation of specific mitigation measures until later “project EIRs”:

“While a Final EIR cannot defer all consideration of cumulative impacts to a later time, it may legitimately indicate that more detailed information may be considered in future project EIR’s. [sic]

“A Final EIR need only conform with the general rule of reason in analyzing the impact of future projects, and may reasonably leave many specifics of future EIR’s. ‘CEQA recognizes that environmental studies in connection with amendments to a general plan will be, on balance, general’ (*Schaeffer Land Trust v. San Jose City Council* (1989) 215 Cal.App.3d 612, 625.)

“Deferral of more detailed analysis to a project EIR is legitimate. It has been held that ‘where practical considerations prohibit devising such measures early in the planning process (e.g., at the general plan amendment or rezone stage), the agency can commit itself to eventually devising measures that will satisfy specific performance criteria articulated at the time of project approval....’ (*Sacramento Old City Association v. City Council of Sacramento* (1991) 229 Cal.App.3d 1011, 1029.)” (18 Cal.App.4th at pp. 746-747.)

As these cases make clear, the EIR for a General Plan-level, as a “first tier” program EIR focuses on the broad policy implications of implementing the plan as a whole. It is neither feasible nor necessary for a General Plan EIR to precisely identify specific project-level impacts.

The Draft EIR notes that the General Plan EIR, addressing the impacts of citywide and areawide policy decisions, can be thought of as a first tier document, evaluating the large-scale impacts on the environment that can be expected to result from the adoption of the General Plan. The General Plan EIR is not intended to address all of the site-specific impacts that subsequent development projects may have. CEQA requires that each subsequent project (e.g., Specific Plans, zone changes, preliminary and final development plans, tentative tract maps, site plans) be

evaluated for their particular, site-specific impacts. These impacts are typically encompassed in “second-tier documents,” such as Project EIRs, Focused EIRs, or (Mitigated) Negative Declarations, which typically evaluate the impacts of a single activity undertaken to implement the overall plan. It is these “second-tier” documents that are intended to address the site-specific impacts of proposed development projects, and to provide mitigation for the impacts that will be created by those projects. The General Plan and the EIR for the General Plan set forth a series of policies and mitigation measures in the form of performance standards to which subsequent development projects are to be evaluated.

The Draft EIR states that it will address a “series of actions needed to achieve the implementation of the proposed General Plan.” Further actions or procedures required to allow implementation of the proposed General Plan include the processing of zoning plans, specific plans, tentative tract maps, site design plans, building permits, and grading permits, and will continue to be subject to CEQA. As a result, subsequent environmental documents will be prepared to analyze the environmental impacts of specific development projects.

Although the legally required contents of a Program EIR are the same as those of a Project EIR, the Draft EIR clearly stated that, in practice, there are considerable differences in level of detail. Program EIRs are typically more conceptual and abstract than a “Project EIR,” and contain a more general discussion of impacts, alternatives, and mitigation measures, since the detailed design of individual development projects cannot be known at the time a General Plan and its EIR are prepared. Similarly, a city or county cannot survey all open lands within its boundaries for biological and cultural resources. Instead, cities and counties rely on macro-level analysis, establish performance standards for environmental protection and mitigation, require site-specific surveys as part of individual development projects, and apply the performance standards to those individual development projects.

The analysis in the General Plan EIR is not intended to be a substitute for site-specific environmental analysis for future development projects (e.g., determining the level of service for intersections within the City or specific biological impacts for future development projects)¹. This EIR provides a macro-scale analysis that can be used to focus environmental review for future development projects on site-specific, project-related issues. Thus, the General Plan EIR provides a long-term, *cumulative* impact analysis for the developments that can be expected to follow General Plan adoption and implement the updated General Plan. For example, the biological resources analysis determines the cumulative impacts that will occur to biological resources from implementation of each of the development projects that can be expected to occur as part of implementing the Antioch General Plan, but is not based on the detailed site-specific surveys that would be expected of subsequent development projects.

2. Several comments on the Draft EIR raise the issue of deferred mitigation. As the cases cited in General Response 1 make clear, the EIR for a General Plan-level as a “first tier” program EIR focuses on the broad policy implications of implementing the plan as a whole. It is neither feasible nor necessary for a General Plan EIR to precisely identify specific project-level impacts

¹ Where site-specific information is available that provides insight into cumulative citywide impacts, such information was incorporated into the General Plan EIR. An example of the incorporation of site-specific information is the Framework Resource Management Plan for the Sand Creek Focus Area.

or project-level mitigation. What is necessary, however, is to devise policies and mitigation measures that represent a genuine commitment to a performance standard, such that the impact of the plan will be avoided or lessened, to the extent it is feasible to do so. See *Citizens for Quality Growth v. City of Mount Shasta* (1988) 198 Cal.App.3d 433, 442 (“[w]hile detailed mitigation measures may not be possible before a specific development plan is proposed, general mitigation measures may be adopted”); *Rio Vista Farm Bureau Center v. County of Solano*, *supra*, 5 Cal.App.4th at p. 377 (where “devising more specific mitigation measures early in the planning process is impractical, the agency can commit itself to eventually devising measures that will satisfy specific *performance standards* articulated at the time of project approval” (internal quotations omitted)).

3. A number of comments question or ignore the effects of General Plan policies, and seem to assume that the policies of the General Plan will not be implemented. Several other comments appear to misunderstand the purpose of a General Plan. State law (Government Code 65302 et. seq.) requires that every California city and county prepare and adopt a “comprehensive, long-term general plan for the physical development of the county or city, and of any land outside its boundaries which in the planning agency’s judgment bears relation to its planning.” According to State guidelines for the preparation of general plans, the role of the General Plan is to establish a document that will “...act as a ‘constitution’ for development, the foundation upon which all land use decisions are to be based. It expresses community development goals and embodies public policy relative to the distribution of future land use, both public and private.”

As further mandated by the State, the General Plan must serve to:

- Identify land use, circulation, environmental, economic, and social goals and policies for the City and its surrounding planning area as they relate to land use and development;
- Provide a framework within which the City’s Planning Commission and City Council can make land use decisions;
- Provide citizens the opportunity to participate in the planning and decision-making process affecting the City and its surrounding planning area; and
- Inform citizens, developers, decision-makers, and other agencies, as appropriate, of the City’s basic rules that will guide both environmental protection and land development decisions within the City and surrounding planning area.

A General Plan is not a development project, and its purpose is not to provide detailed land planning for each privately owned property within its study area. The General Plan is required to designate the general distribution for uses of land, including housing, business, industry, open space, public and other uses. The Land Use Element portion of the General Plan also sets forth standards for population density and building intensity.

Because it is long range and comprehensive, a General Plan cannot address every detail. The General Plan establishes a general policy framework and performance standards for the review of subsequent development projects, based on recognized trends, best available projections, and community values regarding the future that is desired by the community. Although the General Plan is a “general” guide for decision-making, it is the lead legal document within a community

for planning and development decisions. State law requires that zoning and development approvals be consistent with the General Plan.

2.2 RESPONSES TO SPECIFIC COMMENTS



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Sacramento Fish and Wildlife Office
2800 Cottage Way, Room W-2605
Sacramento, California 95825-6340

IN REPLY REFER TO:

1-1-03-TA-2578

SEP - 8 2003

RECEIVED

SEP 09 2003

CITY OF ANTIOCH
COMMUNITY DEVELOPMENT

Ms. Alexis Morris, Assistant Planner
City of Antioch
P.O. Box 5007
Antioch, California 94531-5007

Subject: Comments on the Proposed City of Antioch Updated General Plan Update and associated Draft Environmental Impact Report, Contra Costa County, California

Dear Ms. Morris:

This letter provides the U.S. Fish and Wildlife Service's (Service) comments and concerns on the above-mentioned documents. We received the documents on July 25, 2003. The Antioch General Plan (GP) and Draft Environmental Impact Report (DEIR) address the potential build out and environmental impacts resulting from such build out. The Service is concerned about the possible effects of the build out as described in the GP on federally listed species, including but not limited to, the endangered San Joaquin kit fox (*Vulpes macrotis nuttallii*) (kit fox), threatened California red-legged frog (*Rana aurora draytonii*) (red-legged frog), threatened Alameda whipsnake, (*Masticophis lateralis euryxanthus*) (whipsnake), threatened vernal pool fairy shrimp (*Branchinecta lynchi*) (fairy shrimp) and California tiger salamander (*Ambystoma californiense*) (tiger salamander), which is proposed as threatened. These species are protected under the Endangered Species Act of 1973, as amended (Act). There are additional species of plants and animals that are protected under the Act, which may be affected by the proposed project, and we have enclosed a species list for the Antioch area. Impacts to all proposed and federal listed species from build out of the GP should be analyzed in detail in any future documents and submitted to the Service for review.

Areas of particular concern to the Service with respect to impacts on federally listed species are generally the grasslands, stock ponds, intermittent creeks and riparian areas located in the Somersville Focus Area (Somersville), Sand Creek Focus Area (Sand Creek), Roddy Ranch Area (Roddy), and the Nunn/Ginochio Property (Ginochio). These areas provide habitat for kit foxes, red-legged frogs, tiger salamanders and other federally listed and special status species. Sand Creek consists of 2,712

Ms. Alexis Morris

2

acres, Roddy is 2,100 acres, and Ginochio is 1,070 acres for a total acreage of approximately 5,882 acres. The Somersville area does not have an acreage amount listed in the documents.

Somersville Focus Area

The southern portion of Somersville, adjacent to Buchanan and Somersville Road, provides habitat for kit fox and red-legged frogs. The GP identifies this area as the "Chevron property," which is proposed to be annexed to Antioch and developed as a mix of offices and medium density residential housing products.

The Service believes that all the grasslands on the Chevron property and adjacent properties, provide habitat for kit fox by providing a prey base for kit fox and possibly denning opportunities. These properties are contiguous with the greater open grasslands to the south, including Black Diamond Mines, where kit fox have been observed. Furthermore, Markley Creek supports red-legged frogs, and take of frogs may occur through modifications of Markley Creek. Take may also occur through the loss of upland habitat that may contain California ground squirrel burrows in which red-legged frogs may estivate during the dry season. Tiger salamanders may also inhabit Markley Creek, and the California Department of Fish and Game (J. Gan, pers. comm) has requested that a potential developer conduct surveys for tiger salamanders to determine their status in the area.

The Service recommends a minimum set back of 300 feet on both sides from the top of the bank. This will allow some meandering of the stream bed, which will reduce the need for bank stabilization in the future. All lighting from development should be directed away from the creek area. No runoff from landscaping, that may be contaminated with pesticides or fertilizers, or impervious surfaces that have petroleum substances should be allowed to run into Markley Creek. All converted grasslands should be compensated for at a minimum of 3:1, or as otherwise provided for in an overall compensation strategy for loss of grassland.

Sand Creek Focus Area

Sand Creek is in the southern portion of Antioch. It is divided into approximately thirds by Empire Mine Road and Deer Valley Road which run in a general north-south direction. To the north is a residential district and Brentwood lies to the east. To the west is Black Diamond Mines Regional Park. The GP provides two options, A and B respectively, for development of Sand Creek. The DEIR identifies Option B as the preferred alternative. Option B provides for approximately 4,000 dwelling units as opposed to 5,000 in Option A. Sand Creek will include retail development, residential development, golf course, developed recreational parks, and business parks.

Sand Creek has numerous environmentally sensitive habitats and associated federally listed species, including Sand and Horse creeks (red-legged frogs), chaparral scrub and rock outcrops (whip snakes), vernal pools (tiger salamanders and fairy shrimp), and oak savannah and grasslands (kit foxes, tiger

salamanders, and red-legged frogs). The proposed conservation strategy of setting aside open space lands in the western section of Sand Creek does not adequately provided for the protection of these listed species. The proposed open space does not provide a sufficient corridor to connect Deer Valley and Horse Valley to Black Diamond Mines Regional Park through Lone Tree Valley. In addition, the proposed open space is traversed by Empire Mine Road. As build out of Sand Creek occurs there will be an increasing amount of traffic on Empire Mine Road as people take back roads to their destinations. This will increase the likelihood of vehicular strikes on all species as they cross the road. A conservation strategy that fully meets the needs of all federally listed and special status species needs to be developed. To achieve a functional conservation strategy, viable habitat and corridors need to be identified, developed, and maintained. This includes providing adequate buffers along riparian areas. The GP provides for approximately 125 feet on either side of the creeks and/or offsite compensation. As the DEIR points out this amount of open space for the protection of creeks is insufficient to protect habitat values. The creek habitats are sufficiently rare in this area so that off site compensation is not sufficient to offset impacts.

The GP does not provide for the protection of ponds, wetlands and alkali grassland in Sand Creek and those habitat types would be destroyed. Wetlands and alkali grasslands are extremely rare in east Contra Costa County and need to be preserved in this area. A comprehensive conservation strategy that fully minimizes and mitigates the impacts to federally listed species and their habitats to the maximum extent practicable needs to be developed for the Sand Creek area.

Roddy Ranch

Roddy Ranch is outside the existing Urban Limit Line within an unincorporated area. Current use consists of a golf course, clubhouse and open space, consisting of grassland, riparian and oak woodlands. The 875 acres open space is held by Contra Costa County and will remain in open space. Proposed development plans for an "exclusive" community with a resort style setting.

Development of Roddy, as well as the implementation of Sand Creek Option B, would preclude the ability of kit fox to utilize Horse Valley and Lone Tree Valley as either habitat or a movement corridor. Development of this area would effectively preclude the ability of kit foxes to move from Black Diamond Mines Regional Park to habitat in the south. Natural and non-natural water's features on-site provide habitats for red-legged frogs and tiger salamanders. Habitats on-site likely provide habitat for whipsnakes as whipsnakes were captured recently in Black Diamond Mines Regional Park. Any development plans for this site would need to address the loss of on-site habitat as well as ensuring adequate connectivity between Cowell Ranch and Contra Loma Black Diamond Mines Regional Park through Roddy and Sand Creek.

Ms. Alexis Morris

4

Ginochio Property

This property is also outside the existing Urban Limit Line within an unincorporated area. This area is currently in its natural state. The GP calls for five and ten acres lots, and smaller Single-Family Detached and Multi-Family Attached residential products in a resort-style development with an associated golf course.

Ginochio is adjacent to Roddy Ranch and, therefore, has many of the same issues and concerns. The property has numerous tiger salamander and red-legged frog sightings, and provides suitable habitat for kit fox. Again, ecosystem connectivity needs to be maintained between Contra Loma/Black Diamond Mines Regional Park to the north through the Ginochio, Roddy, Sand Creek areas to Cowell Ranch, as well as to Deer Valley and Briones Valley.

Resource Management Plan

We have serious concerns with the proposals set forth in the Resource Management Plan (RMP) for Sand Creek. The maps provided in RMP may not include all sightings and locations of sensitive species in the area, thereby giving an inaccurate picture of impacts to federally listed species that may result from the project. For example, red-legged frogs are known to occur on Roddy Ranch and in Markley Creek in the Somersville area.

Developing a RMP for Sand Creek alone ignores the impacts the proposed build out will have on federally listed species throughout the entire GP area. The Service does not believe that the proposed resource management strategies for grassland corridors in the Sand Creek Focus Area offsets impacts to federally listed species within the Sand Creek Focus Area. The proposed corridors are insufficient in both acreage amount and configuration to properly function. As stated above with regard to Sand Creek, Roddy, Ginochio, providing meaningful and functional habitat for all federally listed species and providing connectivity through that area is essential.

The RMP implies in several locations that it will meet Federal standards for approval. The RMP does not constitute a permit to incidentally take federally listed species, nor does it meet the intent or standards required for issuance of a permit under section 10(A)(1)(b) of the Act. The Service does not agree, as stated on page 20 in the Sand Creek RMP, Appendix D of the DEIR, that the general direction and approach of the GP and RMP is consistent with the East Contra Costa County Habitat Conservation Plan and Natural Communities Conservation Plan (HCP/NCCP), or that the RMP will compliment the proposed conservation strategy being developed for the East Contra Costa County HCP/NCCP. The conservation strategy being developed for the HCP/NCCP provides a conservation strategy for an area much larger than its immediate planning area. The RMP focuses specifically on the Sand Creek area and does not develop a conservation area for the much larger GP area. The HCP/NCCP proposes extending the conservation strategy for grassland dependent species further to

the east than described in the RMP. Therefore, the RMP undermines, and is in direct opposition to, the conservation strategy being developed through the HCP/NCCP. The Service recommends developing a conservation strategy that will benefit all federally listed species throughout the entire GP area.

Impacts by Species

The following provides a brief discussion of impacts to some of the federally listed species resulting from the proposed development. We recommend that the various recovery plans for federally listed species be utilized to develop an appropriate conservation strategy to benefit federally listed species.

San Joaquin kit fox

The kit fox is found in very few numbers in East Contra Costa County due to a variety of past practices such as extensive California ground squirrel poisoning and more recent actions such as extensive urban development, particularly in the Antioch and Brentwood area. As the purpose of the Act is to "provide a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved..." the lack of sightings does not devalue an area to the extent that impacts should not be mitigated. Kit foxes are wide-ranging species and need to move freely across the landscape to forage and find mates. In east Contra Costa County, including Antioch, much of the area has been developed into urban and ranchette developments. This past development has greatly constrained the opportunities available to provide for conservation of kit fox. Because of this, the remaining open areas are of increasing importance. If development occurs on Reddy, Ginochio and the western portion of Sand Creek, maintaining a functional, viable corridor in Deer Valley and Horse Valley to connect Cowell Ranch and Black Diamond Mines Regional Park is not possible. As these two valleys are currently the widest and most open of any of the valleys in the area, protecting these corridors is critical for the preservation of kit fox in eastern Contra Costa County.

Vernal pools and vernal pool crustaceans

Vernal pool habitats in the GP area are scarce and require protection. The GP does not provide for the protection and/or conservation of vernal pools or fairy shrimp. The upland areas surrounding vernal pools need to be protected to ensure an intact hydrological system so flows to the pools are adequate. Our concerns involve timing, duration and amount of flow into the pools to keep them functioning. In addition to preservation of the hydrological regime, it is important to include an adequate buffer that will ensure that pesticides that may be used in adjacent urban areas do not drift into the pools or affect insect pollinators of vernal pool plant species. Vernal pools surrounded by urban development without appropriate buffers and constant management are unlikely to persist overtime due to trespass by off road vehicles and other recreation.

California tiger salamander

The DEIR indicates that California tiger salamanders occur primarily in the southern portion of the plan area (Sand Creek), but they may occur in other areas that have grasslands and ponded water. As indicated in the DEIR Sand Creek, Roddy and Ginochio properties have numerous sightings of tiger salamanders and provides quality habitat. As can be seen from Figure 4 of Appendix D of the DEIR, this area represents a significant breeding and estivation area for tiger salamanders. The ponds are located in such a manner that interbreeding between ponds probably promote a healthy genetic exchange for a robust population of tiger salamanders. It appears that most of these breeding ponds and associated upland areas will be removed for development. However, merely protecting these ponds and isolating them within urban areas will not allow tiger salamanders to persist in this area. Again, a conservation strategy that provides an adequate, connected corridor, protected from the negative influences of urban development needs to be designed to preserve the potential for genetic exchange that currently exists.

12

In the vicinity of Sommersville and Markley Creek, we recommend that surveys be conducted to determine the status of tiger salamanders in the area. If tiger salamanders are found in any area, development in that area must ensure that tiger salamanders can still immigrate and emigrate to adjacent suitable habitat.

13

California red-legged frog

The red-legged frog will experience similar impacts as tiger salamanders from the build out of the GP, and as they utilize riparian areas in addition to ponds, they will be further impacted by the development along Sand Creek and other creek and tributaries. As creeks and tributaries are not common in the Arriach GP area and should be preserved, the Service does not believe that channelizing and/or placing these resources in underground pipes provides the best conservation strategy for red-legged frogs and other riparian dependent species. However, neither will the proposed setback of 125 feet on both sides from top of bank be sufficient to sustain red-legged frogs in a creek/riparian setting. Creeks with only a 125-foot set back may not have sufficient room in which to meander in response to high rain fall. This will necessitate bank stabilization projects resulting from erosion from high water flows, which will increase impacts to red-legged frogs. The 125-foot set back will not provide a sufficient buffer from urban impacts such as lighting, garbage dumping, and construction and use of recreational trails. If recreational trails along creeks are to be permitted, the Service recommends a minimum of a 300 foot setback from the top of bank on both sides. Urban development that adjoins riparian areas also promotes urban adapted predators such as skunks, raccoons and feral cats. Increasing the amount of riparian area may help reduce predation pressure.

14

Intermittent creeks frequently turn perennial in urban setting as a result of run-off from water of urban yards and other water uses. This perennial water provides habitat for warm water fish and bullfrogs, both of which are detrimental to red-legged frogs. Drainage should be designed such that intermittent creeks remain intermittent to prevent fish and bullfrogs from becoming established in the creeks.

15

Ms. Alexis Morris

7

Federal Permitting Process

Section 9 of the Act and Federal regulation pursuant to section 4(d) of the Act prohibit take (harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or attempt to engage in any such conduct) of listed species of fish or wildlife without a special exemption. Harass is defined as an intentional or negligent act that creates the likelihood of injury to a listed species by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering. Harm is defined to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing behavioral patterns such as breeding, feeding, or sheltering.

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 the project, then initiation of formal consultation between that agency and the Service pursuant to section 7 of the Act is required, if it is determined that the proposed project may affect a federally listed species. Such consultation would result in a biological opinion that addresses the anticipated effects of the project to the listed species and may authorize a limited level of incidental take. If a Federal agency is not involved with the project, and federally listed species may be taken as part of the project, then an incidental take permit pursuant to section 10(a) of the Act would need to be obtained. The Service may issue such a permit upon completion of a satisfactory habitat conservation plan for the listed species affected by the project.

On March 18, 1999, the Service and the California Department of Fish and Game sent a joint letter (Service File No.: 1-1-98-TA-0856)(sample attached) to Antioch and other local jurisdictions encouraging participation in a regional Habitat Conservation Plan and Natural Communities Conservation Plan (NCCP), respectively. As you are aware, Contra Costa County, East Bay Regional Park District, the cities of Pittsburg, Clayton, Brentwood, Oakley, and Contra Costa Water District are currently participating in the development of an HCP/NCCP. Antioch has chosen at this time not to participate.

Again, we want to bring to your attention the advantages of participating in the HCP/NCCP effort. As we stated in the March 18, 1999, letter the section 7 consultation process is greatly facilitated by having an HCP in place. Under section 7 of the Act, during the consultation process the Federal agency and the Service must analyze the direct and indirect effects resulting from the Federal action. If it is determined that an applicant is minimizing the effects of the action, then many aspects of the section 7 consultation process can be quickly resolved as they have most likely been addressed in the development of the HCP/NCCP. As we stated in the March 18, 1999, letter one of the indirect effects that we are very concerned with is the growth inducing effects that may result from a Federal action. For example, on January 31, 2001, the Service wrote a letter (Service File No.: 1-1-01-1-944)(attached) to Mr. Michael G. Ritchie of the Federal Highway Administration (FHWA) stating our concerns regarding the potential growth inducing effects that will result from the widening of State Route 4 between Livermore and Somersville. In that letter we stated our concerns regarding the rapid urbanization in Antioch and surrounding communities. We encouraged the participation of the Contra

Ms. Alexis Morris

8

Costa Transportation Authority (CCTA), in the development of the HCP/NCCP in order to address the indirect effects of urban development in the Antioch and surrounding areas resulting from the widening of State Route 4. The Service understands that the current proposal is to combine all the proposed widening projects from Loveridge Road to State Route 160 into one project. When that project is provided to us by FHWA for review under section 7 of the of the Act, the Service will analyze the impacts of urban development facilitated by that project to determine its impacts on federally listed species. However, that analysis process may be greatly shortened, if Antioch participated in the HCP, as those effects resulting from urbanization in the area of the GP would be mitigated and the analyzed during the HCP process and could be incorporated into the section 7 process. Furthermore, participation in the regional HCP/NCCP effort would also allow private landowners in need of a section 10 permit to obtain incidental take authority under the regional HCP/NCCP, thereby allowing them certainty in cost and federal and state wildlife agency approvals in planning their projects.

16

This concludes our comments on the GP and DEIR. If you have any further question regarding this letter, please contact Sheila Larsen at telephone number (916)414-6600.

Sincerely,



Roberta Gerson
Acting Deputy Assistant Field Supervisor

cc: California Department of Fish and Game (J. Gam)
East Bay Regional Park District (B. Olson)



US Fish & Wildlife Service
 Sacramento Fish and Wildlife Office
 3310 El Camino Avenue, Suite 130
 Sacramento, California 95821
 (916) 979-2710
 FAX (916) 979-2723



CA Dept. of Fish & Game
 P. O. Box 47
 Yountville, California 94599

1-1-98-TA-0850

March 18, 1998

Ms. Cay Goude
 Chief
 U.S. Fish and Wildlife Service
 3310 El Camino Avenue, Suite 130
 Sacramento, California 95821-6340

Subject: Purpose and Need for a Habitat Conservation Plan in East Contra Costa County, California

Dear Ms. Goude:

On September 16, 1997, representatives of the U.S. Fish and Wildlife Service (Service) and the California Department of Fish and Game (Department) met with representatives from East Contra Costa County (County) local governments and special districts at Contra Costa Water District's (CCWD) office. A number of questions were raised at that meeting regarding development of a Regional Multi-species Habitat Conservation Plan (HCP) and a State-authorized Natural Community Conservation Plan (NCCP). The primary questions posed, from agency staff, centered on the purpose and need for undertaking an HCP/NCCP. It is our intent, through this letter, to further communicate our perspective on the regulatory advantages to the County of preparing an HCP/NCCP, the mutual benefits gained by protecting the County's sensitive and unique environmental resources, and reasons why we encourage the County and/or Cities to develop a HCP/NCCP in close cooperation with the Service and the Department. The Service and the Department are sending copies of this letter to policy makers and staff at a number of agencies, as indicated in the attached list of recipients.

Endangered Species in East Contra Costa County:

The diverse habitat types, found in East Contra Costa County, provide habitat for numerous state and federally listed species. The federally threatened Alameda whipsnake (*Masticophis lateralis euryxanthus*) may be found in the hillside chaparral. The federally threatened vernal pool fairy shrimp (*Branchinecta lynchi*) may be found in vernal pools associated with grasslands. The California tiger salamander (*Ambystoma californiense*), a Federal candidate and State threatened species, may also be found in vernal pools or stockponds during the winter months, and in the associated grasslands during the remainder of the year. These grasslands are also utilized by the federally endangered San Joaquin kit fox (*Vulpes macrotis nudica*). Riparian areas, wetlands,

Ms. Cay Goude

2

and stockponds may also support the federally threatened and State species of concern California red-legged frog (*Rana aurora draytonii*). These and other listed species have been seriously impacted by past development in the County. In addition, the Service is aware of numerous current projects not in compliance with the Endangered Species Act of 1973, as amended (Act), and have unauthorized "take", as defined below, of listed species:

Endangered Species Regulations and Alternative Means For Compliance:

Section 9 and the implementing regulations in section 4(d) of the Act, prohibit the "take" of any fish or wildlife species federally listed as endangered or threatened, unless specifically authorized by the Service (or National Marine Fisheries Service for anadromous fish and marine mammals). As defined in the Act, take means "... to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct." "Harm" has been further defined to include habitat destruction, when it kills or injures a listed species by interfering with essential behavioral patterns such as breeding, foraging, or resting. Take, incidental to an otherwise lawful activity (referred to as "incidental take"), may be authorized by one of two procedures:

If a Federal agency is involved with permitting, funding, or carrying out of the project, then initiation of formal consultation between that agency and the Service, pursuant to section 7 of the Act, is required if it is determined the proposed project may affect a federally listed species. Such consultation results in a biological opinion addressing the anticipated effects of the project to the listed species and may authorize a limited level of incidental take.

Non-Federal entities, engaging in otherwise lawful activities that may result in "take" of listed species, should obtain an "incidental take permit" pursuant to section 10(a)(1)(B) of the Act. To obtain an incidental take permit, the permit applicant must develop an HCP and submit it to the Service. The HCP must specify (among other things) the impacts likely to result from the taking, and measures the permit applicant will implement to minimize and mitigate such impacts. An HCP may also include conservation measures for federally proposed and candidate species. State listed species, and other species not listed under the Act at the time an HCP is developed or a permit application is submitted may also be included. Including unlisted species in an HCP can benefit the permittee, through coverage of such species under the permit, thereby ensuring the terms of the HCP will not change over time with subsequent listings.

In the past, most HCPs were completed for single landowners and relatively small areas. However, multi-species HCPs completed by local governments and covering thousands or even millions of acres are becoming more common. For example, such regional HCPs are underway or complete in San Joaquin, Sacramento, and Yolo counties.

Ms. Cay Goude

3

The California Endangered Species Act (CESA) prohibits take of listed threatened and endangered species and candidate species, formally proposed for listing by the California Fish and Game Commission. CESA was recently amended and is similar to the Act. The Department can authorize incidental take of listed species with appropriate measures to assure impacts are fully mitigated. The Department is currently drafting regulations to implement requirements of the amended CESA. Separate authority is granted to the Department to authorize take through the NCCP. The NCCP approaches permitting from a large scale habitat and multi-species conservation perspective. An NCCP is similar to a multi-species HCP in that it can provide coverage for both listed and non-listed species that may be listed in the future. This coverage is accomplished in the context of an implementable plan, assuring the conservation of the covered species and their habitat within the coverage area. The NCCP provides a mechanism for the State to provide consistency in mitigation requirements and to streamline permitting for projects consistent with the NCCP. Development of the NCCP would occur concurrently with the HCP and requirements would be similar to those required for compliance with the Act. Initial information feasibly used in the formulation of an NCCP for the area in question, has been developed through the East County Biodiversity Study. Additionally, a possible stakeholder group, which could provide valuable input into development of an HCP/NCCP, has been assembled through the East County Biodiversity Study working group.

How Regional HCPs/NCCPs Work:

Regional HCPs/NCCPs establish a coordinated process for permitting and mitigating the incidental take of endangered species. Developers seeking coverage under the HCP/NCCP typically pay a mitigation fee and receive an incidental take authorization or permit for their project, consistent with the terms of the HCP/NCCP. Developers are then typically relieved of the expense of endangered species surveys and of individually securing mitigation. Funds collected via these fees, sometimes augmented with other funding sources, are pooled and used to purchase habitat from willing sellers. Such coordinated mitigation generally benefits species far more than project by project mitigation since it increases flexibility and enables purchase of connected and biologically rich blocks of habitat. Many plans purchase habitat with a combination of conservation easements and fee title transactions. Property owners who sell conservation easements are typically able to continue ranching or farming their land as before.

Advantages of Regional HCPs/NCCPs:

Currently, landowners may individually develop HCPs for federally listed species on their property. Likewise, CESA allows for incidental take on a "project-by-project" basis through issuance of a 2081 permit. While permitting requirements are generally consistent for the same species, requirements may vary for different species. Therefore, when an applicant must mitigate for more than one species, different requirements for each species can make it difficult to develop appropriate and cost-effective mitigation. The process of obtaining individual State and Federal permits can be time consuming due to the sheer number of individual projects received by agencies and staffing limitations of the agencies involved. In addition, new State regulations

Ms. Cay Goude

4

require the Department to comply with the California Environmental Quality Act prior to issuing 2081 permits, possibly adding further delays resulting from the public review time. The development of a regional HCP and/or NCCP will alleviate these problems, and provide certainty for landowners and developers in planning and regulatory expectations.

Another important catalyst for development of an HCP/NCCP results from development of the CCWD's Los Vaqueros Reservoir Project (Los Vaqueros). In 1993, through the regulatory mechanism of section 7 of the Act, CCWD was designated the non-Federal representative for the U.S. Bureau of Reclamation, to act on their behalf in addressing endangered species issues for Los Vaqueros. The Service issued five biological opinions (Ref. Nos. 1-1-92-F-48; 1-1-93-F-35; 1-1-95-F-117; 1-1-96-F-110; and 1-96-F-151) addressing the impacts of Los Vaqueros on federally listed species. In the delta smelt opinion (1-1-93-F-35), the Service authorized incidental take of delta smelt based on an annual maximum water delivery of 148,000 acre feet by CCWD to its customers. The Service understands CCWD is approaching this maximum delivery amount. CCWD will require incidental take coverage from the Service to exceed this amount. To obtain incidental take coverage for additional water deliveries over 148,000 acre feet, CCWD, through the U.S. Bureau of Reclamation, must reinitiate consultation with the Service to address impacts on listed species. Future consultation on additional water deliveries must address direct, indirect and cumulative (i.e., growth inducing) impacts of the project. This means the U.S. Bureau of Reclamation must consider direct impacts to aquatic species such as delta smelt, and also address impacts on listed upland species (i.e., San Joaquin kit fox), from increased urban development resulting from increased water deliveries. Therefore, CCWD cannot proceed to deliver additional water to their customers until measures to minimize and mitigate the impacts on listed aquatic and upland species have been developed and evaluated through section 7 consultation process. The section 7 process would be greatly facilitated if CCWD and local agencies within CCWD's service area obtained a section 10(a)(1)(B) permit through development of an HCP and NCCP process for Federal and state listed species. This would allow greater input from local agencies and affected stakeholders in developing a plan to address species, and the section 7 consultation could adopt the approved HCP/NCCP.

As stated previously, the cost and procedural requirements of individual applicants far exceed what could otherwise be accomplished through a regional HCP/NCCP planning effort. In addition, increasing the planning area to include many landowners activities, under auspices of permit holders that are local government agencies, can spread the cost and allow for equitable and shared responsibility in meeting legal requirements under CESA and the Act. There are many benefits of such a region and multi-species HCP/NCCP to the County and its residents. A regional HCP/NCCP would: (1) maximize flexibility and increase options in developing mitigation programs; (2) reduce uncoordinated decision making which may result in incremental habitat loss for both listed and non-listed species; (3) reduce the economic and logistic burden of environmental compliance on individual landowners and streamline the responsibilities of local jurisdictions; (4) reward interested private landowners economically for resources on their property; (5) decrease permitting agencies' project review time and facilitate timely progression of projects; (6) bring a broad range of activities under the permit's legal protection; (7) allow

Ms. Cay Goude

5

input into the process by affected stakeholders; and (8) help maintain a quality environment for the benefit of the County's residents by setting aside areas for open space and other recreational uses. Two of the largest benefits a regional HCP/NCCP offers local jurisdictions are early identification of significant resource issues, and regulatory certainty and predictability in planning for future urban growth and development.

Potential Next Steps:

The geographic scope and species to be covered under an HCP/NCCP are flexible and, ultimately, are primarily the decisions of the permit applicant. The Service and the Department encourage local governments to undertake regional and multi-species HCPs/NCCPs because of their effectiveness in guiding long-term planning for species conservation and reducing unforeseen resource conflicts.

Funding for developing an HCP/NCCP can potentially be obtained through several sources. Such funds are often generated by local interests. However, the Service is aware of another regional planning effort that applied for, and received funds from, the National Fish and Wildlife Foundation with assistance from a local transportation agency and local jurisdictions. Although monies from CALFED (Category 3 funding) cannot be used for the HCP/NCCP development process, these monies could potentially be requested for acquisition of mitigation lands. Although no guarantees of obtaining these funds can be made, the Service and the Department would willingly provide letters of support. Section 6 of the Act allows for monies to be distributed, in coordination with the Service and the Department, to supplement funding of approved HCPs/NCCPs, if those efforts contribute to recovery of listed species. The draft *Recovery Plan for Upland Species of the San Joaquin Valley, California* (1997) identifies portions of eastern Contra Costa County as a target area for protection of habitat for the San Joaquin kit fox. In addition, East Contra Costa County is important to recovery of the California red-legged frog because it is located within the Central Valley Hydrographic Basin recovery unit, as described in the final rule (61 FR 25813). If the HCP/NCCP contributes to recovery of the San Joaquin kit fox, California red-legged frog, or other federally listed species, applications for funds as described in section 6 of the Act could be submitted.

We appreciate the cities', County's and CCWD's desire to know more about the HCP/NCCP process and acknowledge that Contra Costa County already undertaken significant strides in endangered species conservation. The on-going East Alameda/Contra Costa Biodiversity Study has proven to be a useful and effective forum for developing partnerships and shared interests between stakeholders. It has also generated a wealth of biological data which would greatly facilitate the development of an HCP/NCCP.

We are fully committed to assisting County governments with the HCP/NCCP process. Our role in this process would be to provide advice and recommendations on technical biological issues and regulatory requirements and standards, to serve as a member of the planning committee, to help facilitate agreement between stakeholders and, ultimately, to issue the appropriate permits.

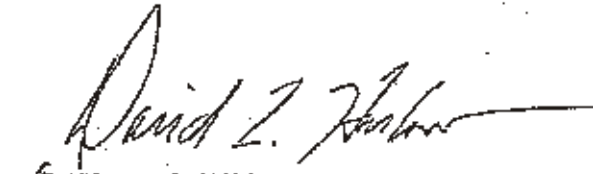
Ms. Cay Goude

6

Initial decisions related to cost of development and implementation, size of the planning area, and species to be covered, are extremely important and should be the focus of any subsequent meetings. We would also like to extend an offer to present an informational workshop on the HCP/NCCP process for various Board and Council members during the spring of 1998.

We look forward to further discussions and the opportunity to present the workshop to you. Should you have questions regarding this letter or desire further assistance, please contact Ms. Cay Goude of the Service's Endangered Species Division at (916) 979-2725 or Carl Wilcox of the Department's Ecological Services at (707) 944-5525.

Sincerely,



Wayne S. White
Field Supervisor



Brian Hunter
Regional Manager

cc: U.S. Fish and Wildlife Service, Sacramento, CA (Mr. Peter Cross, Ms. Sheila Larsen,
and Ms. Meri Moore)



IN REPLY REFER TO:
1-1-01-I-944

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Sacramento Fish and Wildlife Office
2300 Cottage Way, W-2605
Sacramento, California 95825-6340

January 31, 2001

Mr. Michael G. Ritchie
(Attn: R.C. Slovensky)
U.S. Department of Transportation
Federal Highway Administration
California Division
980 Ninth Street, Suite 400
Sacramento, California 95814-2724

RECEIVED
SEP 09 2003
CITY OF ANTIOCH
COMMUNITY DEVELOPMENT

Subject: Request for a Not Likely to Adversely Effect Concurrence for State Route 4 Widening From Railroad Avenue to Loveridge Road, Pittsburg, Contra Costa County, California

Dear Mr. Ritchie:

The Federal Highway Administration (FHWA) through the Contra Costa Transportation Authority (CCTA), is proposing to widen State Route 4 from six to eight lanes between Railroad Avenue and Loveridge Road in the City of Pittsburg. In a December 12, 2000, letter, the U.S. Fish and Wildlife Service (Service) stated that the proposed project would indirectly affect listed threatened and endangered species as a result of the growth facilitating aspects of the proposed project. This letter is in response to a request made by the Federal Highway Administration (FHWA) at a meeting held on January 18, 2001, that we reconsider our determination that the proposed project will directly or indirectly affect the federally threatened California red-legged frog (*Rana aurora draytonii*).

The Service reminds the FHWA that it is their responsibility, as a Federal agency, to address indirect effects resulting from their action. Section 7(a)(2) of the Endangered Species Act of 1973, as amended, (Act) requires that each Federal agency shall, "in consultation with" the Secretary, "insure that any action authorized, funded, or carried out by such agency . . . is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification" of that species critical habitat. 16 U.S.C. 1536(a)(2). The Service's regulations define Federal "action" for purposes of Section 7(a)(2) to include "actions directly or indirectly causing modification to the land, water, or air," and the "action area" to include "all areas to be affected directly or indirectly by the Federal action and

Mr. Michael G. Ritchie

2

merely the immediate area involved in the action." 50 CFR 402.02 The regulations further define "[e]ffects of the action" to mean "the direct and indirect effects of an action on the species or critical habitat, together with the effects of other activities that are interrelated or interdependent with that action, that will be added to the environmental baseline . . . Indirect effects are those that are caused by the proposed action and are later in time, but still are reasonably certain to occur." *Id.*

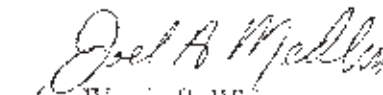
The Service has continuing concerns regarding the indirect effects of increased urban development that generally follows with highway projects, and particularly in San Francisco Bay Area locations that are experiencing rapid urbanization such as the Antioch, Pittsburg, Brentwood and San Jose areas. The Service is currently working with local jurisdictions to develop a Habitat Conservation Plan (HCP) which may provide a means to address the indirect impacts resulting from highway improvements and associated urban development.

CCTA and FHWA are in the early planning process for improvements to State Route 4 between Loveridge and Sommersville, and because this further improvement is likely to directly and indirectly affect federally listed species, this larger project is a more appropriate place for section 7 consultation as required by the Act. Impacts resulting from indirect effects from the larger Loveridge to Sommersville highway improvement project possibly could be offset by CCTA's participation in, as well as a financial contribution to, the local HCP planning process. The Service urges CCTA to fully participate in the HCP planning process.

Therefore, the Service has determined that because the footprint of the currently proposed project segment is in an urban area, and the growth facilitating aspects will be included in the future project, we now concur that the proposed project is not likely to adversely affect federally listed species.

If you have any further questions, please call Sheila Larsen or Jan Knight at (916) 414-6625.

Sincerely,


for Wayne S. White
Field Supervisor

cc: Congressman George Miller (K. Hoffman)
Contra Costa Transportation Authority (P. Maxwell)

**Federal Endangered and Threatened Species that
may be Affected by Projects in the
ANTIOCH NORTH 7 1/2 Minute Quad**

Database Last Updated: August 20, 2003

Today's Date is: September 8, 2003

Listed Species

Invertebrates

Apodemia mormo langei - Lange's metalmark butterfly (E)

Branchinecta lynchi - 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

Hypomesus transpacificus - delta smelt (T)

Oncorhynchus mykiss - Central Valley steelhead (T) (NMFS)

Oncorhynchus tshawytscha - winter-run chinook salmon (E) (NMFS)

Pogonichthys macrolepidotus - Sacramento splittail (T)

Amphibians

Rana aurora draytonii - California red-legged frog (T)

Reptiles

Thamnophis gigas - giant garter snake (T)

Birds

Haliaeetus leucocephalus - bald eagle (T)

Rallus longirostris obsoletus - California clapper rail (E)

Mammals

Neotoma fuscipes riparia - riparian (San Joaquin Valley) woodrat (E)

Reithrodontomys raviventris - salt marsh harvest mouse (E)

Sylvilagus bachmani riparius - riparian brush rabbit (E)

Vulpes macrotis mutica - San Joaquin kit fox (E)

Plants

Cordylanthus mollis ssp. *mollis* - soft bird's-beak (E)

Erysimum capitatum ssp. *angustatum* - Contra Costa wallflower (E)

Lasthenia conjugens - Contra Costa goldfields (E)

Neostapfia colusana - Colusa grass (T)

Oenothera deltoides ssp. *howellii* - Antioch Dunes evening-primrose (E)

Proposed Species

Amphibians

Ambystoma californiense - California tiger salamander (PT)

Birds

Charadrius montanus - mountain plover (PT)

Candidate Species

Fish

Acipenser medirostris - green sturgeon (C)

Oncorhynchus tshawytscha - Central Valley fall/late fall-run chinook salmon (C) (NMFS)

Species of Concern

Invertebrates

Aegialia concinna - Ciervo aegialian scarab beetle (SC)

Anthicus antiochensis - Antioch Dunes anthicid beetle (SC)

Anthicus sacramento - Sacramento anthicid beetle (SC)

Branchinecta mesovallensis - Midvalley fairy shrimp (SC)
Coelus gracilis - San Joaquin dune beetle (SC)
Cophura hurdi - Antioch cophuran robberfly (SC)
Efferia antiochi - Antioch efferian robberfly (SC)
Hydrochara rickseckeri - Ricksecker's water scavenger beetle (SC)
Hygrotus curvipes - curved-foot hygrotus diving beetle (SC)
Idiostatus middlekauffi - Middlekauff's shieldback katydid (SC)
Linderiella occidentalis - California linderiella fairy shrimp (SC)
Metapogon hurdi - Hurd's metapogon robberfly (SC)
Myrmosula pacifica - Antioch mutillid wasp (SC)
Perdita hirticeps luteocincta - yellow-banded andrenid bee (SC)
Perdita scitula antiochensis - Antioch andrenid bee (SC)
Philanthus nasilis - Antioch sphecid wasp (SC)

Fish

Lampetra ayresi - river lamprey (SC)
Lampetra tridentata - Pacific lamprey (SC)
Spirinchus thaleichthys - longfin smelt (SC)

Amphibians

Spea hammondi - western spadefoot toad (SC)

Reptiles

Anniella pulchra pulchra - silvery legless lizard (SC)
Clemmys marmorata marmorata - northwestern pond turtle (SC)
Clemmys marmorata pallida - southwestern pond turtle (SC)
Masticophis flagellum ruddocki - San Joaquin coachwhip (=whipsnake) (SC)
Phrynosoma coronatum frontale - California horned lizard (SC)

Birds

Agelaius tricolor - tricolored blackbird (SC)

Athene cunicularia hypugaea - western burrowing owl (SC)

Baeolophus inornatus - oak titmouse (SLC)

Branta canadensis leucopareia - Aleutian Canada goose (D)

Buteo regalis - ferruginous hawk (SC)

Buteo Swainsoni - Swainson's hawk (CA)

Calypte costae - Costa's hummingbird (SC)

Carduelis lawrencei - Lawrence's goldfinch (SC)

Chaetura vauxi - Vaux's swift (SC)

Elanus leucurus - white-tailed (=black shouldered) kite (SC)

Empidonax traillii brewsteri - little willow flycatcher (CA)

Falco peregrinus anatum - American peregrine falcon (D)

Grus canadensis tabida - greater sandhill crane (CA)

Lanius ludovicianus - loggerhead shrike (SC)

Laterallus jamaicensis coturniculus - black rail (CA)

Limosa fedoa - marbled godwit (SC)

Melanerpes lewis - Lewis' woodpecker (SC)

Melospiza melodia maxillaris - Suisun song sparrow (SC)

Numenius americanus - long-billed curlew (SC)

Picoides nuttallii - Nuttall's woodpecker (SLC)

Plegadis chihi - white-faced ibis (SC)

Riparia riparia - bank swallow (CA)

Selasphorus rufus - rufous hummingbird (SC)

Selasphorus sasin - Allen's hummingbird (SC)

Toxostoma redivivum - California thrasher (SC)

Mammals

Corynorhinus (=Plecotus) townsendii townsendii - Pacific western big-eared bat (SC)

Eumops perotis californicus - greater western mastiff-bat (SC)

Myotis ciliolabrum - small-footed myotis bat (SC)

Myotis evotis - long-eared myotis bat (SC)

Myotis thysanodes - fringed myotis bat (SC)

Myotis volans - long-legged myotis bat (SC)

Myotis yumanensis - Yuma myotis bat (SC)

Neotoma fuscipes annectens - San Francisco dusky-footed woodrat (SC)

Perognathus inornatus - San Joaquin pocket mouse (SC)

Sorex ornatus sinuosus - Suisun ornate shrew (SC)

Plants

Aster lentus - Suisun Marsh aster (SC)

Astragalus tener var. *tener* - alkali milk-vetch (SC)

Atriplex cordulata - heartscale (SC)

Atriplex depressa - brittlescale (SC)

Atriplex joaquiniana - San Joaquin spearscale (=saltbush) (SC)

Blepharizonia plumosa ssp. *plumosa* - big tarplant (SC)

Croton californicus - California croton (SLC)

Cryptantha hooveri - Hoover's cryptantha (SLC)

Eschscholzia rhombipetala - diamond-petaled California poppy (SC)

Fritillaria liliacea - fragrant fritillary (= prairie bells) (SC)

Isocoma arguta - Carquinez goldenbush (SC)

Lathyrus jepsonii var. *jepsonii* - delta tule-pea (SC)

Lilaeopsis masonii - Mason's lilaeopsis (SC)

Madia radiata - showy (=golden) madia (SC)

Plagiobothrys hystriculus - bearded allocarya (popcorn-flower) (SC)

Species with Critical Habitat Proposed or Designated in this Quad

Antioch Dunes evening-primrose (E)

Central Valley fall/late fall-run chinook (C)

Contra Costa wallflower (E)

delta smelt (T)

vernal pool invertebrates (X)

vernal pool plants (X)

winter-run chinook salmon (E)

Key:

(E) Endangered - Listed (in the Federal Register) 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 Marine Fisheries Service. Consult with them directly ab 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.

(CA) Listed by the State of California but not by the Fish & Wildlife Service.

(D) Delisted - Species will be monitored for 5 years.

(SC) Species of Concern/(SLC) Species of Local Concern - Other species of concern to the Sacramento Fish Wildlife Office.

Our database was developed primarily to assist Federal agencies that are consulting with us. Therefore, our list include all of the sensitive species that have been found in a certain area *and also ones that may be affected by projects in the area*. For example, a fish may be on the list for a quad if it lives somewhere downstream from the quad. Birds are included even if they only migrate through an area. In other words, we include all of the species we want people to consider when they do something that affects the environment.

This is *not* an official list for formal consultation under the Endangered Species Act. *However, it may be used to update official lists.*

If you have a project that may affect endangered species, please contact the Endangered Species Division, Sacramento Fish and Wildlife Office, U.S. Fish and Wildlife Service.

**Federal Endangered and Threatened Species that
may be Affected by Projects in the
ANTIOCH SOUTH 7 1/2 Minute Quad**

Database Last Updated: August 20, 2003

Today's Date is: September 8, 2003

Listed Species

Invertebrates

Branchinecta longiantenna - longhorn fairy shrimp (E)

Branchinecta lynchi - vernal pool fairy shrimp (T)

Desmocerus californicus dimorphus - valley elderberry longhorn beetle (T)

Fish

Hypomesus transpacificus - delta smelt (T)

Oncorhynchus mykiss - Central Valley steelhead (T) (NMFS)

Oncorhynchus tshawytscha - Central Valley spring-run chinook salmon (T) (NMFS)

Pogonichthys macrolepidotus - Sacramento splittail (T)

Amphibians

Rana aurora draytonii - California red-legged frog (T)

Reptiles

Masticophis lateralis euryxanthus - Alameda whipsnake (T)

Thamnophis gigas - giant garter snake (T)

Birds

Haliaeetus leucocephalus - bald eagle (T)

Rallus longirostris obsoletus - California clapper rail (E)

Mammals

Neotoma fuscipes riparia - riparian (San Joaquin Valley) woodrat (E)

Sylvilagus bachmani riparius - riparian brush rabbit (E)

Vulpes macrotis mufica - San Joaquin kit fox (E)

Plants

Amsinckia grandiflora - large-flowered fiddleneck (E)

Proposed Species

Amphibians

Ambystoma californiense - California tiger salamander (PT)

Birds

Charadrius montanus - mountain plover (PT)

Candidate Species

Fish

Acipenser medirostris - green sturgeon (C)

Oncorhynchus tshawytscha - Central Valley fall/late fall-run chinook salmon (C) (NMFS)

Species of Concern

Invertebrates

Anthicus antiochensis - Antioch Dunes anthicid beetle (SC)

Anthicus sacramento - Sacramento anthicid beetle (SC)

Coelus gracilis - San Joaquin dune beetle (SC)

Hygrotus curvipes - curved-foot hygrotus diving beetle (SC)

Lindneriella occidentalis - California lindneriella fairy shrimp (SC)

Lytta molestus - molostan blister beetle (SC)

Perdita hirticeps luteocincta - yellow-banded andrenid bee (SC)

Fish

Lampetra ayresii - river lamprey (SC)

Lampetra tridentata - Pacific lamprey (SC)

Spirinchus thaleichthys - longfin smelt (SC)

Amphibians

Rana boylei - foothill yellow-legged frog (SC)

Spea hammondi - western spadefoot toad (SC)

Reptiles

Anniella pulchra pulchra - silvery logloss lizard (SC)

Clemmys marmorata marmorata - northwestern pond turtle (SC)

Clemmys marmorata pallida - southwestern pond turtle (SC)

Masticophis flagellum ruddocki - San Joaquin coachwhip (=whipsnake) (SC)

Phrynosoma coronatum frontale - California horned lizard (SC)

Birds

Agelaius tricolor - tricolored blackbird (SC)

Amphispiza belli belli - Bell's sage sparrow (SC)

Athene cunicularia hypugaea - western burrowing owl (SC)

Baeolophus inornatus - oak titmouse (SLC)

Buteo regalis - ferruginous hawk (SC)

Calypte costae - Costa's hummingbird (SC)

Carduelis lawrencei - Lawrence's goldfinch (SC)

Chaetura vauxi - Vaux's swift (SC)

Elanus leucurus - white-tailed (=black shouldered) kite (SC)

Empidonax traillii brewsteri - little willow flycatcher (CA)

Falco peregrinus anatum - American peregrine falcon (D)

Grus canadensis tabida - greater sandhill crane (CA)

Lanius ludovicianus - loggerhead shrike (SC)

Litorallus jamaicensis coturniculus - black rail (CA)

Limosa fedoa - marbled godwit (SC)

Melanerpes lewis - Lewis' woodpecker (SC)

Melospiza melodia maxillaris - Suisun song sparrow (SC)

Numenius americanus - long-billed curlew (SC)

Picoides nuttallii - Nuttall's woodpecker (SLC)

Plegadis chiti - white-faced ibis (SC)

Riparia riparia - bank swallow (CA)

Selasphorus rufus - rufous hummingbird (SC)

Selasphorus sasin - Allen's hummingbird (SC)

Toxostoma redivivum - California thrasher (SC)

Mammals

Corynorhinus (=Plecotus) townsendii townsendii - Pacific western big-eared bat (SC)

Eumops perotis californicus - greater western mastiff-bat (SC)

Myotis ciliolabrum - small-footed myotis bat (SC)

Myotis evotis - long-eared myotis bat (SC)

Myotis thysanodes - fringed myotis bat (SC)

Myotis volans - long-legged myotis bat (SC)

Myotis yumanensis - Yuma myotis bat (SC)

Neotoma fuscipes annectens - San Francisco dusky-footed woodrat (SC)

Perognathus inornatus - San Joaquin pocket mouse (SC)

Plants

Atriplex cordulata - heartscale (SC)

Atriplex joaquiniana - San Joaquin spearscale (=saltbush) (SC)

Blapharizonia plumosa ssp. *plumosa* - big tarplant (SC)

Calochortus pulchellus - Mt. Diablo fairy-lantern (SLC)

Cryptantha hooveri - Hoover's cryptantha (SLC)

Eschscholzia rhombipetala - diamond-petaled California poppy (SC)

Helianthella castanea - Diablo helianthella (=rock-rose) (SC)

Hesperolinon breweri - Brewer's dwarf-flax (=western flax) (SC)

Madia radiata - showy (=golden) madia (SC)

Malacothamnus hallii (=M. fasciculatus) - Hall's bush mallow (SLC)

Species with Critical Habitat Proposed or Designated in this Quad

Alameda whipsnake (T)

delta smelt (T)

vernal pool invertebrates (X)

vernal pool plants (X)

Key:

(E) Endangered - Listed (in the Federal Register) 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 Marine 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.

(CA) Listed by the State of California but not by the Fish & Wildlife Service.

(D) Delisted - Species will be monitored for 5 years.

(SC) Species of Concern **(SLC)** Species of Local Concern - Other species of concern to the Sacramento Fish Wildlife Office.

Our database was developed primarily to assist Federal agencies that are consulting with us. Therefore, our list includes all of the sensitive species that have been found in a certain area *and also ones that may be affected by projects in the area.* For example, a fish may be on the list for a quad if it lives somewhere downstream from the quad. Birds are included even if they only migrate through an area. In other words, we include all of the species we want people to consider when they do something that affects the environment.

This is not an official list for formal consultation under the Endangered Species Act; however, it may be used to update official lists.

If you have a project that may affect endangered species, please contact the Endangered Species Division, Sacramento Fish and Wildlife Office, U.S. Fish and Wildlife Service.

Response to Letter A: U.S. Department of the Interior, Fish and Wildlife Service

- A-1 The City acknowledges the concern expressed in the comment with respect to impacts on proposed and federal listed species that might result from build out of the proposed General Plan. To ensure that the impacts of development consistent with the proposed General Plan are mitigated, the Draft EIR explicitly set forth the proposed General Plan policies, as well as applicable City standards and guidelines. Both the General Plan and EIR mandate adherence to State and federal law, in addition to requiring site-specific environmental review of individual development projects, at which time specific mitigation measures consistent with the policies of the General Plan and requirements of State and Federal law will be applied.

The Somersville Road Corridor Focus Area is 446.5 acres in size.

- A-2 The “Chevron property” referred to in the comment is currently outside of the City of Antioch, but is within its sphere of influence. As noted in response to comment A-1, the proposed General Plan requires compliance with the provisions of the California and federal endangered species acts. The Draft EIR is also based on the fact that future development will be required to comply with existing local, State and Federal laws and regulations. The proposed General Plan and the EIR for the General Plan establish a set of performance standards for avoidance and mitigation of impacts on biological resources that will be enforced as part of the City’s development review process once the updated General Plan is adopted.

Policy 10.4.2b of the General Plan requires that natural streams in the Planning Area be preserved in place, “except where a need for structural flood protection is unavoidable.” Policy 10.4.2a of the General Plan requires implementation of the “Federal policy of no net loss of wetlands through avoidance and clustered development.” The policy further states that where “preservation in place is found not to be feasible -- such as where a road crossing cannot be avoided, or where shore stabilization or creation of shoreline trails must encroach into riparian habitats,” the City will require:

- On-site replacement of wetland areas,
- Off-site replacement, or
- Restoration of degraded wetland areas at a *minimum* ratio of one acre of replacement/restoration for each acre of impacted on-site habitat, such that the *value of impacted habitat is replaced*. (emphasis added)

In addition, Policy 10.4.2c of the General Plan requires the establishment of “appropriate setbacks adjacent to natural streams to provide adequate buffer areas ensuring the protection of biological resources, including sensitive natural habitat, special-status species habitats and water quality protection.” Policy 10.4.2d of the General Plan requires that native grasslands be protected. Finally, General Plan policies addressing open space and transition buffer areas provide for the containment of light and glare within urban development so as to avoid impacts on adjacent open lands.

Together, implementation of these policies as part of the future development of the Somersville Focus Area will provide the protections called for in Comment A-2. The specific

width of setbacks from stream banks is to be set as part of the development review process, based on the performance standards set forth in General Plan policies and site-specific biological resource analysis. The ultimate setback may be greater or less than the 300 feet suggested in the comment depending upon site-specific conditions.

While it is appropriate for the General Plan to provide what is currently believed by the resource agencies to be a suitable buffer for protecting a federally threatened species, such as the California red-legged frog, it is equally appropriate for the General Plan to set forth a performance standard for the provision of such a buffer. The purpose of the General Plan is to provide guidance for future projects to avoid impacts where feasible. The goal and purpose of the General Plan is to provide clear and concise measures that can and will protect the remaining sensitive biological resources within Antioch. Thus, if a future project is proposed that is inconsistent with these policies, they would need to provide suitable and appropriate mitigation measures.

To address the recommended measures set forth in the third paragraph of this comment, the following policies have been modified or added to the General Plan¹:

10.4.2(d) Through the project approval and design review processes, require new development projects to protect sensitive habitat areas, including, but not limited to, oak woodlands, riparian woodland, vernal pools, and *native* grasslands. Ensure the preservation in place of habitat areas found to be occupied by state and federally protected species.

- If impacts to sensitive habitat areas are unavoidable, appropriate compensatory mitigation shall be required off-site within eastern Contra Costa County. Such compensatory mitigation shall be implemented through the provisions of a Resource Management Plan ("RMP") as described in Policy 10.3.2.e, except where, in the discretion of the Community Development Director, an RMP is not necessary or appropriate due to certain characteristics of the site and the project. Among the factors that are relevant to determining whether an RMP is necessary or appropriate for a given project are the size of the project and the project site, the location of the project (e.g., proximity to existing urban development or open space), the number and sensitivity of biological resources and habitats on the project site, and the nature of the project (e.g., density and intensity of development).
- Where preserved habitat areas occupy areas that would otherwise be graded as part of a development project, facilitate the transfer of allowable density to other, non-sensitive portions of the site.

10.7.2(i) Design drainage within urban areas to avoid runoff from landscaped areas and impervious surfaces from carrying pesticides, fertilizers, and urban and other contaminants into natural streams.

¹ Double underlined text denotes additions to the General Plan.

- A-3 Although the General Plan sets the *maximum* allowable number of dwelling units within the Sand Creek Focus Area at 5,000 for Option A and 4,000 for Option B¹, General Plan policy “1” for the Sand Creek Focus Area, as recommended by the Planning Commission, states:

“It is recognized that although the ultimate development yield for the Focus Area may be no higher than the 4,000 dwelling unit maximum, the actual development yield is not guaranteed by the General Plan, and could be substantially lower. The actual residential development yield of the Sand Creek Focus Area will depend on the nature and severity of biological, geologic, and other environmental constraints present within the Focus Area, including, but not limited to constraints posed by slopes and abandoned mines present within portions of the Focus Area; on appropriate design responses to such constraints, and on General Plan policies. Such policies include, and but are not limited to, identification of appropriate residential development types, public services and facilities performance standards, environmental policies aimed at protection of natural topography and environmental resources, policies intended to protect public health and safety, and implementation of the Resource Management Plan called for in Policy ‘r,’ below.”

Should the City Council adopt Option A for the Sand Creek Focus Area, the preceding policy would identify 5,000 dwelling units as the maximum yield for Sand Creek. The conservation strategy framework included in the Draft EIR does not limit the setting aside of open space within the Sand Creek Focus Area to the western portion of the Focus Area. It does recognize that the western portion is more sensitive in terms of biological resources than the central or eastern portions of the site. To ensure protection of open lands and biological resources throughout the Focus Area, General Plan policies “q,” “r,” and “s” for the Sand Creek Focus Area also require that:

- q. “Sand Creek, ridgelines, hilltops, stands of oak trees, and significant landforms shall be preserved in their natural condition. Overall, a *minimum* of 25 percent of the Sand Creek Focus Area shall be preserved in open space, exclusive of lands developed for golf course use.” (emphasis added)
- r. “Adequate buffer areas adjacent to the top of banks along Sand Creek to protect sensitive plant and amphibian habitats and water quality shall be provided. Adequate buffer areas shall also be provided along the edge of existing areas of permanently preserved open space adjacent to the Sand Creek Focus Area, including but not limited to the Black Diamond Mines Regional Park. Buffers established adjacent to existing open space areas shall be of an adequate width to avoid significant biological resource impacts within the existing open space areas, consistent with the provisions of Section 10.5, Open Space Transitions and Buffers Policies of the General Plan.”
- s. “Because of the potential sensitivity of the habitat areas within the Sand Creek Focus Area, preparation and approval of a Resource Management Plan to provide

¹ The Draft EIR notes that the General Plan sets the maximum allowable number of dwelling units within the Sand Creek Focus area at 5,000 for “Option A” and 4,000 for “Option B.” The Antioch Planning Commission has recommended that the maximum be set at 4,000 dwelling units.

for mitigation of biological resources impacts on lands in natural open space, as well as for the long-term management of natural open space, shall be required prior to development of the Sand Creek Focus Area.”

The RMP called for in General Plan policy “s” for the Sand Creek Focus Area will expand the framework plan contained in the Draft EIR based on site-specific analysis, and will provide the site-specific conservation strategy needed to implement the resource-based policies of the General Plan based on site-specific analysis of lands within the Sand Creek Focus Area. It will also provide the detailed, site-specific conservation strategy needed to implement the provisions of the State and Federal endangered species acts.

The RMP will provide specific requirements for the setbacks from riparian areas called for in the General Plan, based on site-specific biological resource analysis. Such setbacks may be more or less than 125 feet, depending on actual conditions in the field, and the specific width of setback needed to protect the riparian habitat.

The City Council has, as a matter of policy, agreed to abandon Empire Mine Road from its current terminus at the southern edge of existing development, approximately Mesa Ridge Drive, southerly into the Zeka/Higgins property. Legal access into the Zeka/Higgins property must be maintained. This proposed abandonment will be reflected on the General Plan Circulation map.

- A-4 There is no basis for the comment’s conclusion that the General Plan “does not provide for the protection of ponds, wetlands, and alkali grasslands in Sand Creek.” General Plan Policy “v” for the Sand Creek Focus Area states that:

“Ponds, wetlands, and alkali grassland associated with upper Horse Creek shall be retained in natural open space, along with an appropriate buffer area to protect sensitive plant and amphibian habitats and water quality. If impacts on the Horse Creek stream and riparian downstream are unavoidable to accommodate infrastructure, appropriate compensatory mitigation shall be required off-site per the provisions of the Resource Management Plan prepared for the Sand Creek Focus Area.”

As required by the General Plan, the RMP for Sand Creek will provide a comprehensive conservation strategy to mitigate impacts consistent with the requirements of the General Plan, and State and Federal law. It is anticipated that, because of the large size of the Sand Creek Focus Area and the Sand Creek Specific Plan, the RMP that is prepared concurrent with the Specific Plan will be further refined as part of specific development projects within the Specific Plan area.

- A-5 The City concurs that any development plans for the Roddy Ranch need to address on-site habitat and connectivity issues, and need to provide mitigation for any impacts that might be created. However, until such time as a specific development proposal is brought forward, the conclusion contained in this comment that such development would effectively preclude movement of kit foxes from Black Diamond Mines Regional Park to habitat to the south would be premature. Should a development plan ever be proposed, General Plan policy

- requires that a RMP be prepared to “provide for appropriate habitat linkages consistent with General Plan policies and Resource Management Plan provisions for the Sand Creek Focus Area.” This requirement, in addition to compliance with the provisions of the State and Federal Endangered Species Acts, would provide for appropriate habitat linkages, conservation of important resources, and mitigation of impacts.
- A-6 The General Plan recognizes that the Ginochio property is subject to many of the same biological resource issues as the Roddy Ranch. Thus, General Plan Policy “q” for the Ginochio property “provide for appropriate habitat linkages consistent with General Plan policies and RMP provisions for the Sand Creek Focus Area.” This requirement, in addition to compliance with the provisions of the State and Federal Endangered Species Acts, would provide for appropriate habitat linkages, conservation of important resources, and mitigation of impacts.
- A-7 The framework plan included in the Draft EIR is a General Plan level document, and is not intended to fulfill all of the requirements of a RMP for development of within Sand Creek Focus Area. The purpose of the framework plan is not to comprehensively list all the sightings of sensitive species in the area, but to “provide a basis for establishing resource management policies for the Sand Creek Focus Area. As its name suggests, this (framework) Plan will serve as the framework for a more detailed RMP which will refine the policies described in this Plan.” Moreover, the framework plan recognizes the concern raised in the comment, and states that a “species-based approach, based on “snapshots” of species distribution generated by biological surveys, does not provide... longevity when the distribution of sensitive species changes over time. A plan based on “snapshots” will soon become obsolete when the subjects move, where a plan based on natural communities will work over the long-term as needed.”
- A-8 The plan set forth in the Draft EIR provides a General Plan-level framework for addressing the special-status biological resources in the Sand Creek Focus Area, and provides the basis for preparation of a detailed RMP concurrent with development review for the Sand Creek Focus Area. Because the RMP for Sand Creek will be based on natural communities, it will address not only on-site habitat, but also habitat connections and linkages, and the function that habitats within Sand Creek play in those connections and linkages.

The RMP for the Sand Creek Focus Area is not intended to mitigate impacts that will result from the proposed build out of the General Plan. The protection of biological resources within the General Plan study area is addressed in policies throughout the proposed General Plan, including specific policies that may require the preparation of additional RMPs and limit the uses adjacent to existing preserves and wilderness areas. Additionally, all development will be required to comply with applicable City, State, and Federal laws, standards, and guidelines, as well as additional requirements that will be mandated as part of the environmental review of individual projects.

The purpose of the General Plan is to provide guidance for future development projects so that they may avoid impacts to the biological resources within the General Plan study area. Based on the mosaic of habitats found within Antioch’s sphere, a general standard of a 0.5-mile-wide corridor is consistent with general ecological and conservation biology principles.

While various species of wildlife have been documented using narrower corridors, the wider corridor is a more desirable circumstance. The General Plan is the appropriate vehicle to provide guidance to protect corridors that have greater functionality rather than to wait for projects to squeeze the corridors narrower and narrower. To ensure protection of wildlife movement, although the General Plan does not mandate a specific corridor configuration or width, it does set forth clear policy mandating the preservation of a functional wildlife corridor in General Plan Policy "t" for the Sand Creek Focus Area, which states:

"A viable grassland linkage shall be retained using linkages in Horse Valley and the ridge between Horse Valley and the Sand Creek drainage at the western end of the Focus Area. The goal of preserving such a corridor will be to provide a permanently protected wildlife movement corridor through the Sand Creek Valley to connect open space and habitat at Black Diamond Mines Regional Preserve with Cowell Ranch State Park. Completion of such a corridor is contingent upon the cooperation with the City of Brentwood and Contra Costa County, each of whom may have land use jurisdiction over portions of this corridor."

Policies for the Roddy Ranch and Ginocchio Property Focus Areas also require that RMPs be prepared for those areas, including preservation of viable habitat linkages. This policy, in concert with other policies of the General Plan and compliance with State and Federal law, will provide for meaningful and functional habitat for federally listed species, and will also provide for habitat connectivity.

- A-9 As noted in response to comment A-8, the plan set forth in the Draft EIR provides a General Plan-level framework, and is the basis for preparation of a detailed RMP concurrent with development review for the Sand Creek Focus Area. The plan included in the Draft EIR was not intended to meet all of the requirements of Federal law for issuance of a permit under Section 10(A)(1)(b) of the Endangered Species Act. Such review and approval is not appropriate at the General Plan level, and is intended to occur as part of the multi-stage development review and approval process for the Sand Creek Focus Area.

While it true that the RMP for the Sand Creek Focus Area will focus on Sand Creek focus Area issues, it will address those issues based on natural communities and not property lines. The statement included in the framework plan that the general approach and direction of the General Plan and RMP is consistent with the East Contra Costa County Habitat Conservation Plan (HCP) and Natural Communities Conservation Plan (NCCP) and will complement that effort is based on the substance of the General Plan and RMP, not the boundaries of its planning areas.

Pursuant to State law, the City of Antioch must prepare a long-term plan for the management of lands within its boundaries, as well as other lands outside of the City that bear upon its planning efforts. To include all of the area included in the east County HCP and NCCP in the City's General Plan would not be practical. Thus, the study area for the General Plan was defined as the current city limits, Antioch's sphere of influence, and the Roddy Ranch and Ginocchio properties, which lie along the southern boundary of the City. Further, the development review process for Sand Creek is, by law, limited to the lands for which

development approvals will be sought following adoption of the updated Antioch General Plan. In both these planning programs, efforts are being made to look at biological resource issues on a natural communities basis, rather than on the basis of artificial property lines and municipal boundaries. Thus, the General Plan includes policies requiring the preservation of viable habitat linkages, as well as requirements for transitions and buffers between lands being preserved in open space and those on which future development will occur.

The wildlife corridor that runs through the Sand Creek Focus Area has been essentially “cut off.” While some wildlife movement may occur off the site to the east, the development in Brentwood so restricts the functionality of the corridor that it must be considered minimal, if at all. Development to the east of Horse Valley, Deer Valley and Briones Valley, while present, is much less than to the immediate east of the Sand Creek Focus Area. Therefore, compared to the functionality of the Sand Creek Focus Area wildlife corridor, the functionality of these other three corridors is still quite high, and, therefore, measures that would preserve their functionality are quite desirable. The degree to which kit fox move along these Valleys is presently unknown (as movements along them have yet to be documented), but General Plan Policies (and the RMP) provide opportunities to focus preservation in these areas.

The RMP process set up in the General Plan for properties containing significant resources provides additional opportunities to protect lands that support suitable habitats for a number of wildlife species and to preserve wildlife corridors. While it is true that future development to the east may reduce the functionality of the landscape linkage along Horse Valley, such development is quite speculative at the present, and to the extent such development is eventually realized, it is not expected to drastically reduce it or render it useless. Additionally, the RMP process also provides opportunities to preserve lands in the important Deer and Briones Valley corridors and as such the RMP allows for the protection of important areas that can facilitate the regional movements of local wildlife, including several special-status species.

- A-10 See Response A-9. General Plan policy requires the preservation of functional wildlife movement corridors through the Horse Valley and Deer Valley area on or adjacent to the Sand Creek, Roddy Ranch, and Ginochio focus areas.
- A-11 The comment is incorrect in stating that the proposed General Plan does not provide protection for vernal pools or fairy shrimp. The Resource Management Element of the proposed General Plan states that vernal pools “may possess a unique flora that includes special-status, federally protected plants and special-status animals. Vernal pools are most likely to be found in the southern portion of the Antioch Planning Area. Special-status plants and invertebrates are often found within this habitat type.” Section 10.4.2 of the General Plan, Biological Resource Policies, includes the following measure that would provide protection for sensitive habitats and species, including vernal pools and vernal pool crustaceans.
- d. Through the project approval and design review processes, require new development projects to protect sensitive habitat areas, including, but not limited to, oak woodlands, riparian woodland, vernal pools, and native grasslands. Ensure the preservation in place of habitat areas found to be occupied by state and federally protected species. Where

preserved habitat areas occupy areas that would otherwise be graded as part of a development project, facilitate the transfer of allowable density to other, non-sensitive portions of the site. (see Response A-2)

Protection of vernal pools and vernal pool crustaceans will involve not only avoidance of grading within the vernal pool, but also ensuring that flows to the pool are adequate, and that the pool is protected from pesticides and urban runoff contaminants draining into the pool. As noted in the comment, this can be achieved by providing for adequate buffer areas. To this end, Section 10.5.2 of the General Plan, Open Space Transitions and Buffer Policies contains the following protective measures:

- a. Minimize the number and extent of locations where residential, commercial, industrial, and public facilities land use designations abut lands designated for open space and protected resource areas (e.g., lands with conservation easements or set aside as mitigation for development impacts). Where such land use relationships cannot be avoided, use buffers and compatible uses to buffer and protect open space and protected resources from the adverse effects of residential, commercial, industrial and public facilities development.
- b. Ensure that the design of development proposed along a boundary with open space or protected resources provides sufficient protection and buffering for the open space and protected resources. The provision of buffers and transitions to achieve compatibility shall occur as part of the proposed development.

The General Plan also includes guidelines for determining the extent of buffer areas between natural open space and development areas including such considerations as:

- How will the proposed development affect habitat values on adjacent open space and resource areas;
- How can the development be designed so as to prevent the spread of introduced animals and plant pests into adjacent open space and resource areas; and
- How can the proposed development be designed so as to protect wildlife migration corridors between or within open space and/or resource areas?

A-12 The comment is based on a misunderstanding of the proposed General Plan. The comment is correct in that the proposed General Plan would permit urban development within the Sand Creek Focus Area, and, subject to potential future modifications of the existing County urban limit line, urban development within the Roddy Ranch and Ginochio Property Focus Areas. There is no factual basis for the comment's assumption that "most of these (tiger salamander) breeding ponds and associated upland areas will be removed for development." As stated in response to comment A-11, the proposed General Plan includes policies to ensure the protection of wetlands, riparian areas, grasslands, other sensitive natural habitats and special-status species habitats in addition to the protection of water quality and to provide adequate buffers. The proposed General Plan also includes Open Space Policy 10.3.2e, which states:

"Require proposed development projects containing significant natural resources (e.g., sensitive or unusual habitats, special-status species, habitat linkages, steep slopes, cultural resources, wildland fire hazards, etc.) to prepare Resource

Management Plans to provide for their protection or preservation consistent with the provisions of the Antioch General Plan, other local requirements, and the provisions of State and Federal law. The purpose of the Resource Management Plan is to look beyond the legal status of species at the time the plan is prepared, and provide a long-term plan for conservation and management of the natural communities found on-site. Resource Management Plans shall accomplish the following:

- Determine the significance of the resources that are found on-site and their relationship to resources in the surrounding area, including protected open space areas, habitat linkages and wildlife movement corridors;
- Define areas that are to be maintained in long-term open space based on the significance of on-site resources and their relationship to resources in the surrounding area; and
- Establish mechanisms to ensure the long term protection and management of lands retained in open space.”

A buffer around breeding habitat for the California tiger salamander (*Ambystoma californiense*) provides an opportunity to protect a significant amount of estivation habitat (i.e., summering habitat) for the species. Thus, it is necessary to protect not only the salamander’s normal habitat, but also to establish suitable measures to protect an adequate amount of estivation habitat. Thus, not only does the proposed General Plan provide for protection, but also requires site-specific RMPs in addition to the standard environmental review of development projects and compliance with City, State, and Federal standards and guidelines. Such resource plans will address not only habitat preservation, but will also establish suitable buffer areas.

A-13 It was not the intent of the General Plan EIR to address all site-specific issues and conduct on-site surveys for biological resources (see General Response 1). Rather, the General Plan and the General Plan EIR require that on-site issues and surveys be conducted as part of the environmental review for individual development projects, at which time General Plan policies protecting resources will be applied. In order to implement these policies, the on-site surveys requested in Comment A-13 will be undertaken, and appropriate mitigation measures consistent with the environmental performance standards set forth in the General Plan will be required.

A-14 As noted in Responses A-12 and A-13, prior to development of an area containing significant natural resources, a site-specific RMP will be prepared for the Sand Creek Focus Area. General Plan policies also require preparation of an RMP for the Roddy Ranch property, Ginocchio property, and other sites containing sensitive resources. As noted in Response A-3, the RMP will provide specific requirements for the setbacks from riparian areas called for in the General Plan, based on site-specific biological resource analysis. Such setbacks may be more or less than 125 feet, depending on actual conditions in the field, and the specific width of setback needed to protect the riparian habitat.

- A-15 In consideration of the Fish and Wildlife Service's comment, the following policy has been added to the General Plan Resource Management Element, Section 10.4.2, Biological Resources Policies:

i. Design drainage within urban areas so as to avoid creating perennial flows within intermittent streams to prevent fish and bullfrogs from becoming established within a currently intermittent stream.

- A-16 This comment does not raise any substantive issues regarding the adequacy of the General Plan EIR. As such, no response is required; however, a response is provided for informational purposes. The City is very much aware of and carefully considered the advantages and disadvantages of participating in the East County HCP/NCCP. Based on that consideration, Antioch respectfully declined to participate in the HCP/NCCP process. In taking that action, the City clearly understood that special-status species must still be protected per the provisions of State and Federal law, as well as local policies (such as those contained in the Antioch General Plan) and ordinances.

SEP 09-2003 15:47

FISH & GAME

P.21/07

STATE OF CALIFORNIA THE RESOURCES AGENCY

GRAY DAVID, Governor

DEPARTMENT OF FISH AND GAME

FOOT OFFICE BOX 27
MOUNTAIN VIEW, CALIFORNIA 94049
(707) 344-5650

September 9, 2003

RECEIVED

SEP 09 2003

CITY OF ANTIOCH
COMMUNITY DEVELOPMENT

Mr. Victor Carneglia
City of Antioch
Community Development Department
Post Office Box 5037
Antioch, CA 94531
Via Fax (925) 779-7034

Dear Mr. Carneglia:

**Antioch General Plan Update
Draft Environmental Impact Report
City of Antioch, Contra Costa County**

Department of Fish and Game (DFG) personnel have reviewed the Antioch General Plan Update and Draft Environmental Impact Report (DEIR), dated July 2003. The document addresses the Antioch General Plan Area which is bordered by the San Joaquin River to the north and unincorporated Contra Costa County to the south. The study area includes all of the City of Antioch (City) and its sphere of influence as well as additional lands to the south, and the Ginnochio and Roddy Parcels which are outside the urban limit line. Areas which have been identified for development and are of particular interest to DFG include the Sommersville Road, Roddy Ranch, and Ginnochio and Sand Creek planning areas.

The Antioch Planning Area is located within the geographic range of numerous sensitive plant communities/habitats and special-status plant and wildlife species. The EIR has provided comprehensive lists of these elements in Table 4.3 A and B. The resources known to occur in the planning area have been discussed many times by DFG, other resource agencies, as well as the City in many previous planning documents. DFG has previously provided comments on development proposals for the Sand Creek Specific Plan area, Sommersville Road and Roddy Ranch areas. DFG has also provided information regarding species occurrences throughout the Antioch area, most recently the Alameda whipsnake, which was identified near the Star Mine adjacent to the Zeka/Higgins property. Information that has been consolidated for the East Contra Costa County Habitat Conservation Planning (HCP) effort is available to the public. Although the City of Antioch has chosen not to participate in the HCP process, the conservation strategies and resources inventory are relevant and applicable to decisions being made for the Antioch General Plan area.

Mr. Victor Carneglia
September 9, 2003
Page 2

More specific information on species and habitat occurrences in the area is being gathered, but there is already a significant body of knowledge available to provide the basis for sound planning decisions. Based on many years of documented sensitive species occurrences, existing topography, vegetation types and land uses, it is clear that preservation of lands in the southern Antioch area as natural open space is a critical element of a conservation strategy which should be implemented to avoid precluding long-term viability of populations of many of the species addressed in the EIR. These species depend on contiguous areas of grassland for breeding, dispersal, denning, and estivation habitat.

These are the basic facts concerning the biology of the area about which the resource agencies, conservation groups, and the City agree. Areas of disagreement include deferral of mitigation requirements, the description of the level of impacts associated with the project as described, and the finding that impacts from the project as proposed will be reduced to a level of less than significant through measures described in the document.

General Comments

The EIR relies on compliance with applicable City guidelines and standards and State and Federal endangered species acts as well as requirements mandated during environmental review of individual projects to ensure significant impacts to sensitive biological resources do not occur. For the Sand Creek Area, compliance is also required with policies in the Resource Management Plan (RMP) for the Sand Creek Focus Area. The City has concluded that these measures will ensure that impacts to biological resources, including sensitive species and sensitive natural communities, wildlife corridors and habitat linkages associated with the proposed General Plan, are reduced to a less than significant level.

DFG does not agree with this finding. This approach to ensuring mitigation of project impacts is not adequate under the California Environmental Quality Act (CEQA). There is no assurance that impacts will be adequately addressed in future environmental review. DFG has concerns about the level of commitment and detail in the document and the deferral of project specific mitigation measures which prevents an adequate evaluation during the public review process. A thorough description of specific requirements for impacts to species and

Mr. Victor Carneglia
September 9, 2003
Page 3

habitats known to exist in the planning area should be included. In addition, a monitoring program, required by Assembly Bill 3180, must be required to ensure that mitigation measures are effective, and must provide for corrective action if they are not.

It is inappropriate to make the determination that surveys to be conducted at a later time, or mitigation measures to be identified at some future time, will reduce the impacts from this project to a less than significant level. It has been determined by court ruling that such studies and mitigation measures would be improperly exempted from the process of public and governmental scrutiny which is required under CEQA. A document which requests future studies or future identification of mitigation will be considered inadequate.

The document relies on implementation of Antioch Draft General Plan policies and the RMP for the Sand Creek Focus Area to reduce impacts on biological resources from the proposed project to less than significant levels. Even at a program level, it is feasible to formulate specific policies to better ensure adequate mitigation of impacts, particularly in this case since resources in the area have been well documented over many years through a number of studies. The policies as written are not specific enough to provide a basis to conclude that impacts to biological resources will be less than significant, and do not acknowledge non-native grasslands, one of the most important resources in the area, as a resource to be protected.

The policies offer general guidance on avoidance and mitigation. Although it would be infeasible at this time to require project-specific environmental review of impacts, given the knowledge of local resources and impacts generally known to be associated with types of land use designations, it is possible to do a programmatic-level analysis of impacts. Broad performance standards should be adopted. For example, wildlife corridors will be maintained with a minimum width of one-half mile depending on specific site conditions; urban and development activities will be restricted within one-quarter mile of known San Joaquin kit fox denning habitat; and a minimum buffer of one-quarter mile radius and corridor will be maintained around California tiger salamander breeding sites. In addition to bird surveys during the breeding season, surveys for nests should be conducted in suitable habitat at all times of the year. If a nest is identified for a species known to have high site fidelity

Mr. Victor Carnedilla
September 9, 2003
Page 4

and there will be direct take of the nest, DFG should be contacted and mitigation measures agreed upon before any action is taken to ensure preservation of areas known to provide habitat for species of special concern. Setbacks from streams should generally be a minimum of 100 feet and increased to a minimum of 300 feet in areas which provide California red legged frog habitat. Preservation of suitable habitat as well as known occupied areas will be ensured.

For some species and habitats known to occur in the planning area, specific requirements, protocols, and setbacks have been developed by the U. S. Fish and Wildlife Service (USFWS) and DFG including burrowing owl, San Joaquin kit fox, California tiger salamander and others. Specific conditions from these protocols and guidelines should be expressly required or the documents should be incorporated by reference with conditions that require compliance with the protocols and include any changes in the protocols which may be adopted by the resource agencies.

This requirement is of particular importance to species which are not State or Federally listed as threatened or endangered, but are considered special status species. These species, a number of which are known to occur in the planning area, are afforded conservation consideration through the CEQA process. Therefore, to ensure their protection, the City must include in this CEQA document specific survey and mitigation requirements in areas found to be occupied or provide suitable habitat. Alternatively, the City may require express written approval from the resource agencies regarding the avoidance, mitigation, and monitoring requirements as a condition of approval for any project which has the potential to have adverse impacts on special status species.

Biological Resources

DFG has two primary concerns when reviewing the development proposals in the EIR. The first is direct impacts to species and habitats of concern to the State. Non-native annual grassland is the primary habitat of concern in the planning area. The second is preservation of a functional, self-sustaining open space area which is critical to ensuring long-term survival and recovery of species of concern in the area.

Mr. Victor Carneglia
September 9, 2003
Page 5

Regarding impacts to grasslands, it is stated, and we agree, that decades of urban and agricultural development have substantially reduced the width of this linkage over the past several decades, thereby increasing the ecological importance of the remaining linkage. We also agree that the Lone Tree Valley has the highest function as a grassland corridor with gentle sloping to flat topography that is connected to Black Diamond Mines to the northeast and grasslands extending south beyond Alameda County. We do not agree that function of Lone Tree Valley, and to a lesser extent the Deer Valley and Horse Valley corridors, has been reduced by development in Brentwood. Although it is true that the development in Brentwood has essentially blocked the east end of these linkages as stated in the EIR and RMP for the Sand Creek Focus Area, a strong connection remains at the eastern end of these valleys to the grasslands extending south through Contra Costa and Alameda counties and continuing into San Joaquin County, making these areas critical in maintaining the connection between kit fox in the northern range to the larger population to the south.

Conclusion

The Draft General Plan document defers mitigation and underestimates impacts to species and habitats of special concern. Implementation of the project will result in significant impacts to biological resources. DFG appreciates the City's efforts to make changes to previous planning proposals for the Sand Creek area through Option B. These changes reflect DFG's concerns and recognize the biological value and sensitivity of the Sand Creek area and the significance of preserving contiguous open space. Unfortunately, we understand that the City has chosen to pursue the Policies in Option B and the Map in Option A. DFG does not support the conclusion that the development of the area as described in Option A, which is inconsistent with the Policies in Option B, will be less than significant.

To reduce impacts from the proposed project to a less than significant level, the City must modify its land use designations to ensure preservation of additional open space maintained in perpetuity for the benefit of native wildlife in the southern part of the planning area. A minimum one-half mile wide corridor of grassland should be preserved and enhanced to provide native species habitat in Lone Tree Valley and the more southerly valleys between Black Diamond Mines and to the south through the

DEF-09-2000 13:45

FISH & GAME

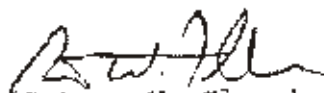
Mr. Victor Carneglia
September 2, 2003
Page 6

lower ends of Briones toward Cowell Ranch and Los Vaqueros. In addition, habitat types such as seeps, riparian areas and rock outcrops which are considered rare and are known to support special status species, should be specifically identified for preservation. Any impacts to these areas should be evaluated based on their resource value in the landscape context as opposed to gross acreage.

DFG recommends the City participate in the HCP process to ensure implementation of an effective conservation strategy for East Contra Costa County and appropriate mitigation for responsible development. If the City chooses to allow urbanization to proceed with project by project approval, the City should develop a conservation strategy for the General Plan area which is beneficial in the regional context. Policies in the General Plan should have specific requirements for surveys, avoidance and minimization measures, and mitigation and monitoring requirements for unavoidable impacts. These measures should protect unique habitats and special status species in large preserves of high quality habitat and should allow development to occur in marginal habitats. This approach allows for both the potential long-term sustainability of functioning ecosystems and necessary economic development.

We appreciate your consideration of our comments. We understand the City is currently considering changes to the Draft General Plan. DFG personnel are available to participate in the City's planning process and to discuss our concerns. If you have any questions regarding our comments, please contact Janice Gan, Environmental Specialist, at (209) 835-6910; or Scott Wilson, Habitat Conservation Supervisor, at (707) 944-5584.

Sincerely,



Robert W. Floerke
Regional Manager
Central Coast Region

cc: see next page

09/11/2003 18:29 9257/97634

CITY OF ANTIPO

PAGE 07

SEP-09-2003 15:45

FISH & GAME

9/27/07

Mr. Victor Carneglia
September 9, 2003
Page 7

cc: Ms. Sheila Larsen
U. S. Fish and Wildlife Service
3510 El Camino Avenue, Suite 130
Sacramento, CA 95832-6340

State Water Resources Control Board
2101 Webster Street, Suite 500
Oakland, CA 94612

Ms. Michael Monroe
Environmental Protection Agency
65 Hawthorne Street
San Francisco, CA 94105

Mr. Ed Wylie
U. S. Army Corps of Engineers
333 Market Street
San Francisco, CA 94105-2197

TOTAL 2,01

Response to Letter B: California Department of Fish and Game

- B-1 The City concurs that knowledge of natural resources and implementing conservation strategies are relevant and applicable to the Antioch Planning Area. For this reason the proposed General Plan and EIR have included policies and requirements to ensure the protection of sensitive species and their habitats in addition to the requirements mandated during environmental review and compliance with applicable City, State, and Federal standards and guidelines.
- B-2 The policies contained within the proposed General Plan in both the Open Space Section 10.3 and the Biological Resources Section 10.4 provide for the dedication of open space to ensure the long-term viability of special-status species. In addition, the policies set forth in the General Plan land Use Element for the Sand Creek, Roddy Ranch, and Ginochio Property Focus Areas specifically require preparation of RMPs to ensure that the appropriate preservation of open space within the southern portion of the General Plan study area does, in fact, occur. As stated throughout Section 4.3 of the Draft EIR, implementation of these policies in addition to applicable City, State, and Federal standards and guidelines, as well as the requirements mandated during the environmental review of development projects will ensure that adequate open space will be preserved as to not adversely impact the special-status species that depend upon open space for viability.
- B-3 This Comment notes areas of disagreement between the City, resource agencies, and conservation groups that are discussed in more detail in subsequent comments. See General Response 1 for a discussion of the programmatic nature of the EIR, General Response 2 for a discussion of deferred mitigation and General Response 3 for a discussion of the significance of the enforceability of General Plan policies. Additional detailed responses are provided below.
- B-4 Please refer to General Response 1 in relation to the programmatic, rather than project-specific nature of the General Plan EIR, General Response 2 for a discussion of deferred mitigation, and General Response 3 for discussion of the enforceability of the General Plan. All development within the Antioch General Plan will be required to comply with State and Federal law.
- B-5 A mitigation monitoring program is provided in the Final EIR for the update of the Antioch General Plan in compliance with Public Resources Code Section 21081.6 and Section 15097 of State CEQA Guidelines.
- B-6 The comment is incorrect in its assertion of the requirements of CEQA. Please refer to General Responses 1 and 2. In addition to the case law referred to in General Response 1, a similar approach to that used by the City of Antioch in its General Plan EIR was upheld by the Court in *Rio Vista Farm Bureau Center v. County of Solano* (1992) 5 Cal.App.4th 351. In that case, the County prepared a hazardous waste management plan representing an initial assessment of the County's hazardous waste management needs. The Plan contained criteria for siting future facilities and designated generally acceptable locations. Site specific analysis was, however, deferred to subsequent "project EIRs." The petitioners argued that the County "piecemealed" its environmental review. The Court disagreed, stating:

“The omission of any description of specific potential future facilities... does not, in our view, render the FEIR deficient.... The Plan does not propose a single project divided into parts; it merely serves as a hazardous waste management assessment and overview, with any separate future projects.... to be accompanied by additional EIRs. Repeated commitments are made in both the Plan and the FEIR for preparation of future CEQA documents prior to approval, upon a finding of consistency with the Plan, of any hazardous waste management facilities.” (5 Cal.App.4th at 371-371.)

Therefore, a document that requests future studies or future identification of mitigation will *not* be inadequate, provided that it sets forth performance standards for the application of findings of these future studies. The policies set forth in the General Plan provide such environmental performance standards.

- B-7 Please refer to General Responses 1 and 2, as well as Response B-6. In addition, as identified in Response A-12, General Plan Open Space Policy 10.3.2e requires certain proposed development projects containing significant natural resources to prepare a Resource Management Plan, which will provide a specific long-term plan for conservation and management of natural communities that are unique to the specific development and site.

As a rule, native grasslands are sensitive habitats, and have been provided with protection per the policies of the General Plan. However, the term “non-native grasslands” covers a wide range of conditions from valuable components of critical habitat linkages to weedy areas with little habitat value. As a result, the proposed General Plan does not provide any specific protections to “non-native grasslands.” While non-native grasslands are one of the most common habitats within the Plan Area, they also support habitat for a wide variety of locally occurring wildlife species, including important habitat for numerous special-status species including fairy shrimp species, California tiger salamander (*Ambystoma californiense*), western burrowing owl (*Athene cunicularia hypugea*), and San Joaquin kit fox (*Vulpes macrotis*), to name a few. While grassland habitats vary in their value to local wildlife and special-status species depending on the adjacency of other habitats, the size of the habitat patch, and adjacent land uses, all grasslands in the plan area have some value. Although all grasslands have some value, it cannot be assumed that any given patch of native or non-native grasslands has sufficient value such that its conversion to urban uses constitutes a significant impact under CEQA.

Thus, the General Plan acknowledges that non-native grasslands may fulfill important biological functions, and thus provides protection for habitat linkages, buffer areas adjacent to sensitive habitat types and preserved open space lands, and transitions between development and natural open space. Where non-native grasslands fulfill these functions, they would be protected by General Plan policy.

Policies have been included in the General Plan to provide protection for sensitive habitat areas in Section 10.4.2, Biological Resources Policies. These policies, along with those set forth in Section 10.5.2, Open Space Transitions and Buffers Policies, comprise the “broad performance standards” called for in the Comment (see also Responses A-2, A-11, A-12, and

A-15). Where sufficient information was available to support specific policies for buffer areas (e.g., Sand Creek Focus Area), they are provided in the General Plan.

As noted in Response A-8, the General Plan does not mandate a specific corridor configuration or width, but does set forth clear policy mandating the preservation of a functional wildlife corridor in General Plan Policy “t” for the Sand Creek Focus Area. Policies for the Roddy Ranch and Ginocchio Property Focus Areas also require that Resource Management Plans be prepared for those areas, including preservation of viable habitat linkages. This policy, in concert with other policies of the General Plan and compliance with State and Federal law, will provide for meaningful and functional habitat for federally listed species, and will also preserve habitat connectivity.

As stated in Responses A-11 and A-12, the proposed General Plan includes policies to ensure the protection of wetlands, riparian areas, native grasslands, other sensitive natural habitats and special-status species habitats in addition to the protection of water quality and to provide adequate buffers and setbacks. Guidelines are set forth in Section 10.5.2 of the General Plan to ensure that buffer areas are functional, and that setbacks from sensitive habitats will protect those resources. The General Plan does not specify precise widths of corridors, buffer areas and setbacks, but does provide clear performance standards for their design. The precise widths and configuration of corridors, buffer areas, and setbacks is to be defined as the result of site-specific analysis performed as part of the City’s development review and CEQA implementation processes.

As part of the development review and CEQA implementation processes, appropriate bird surveys will be undertaken to ensure compliance with the provisions of the City’s General Plan, as well as with local, State, and Federal law. Resource agencies, including the California Department of Fish and Game will be kept informed of the surveys being taken, as well as the results of those surveys pursuant to existing local, State, and Federal requirements.

- B-8 As stated previously in Responses B-2, B-6, and B-7, as well as General Responses 1-3, the programmatic environmental analysis for large-scale planning efforts such as a General Plan differs from the sort of environmental analysis performed for a specific development project. The City may permissibly defer EIR analysis and mitigation that might otherwise be required in a stand-alone project EIR to the specific development project stage and site-specific environmental review for the development project. Such deferral is permissible if the programmatic EIR provides performance standards to be applied at the later stage of review. These performance standards are provided in the form of the General Plan’s policies. Because of the various natural resources and special-status species within the Antioch Planning Area, Open Space Policy 10.3.2e, as listed in Response A-12, has been included in the General Plan to provide site and species specific mitigation and conservation consistent with the environmental performance standards set forth in the General Plan, in addition to the protections provided under applicable and State and Federal law. The comment raises the issue of the protocols used in biological resource surveys. In recognition of that comment, the following policy has been added to the Section 10.4.2, Biological Resources Policies of the General Plan:

- j. Whenever a biological resources survey is undertaken to determine the presence or absence of a threatened or endangered species, or of a species of special concern identified by the U.S. Fish and Wildlife Service or the California Department of Fish and Game, require the survey to follow established protocols for the species in question prior to any final determination that the species is absent from the site.

Where biological surveys are used as the basis for conclusion under the provisions of CEQA, the surveys will be distributed to the California Department of Fish and Game as part of the normal distribution and public review of CEQA documents.

- B-9 Please refer to Response L-14 for a discussion of the relationship of the City's General Plan to the East County HCP/NCCP and to Response A-9 for a discussion of wildlife movement corridors. The proposed Antioch General Plan notes that existing development approvals to the east would block the proposed corridor; however, as noted in Response A-9, development to the east of Horse Valley, Deer Valley, and Briones Valley, while present, is much less than to the immediate east of the Sand Creek Focus Area. Thus, the General Plan is based on the premise that the functionality of these three corridors is still quite high. As a result, policies requiring maintenance of a functional wildlife movement corridor are included in the General Plan.
- B-10 The Comment summarizes the concerns stated previously in the comment letter regarding the impacts to special-status species within the Planning Area. Responses to these specific concerns are presented in Responses, B-1 through B-9 above. The City concurs with the Department of Fish and Game's comment that the changes made in Option B for the Sand Creek Focus Area "reflect DFG's concerns and recognizes the biological value and sensitivity of the Sand Creek area and the significance of preserving contiguous open space." The comment is incorrect in noting that the City decided to pursue the Option A map and Option B policies since the "decision" referred to in the comment was the recommendation of the Planning Commission, and not an action of the City Council adopting the General Plan.

General Response 1 addresses the issue of "deferred mitigation." As stated previously, the purpose of a Program level EIR is to evaluate the broad-scale impacts of the proposed General Plan, not a specific development proposal. A first tier EIR can defer the identification of environmental impacts and the formulation of specific mitigation measures until later project EIRs, provided that environmental performance standards are set forth in the first tier document. These performance standards are provided by the policies of the General Plan.

Although the Option A map does not delineate boundaries between development areas and lands to be preserved in open space, General Plan policies provide clear performance standards for such delineation to occur as part of the development and environmental review process for the Sand Creek Specific Plan. Such delineation is to be based on site-specific biological analysis beyond that which can reasonably be accomplished in a Citywide General Plan. Even if the City Council adopts the Option B map, that map would be refined as part of the development and environmental review process for the Sand Creek Specific Plan, based on General Plan policies and site-specific biological analysis.

- B-11 Please refer to Response B-8. The comment tends to ignore the effect that General Plan policies will have in ensuring mitigation of potential impacts on biological resources. As noted in General Response 3, these policies are a legally enforceable part of the General Plan, defining the appropriate time, place, and manner of development that might be permitted by the General Plan, and setting forth clear performance standards for the preservation of open space within the Antioch Planning Area. Also, please refer to Response A-9 for a discussion of wildlife movement corridors in the southern portion of the General Plan study area.

Both wetland seeps and rock outcrops are uncommon in the Plan Area and these two habitats provide important habitat for a number of locally occurring wildlife species. In addition, seeps are habitat that may be (but are not necessarily) under the jurisdictional authority of the U.S. Army Corps of Engineers and Regional Water Quality Control Board. As with grasslands, the determination of whether a given seep or rock outcrop is deserving of protection will depend on a number of site-specific factors, and it cannot be assumed that all such habitats are automatically deserving of protection.

- B-12 The comment recommends that the City participate in the HCP process. The City does not need to participate in the HCP in order to protect special-status species and their habitats. Adherence to State and Federal law, including the Endangered Species Acts, in addition to the policies of the General Plan, and environmental review of development projects based on the environmental performance standards set forth in the General Plan will protect these special-status species and their habitats.

DEPARTMENT OF TRANSPORTATION

P. O. BOX 23660
 OAKLAND, CA 94623-0660
 (510) 286-4444
 (510) 286-4454 TDD

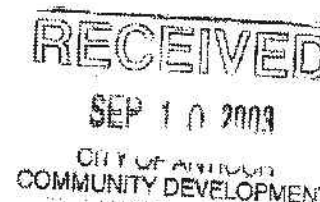


*Flex your power!
 Be energy efficient!*

September 8, 2003

CC000214
 SCH2003072140

Mr. Victor Carniglia
 Deputy Director of Community Development
 City of Antioch — City Hall
 Department of Community Development
 Third & "H" Streets
 P.O. Box 5007
 Antioch, CA 94531-5007



Dear Mr. Carniglia:

City of Antioch General Plan Update – Draft Environmental Impact Report

Thank you for including the California Department of Transportation in the environmental review process for the proposed general plan update. We have reviewed the Draft Environmental Impact Report and have the following comments to offer:

Please discuss trip generation. Please include:

- a. Existing Conditions – current year traffic volumes and peak hour level of service (LOS) for State Route 4.
- b. Cumulative Condition plus Proposed Project – trip assignment and peak hour LOS analysis in the year the project is anticipated to complete construction.
- c. Traffic analysis calculations for the on ramp and main line roadway sections for Cumulative Traffic.

The volume to capacity ratio (v/c) would increase its usefulness if compared with peak hour in Table 4.13E.

The reference to Table 4.13.D in the last paragraph on page 4.13-12, should be to Table 4.13.E.

Section 4.13.1 discusses Planned Transportation Improvements for both State Route 4 and the State Route 4 Bypass, and references Contra Costa Transportation Authority's (CCTA) 2001

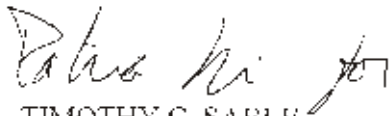
Mr. Victor Carrugha, City of Antioch
September 8, 2003
Page 3

Update to the Contra Costa Countywide Congestion Management Program. CCTA should be contacted to find out if there is more recent information on these two routes.

] 4

Should you require further information or have any questions regarding this letter, please call Lisa Carboni of my staff at (510) 622-5491.

Sincerely,



TIMOTHY C. SABLE
District Branch Chief
IGR/CEQA

c: Philip Crimmins (State Clearinghouse)

Response to Letter C: California Department of Transportation

- C-1 The traffic analysis prepared for the Antioch General Plan was based on an analysis of cumulative conditions at General Plan buildout, comparing cumulative future conditions without development within the Antioch General Plan study area to that which would occur with buildout of the Antioch General Plan. Analysis of existing traffic conditions was undertaken as part of the preparation of the General Plan, and was based on the most recent traffic counts available to the City. These counts are presented in Table 2.A at the end of responses to Caltrans' comments.

The project for which the traffic analysis was undertaken was a citywide General Plan, encompassing over 100 traffic analysis zones. The General Plan traffic analysis, including assignment of trips, is based on CCTA's East County regional traffic model. The analysis assumes buildout of the Antioch General Plan, as well as buildout of the General Plans of the cities of Pittsburg, Brentwood, and Oakley. Traffic from unincorporated areas outside of the Antioch General Plan study area and through traffic from areas outside of the east County region are incorporated into CCTA's East County regional traffic model that was used for the General Plan traffic analysis.

The traffic analysis undertaken for the General Plan analyzes average daily traffic along roadway links similar to the General Plan EIR recently certified by the City of Oakley for its General Plan. Average daily traffic analysis is appropriate for a General Plan since it is programmatic in nature, and focuses on the establishment of performance standards. General Plans typically address roadway widths, and aim at ensuring that adequate rights-of-way are reserved for roadway links. General Plans often do not analyze intersection operations, but set performance standards for intersections to be applied to subsequent development projects through the City's development and environmental review process. As a result, analysis of freeway mainlines was undertaken as part of the General Plan update, and shows that with the planned widening of State Route 4 and the construction of the SR-4 By-Pass, freeway mainlines will operate at acceptable levels of service (LOS "E"). Freeway interchanges, were not analyzed since they function as the freeway equivalent of an intersection. General Plan policies function as performance standards to ensure that roadway performance standards will be met by new development along roadways and at freeway interchanges and intersections.

- C-2 Because the project for which the traffic analysis was prepared is a General Plan, the selected unit of analysis was average daily traffic. This is an appropriate analysis tool for a General Plan whose primary roadway function is to define roadway link capacity, and provide for reservations of right-of-way. Peak hour analysis is appropriate for the intersection-level level studies required by the General Plan for individual development projects. It is at that time that General Plan performance standards would be applied to impacts that a specific development project would have on an intersection in the peak hour.
- C-3 The comment is correct. The reference on page 4.13-12 to Table 4.13.D is hereby changed to refer to Table 4.13.E.
- C-4 The information presented in the Draft EIR regarding planned improvements for State Route 4 and the State Route 4 By-Pass was based on the most recent information available on the Contra Costa Transportation Authority's web site at the time the Draft EIR was prepared.

Table IV.D-10 - Existing Average Daily Traffic Roadway Segment Levels of Service

Segment	Number of Lanes	Date of Count	ADT^a Volume	LOS
SR 4 between Loveridge Road and Somersville Road	4	2000	95,000	F
SR 4 between Somersville Road and Contra Loma Boulevard	4	2000	101,000	F
SR 4 between Contra Loma Boulevard and G Street	4	2000	93,000	F
SR 4 between G Street and A Street	4	2000	86,000	F
SR 4 between A Street and Hillcrest Avenue	4	2000	71,000	F
SR 4 between Hillcrest Avenue and SR 160	4	2000	37,500	C
SR 4 between junction SR 160 and Oakley Road/Charles Way	4	2000	35,000	C
SR 4 westbound on ramp from Somersville Road	1	1997	8,800	C
SR 4 eastbound off ramp to Somersville Road southbound	1	1997	4,000	A
SR 4 westbound off ramp to Somersville Road	1	1997	11,400	D
SR 4 eastbound off ramp to Somersville Road northbound	1	1997	5,300	B
SR 4 eastbound on ramp from Somersville Road	1	1997	12,700	D
SR 4 eastbound off ramp to L Street/Contra Loma Boulevard	1	1997	4,100	A
SR 4 westbound on ramp from L Street/ Contra Loma Boulevard	1	1997	3,700	A
SR 4 eastbound off ramp to G Street	1	1997	3,700	A
SR 4 westbound on ramp from G Street	1	1997	3,000	A
SR 4 eastbound off ramp to A Street/Lone Tree Way	1	1997	11,600	D
SR 4 westbound on ramp from A Street/Lone Tree Way	1	1997	11,700	D
SR 4 eastbound on ramp from A Street/Lone Tree Way	1	1997	3,250	A
SR 4 westbound off ramp to A Street/Lone Tree Way	1	1997	3,550	A
SR 4 eastbound off ramp to Hillcrest Avenue	2	1997	15,100	C
SR 4 westbound on ramp from Hillcrest Avenue	2	1997	15,700	C
SR 4 eastbound on ramp from Hillcrest Avenue	1	1997	1,800	A
SR 4 westbound off ramp to Hillcrest Avenue	1	1997	1,500	A
SR 4 westbound on ramp from SR 4/E. 18th Street	1	1997	14,400	E
SR 4 eastbound off ramp to SR 4	1	1997	14,700	E
SR 4 eastbound on ramp from SR 4/E. 18th Street	1	1997	960	A
A Street between 13th & 15th Streets	4	1/22/96	13,838	A
Buchanan Road between Mission Drive & Lucena Way	4	9/29/99	14,595	A
Cavallo Road between East 18th Street & Parker	2	4/14/99	6,658	B
Contra Loma Boulevard between Longview Road & Putnam Street	4	10/27/99	9,504	A
East 18th Street between Crestwood Drive & Marie Avenue	2	10/27/99	16,481	E
Hillcrest Avenue between Davison Drive & Larkspur Drive	6	1/23/95	28,354	B
James Donlon Boulevard between Gentrytown Drive & Silverado Drive	4	2/27/99	10,094	A
Lone Tree Way south of James Donlon Boulevard	4	2/8/96	19,723	A
Somersville Road between Delta Fair Boulevard & SR 4	6	6/18/98	46,016	D
18th Street north of L Street	2	2/20/99	8,830	C
18th Street west of D Street	2	2/20/99	10,547	D
Bluerock Drive east of Lone Tree Way	2	10/12/99	1,307	A
Buchanan Road at western City Limits	2	10/17/99	18,754	F
Carpinteria Drive at Welch Way	2	10/12/99	1,818	A

Table IV.D-10 - Existing Average Daily Traffic Roadway Segment Levels of Service

Segment	Number of Lanes	Date of Count	ADT ^a Volume	LOS
Cavallo Drive north of Sunset Drive	2	4/11/99	10,037	D
Clayburn Road west of Lone Tree Way	4	2/27/99	3,223	A
Country Hills Drive at Buckskin Drive	2	10/5/99	6,432	B
Country Hills Drive at Chism Way	2	10/5/99	2,529	A
Davison Drive west of Deer Valley Road	4	4/18/99	10,555	A
Davison Drive at Mountaire Drive	4	10/5/99	10,908	A
Deer Valley Road north of Davison Drive	4	12/5/99	22,204	A
Deer Valley Road between Carpinteria Drive & Wildflower Drive	4	1/9/00	19,220	A
Delta Fair Boulevard west of Belle Drive	4	3/28/99	15,953	A
Delta Fair Boulevard north of Buchanan Road	4	12/12/99	16,939	A
Delta Fair Boulevard south of Fairview Avenue	4	3/14/99	20,624	A
East 18th Street at Evergreen Avenue	2	10/23/97	17,442	F
East Tregallas Road between Harbour Drive & Hillcrest Avenue	2	10/24/99	4,670	A
Fairview Drive east of Delta Fair Boulevard	2	3/7/99	6,820	B
G Street & Putnam Street	2	4/28/99	5,826	A
Gentrytown Drive north of Putnam Street	2	5/9/99	10,334	A
Hillcrest Avenue north of Deer Valley Road	4	12/12/99	25,658	B
James Donlon Boulevard west of G Street	4	5/30/99	16,987	A
James Donlon Boulevard west of Lone Tree Way	4	2/20/99	17,258	A
L Street & SR 4	4	11/28/99	12,374	A
Lone Tree Way south of Putnam Street	4	11/28/99	26,505	C
Mahogany Way south of Somersville Road	2	5/16/99	5,264	A
Putnam Street east of Gentrytown Drive	2	5/5/99	3,898	A
Ridgerock Drive east of Lone Tree Way	3	2/20/99	3,016	A
San Jose Drive east of Delta Fair Boulevard	3	5/12/99	3,658	A
Somersville Road north of Contra Costa Canal	2	10/19/99	9,188	B
Somersville Road south of Costco Way	4	11/28/99	19,056	A
Somersville Road south of County East Mall	4	6/18/98	16,118	A
Somersville Road south of SR 4 eastbound on-ramp	6	6/19/98	42,718	A
Somersville Road north of Delta Fair Boulevard	4	6/18/98	14,680	A
Sunset Avenue east of Lone Tree Way	2	2/27/99	2,134	A
Wildhorse Road east of Folsom Drive	4	2/13/99	1,450	A
Wildhorse Road east of Hillcrest Avenue	4	2/13/99	5,286	A
Wildhorse Road between Hillcrest Road & Folsom Drive	4	1/16/00	5,948	A

^a ADT =Average daily traffic. For any roadway segments where traffic counts were not available for both directions, the counted direction was doubled for the purposes of determining level of service.

Source: Dowling Associates, Inc., 2001.



Gray Davis
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse



Tal Finkbeiner
Interim Director

September 9, 2003

Victor Carniglia
City of Antioch
P.O. Box 5007
Antioch, CA 94531-5000

Subject: City of Antioch Draft General Plan Update EIR
SCH#: 20030022140

RECEIVED

SEP 10 2003

CITY OF ANTIOCH
COMMUNITY DEVELOPMENT

Dear Victor Carniglia:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on September 8, 2003, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

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

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

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

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 4-5-0613 if you have any questions regarding the environmental review process.

Sincerely,

Terry Roberts
Director, State Clearinghouse

Enclosures
cc: Resources Agency

**Document Details Report
State Clearinghouse Data Base**

SCH# 2003072140
Project Title City of Antioch Draft General Plan Update EIR
Lead Agency Antioch, City of

Type EIR Draft EIR

Description The City of Antioch is in the process of a comprehensive revision and update of the 1988 Antioch General Plan. The General Plan is the City's most important statement regarding its ultimate physical, economic, and cultural development within the given time period and will be used by officials and others to guide decisions governing development and management of human and natural resources. The General Plan uses text, maps, and illustrations to document the organization of physical, environmental, economic, and social activities desired by the City's residents in order to create and maintain a healthful, functional, and desirable community. The General Plan addresses immediate and long-term issues including traffic, expansion of the local employment base, provision of public services, and environmental constraints. The goal of the General Plan is to provide a consistent policy guide, which incorporates public health, safety, and "quality of life" considerations.

Lead Agency Contact

Name Victor Carniglia
Agency City of Antioch
Phone 925 779-7035 **Fax**
email
Address P.O. Box 5007
City Antioch **State** CA **Zip** 94531-5007

Project Location

County Contra Costa
City Antioch
Region
Cross Streets Citywide
Parcel No. Citywide
Township Various **Range** Various **Section** Various **Base** Citywide

Proximity to:

Highways SR 4
Airports
Railways UP, BNSF
Waterways San Joaquin River
Schools Antioch Unified School District
Land Use Various

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Drainage/Absorption; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife; Growth Inducing; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Conservation; Department of Fish and Game, Region 3; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Office of Emergency Services; California Highway Patrol; Caltrans, District 4; Caltrans, Division of Transportation Planning; Department of Housing and Community Development; Integrated Waste Management Board; Regional Water Quality Control Board, Region 2; Native American Heritage Commission

Date Received 07/25/2003 **Start of Review** 07/25/2003 **End of Review** 09/08/2003

Response to Letter D: California Office of Planning and Research

- D-1 The Comment Letter includes a Document Detail Report, listing the State agencies that have reviewed the Draft EIR. It also includes a reference to Section 21104(c) of the California Resources Code that states:

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

The comment is informational in nature, and raises no substantive issues regarding the adequacy of the Draft EIR. No further response is necessary.



**BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT**

ALAMEDA COUNTY
Roberta Goggin
Scott Haggerty
(Chairperson)
Nora May
Shelia Young

CONTRA COSTA COUNTY
Mark DeSaulnier
Mark Ross
Gayle Ulkema
(Secretary)

MARIN COUNTY
Harold C. Brown, Jr.

NAPA COUNTY
Brad Wagenknecht

SAN FRANCISCO COUNTY
Willie Brown, Jr.
Chris Daly
Jake McGoldrick

SAN MATEO COUNTY
Jerry Hill
Marland Townsend
(Vice-Chairperson)

SANTA CLARA COUNTY
Liz Kriss
Patrick Kwok
Julia Miller
Dana Mosser

SOLANO COUNTY
John F. Silva

SOLANO COUNTY
Tim Smith
Pamela Torralba

William C. Norton
EXECUTIVE OFFICER/APCO

August 29, 2003

RECEIVED

SEP 02 2003

CITY OF ANTIOCH
COMMUNITY DEVELOPMENT

Alexis Morris, Assistant Planner
Department of Community Development
City of Antioch
P.O. Box 5007
Antioch, CA 94531-5007

Subject: City of Antioch General Plan Update and Draft EIR

Dear Ms. Morris:

Bay Area Air Quality Management District (District) staff have received the Draft Environmental Impact Report (DEIR) for the Antioch General Plan Update. The General Plan will consider full development or "build-out" of the City of Antioch and is intended to provide guidance for land use and development decisions until 2030. We have reviewed the DEIR as well as the Draft General Plan, and we are providing information and comments on the air quality aspects of future development in the Antioch area.

The Bay Area is currently a nonattainment area for federal and state ambient air quality standards for ground level ozone and state standards for particulate matter. The air quality standards are set at levels to protect public health and welfare. Motor vehicles are the largest source of air pollution in the Bay Area. Air pollution from vehicles is influenced not only by the vehicle's emission rate, but also by how much the vehicle is driven. Implementing land use patterns and transportation options that reduce our dependence on single-occupant driving is critical to achieving clean air. Therefore, we believe it is important for the District to partner with Bay Area cities and counties to encourage local actions that can significantly improve air quality both locally and throughout the region.

We support Antioch's consideration of how the General Plan Update will impact local and regional air quality. Many of the Plan's goals and policies could help to improve air quality by: working to balance the city's housing supply with employment; enhancing local transportation systems to provide feasible alternatives to personal automobile travel; encouraging transit-oriented and pedestrian-oriented development; and facilitating construction of a diversity of housing types.

Currently, the General Plan Update includes a brief discussion of air quality in the Resource Management Element. Further discussion in this air quality section or the addition of an air quality element to the General Plan Update could help ensure an appropriate policy focus on clean air. In particular, the General Plan can be improved by including the following information: 1) a discussion about the relationship between land use, transportation and air quality; 2) a discussion about how existing policies and programs in Antioch have affected air quality; and 3) a

more detailed description of proposed new policies and programs that will help to improve air quality.

We commend the City of Antioch's participation in the current Contra Costa County "Shaping Our Future" smart growth planning process. Decisions from this process will help to guide a number of growth related issues throughout the county including more efficient use of land, the reduction of traffic congestion and better transit service. We believe that through land use decisions that support transit, walking and cycling, Bay Area cities can help to minimize vehicle trips and to improve local and regional air quality. The Plan makes reference to the Antioch test site for the "Shaping Our Future" process, but fails to incorporate the smart growth principles from that county-wide planning process into the City's vision for the future development of Antioch. We strongly recommend that the City consider the smart growth strategies that have emerged from "Shaping Our Future" as your agency revises the draft General Plan Update.

As we stated in our *April 15, 2003* comment letter sent to your agency in response to the Notice of Preparation for this DEIR, we recommended an analysis of the General Plan's consistency with the *Bay Area 2000 Clean Air Plan (CAP)*. The DEIR lists the appropriate criteria to satisfy the plan consistency requirement on *page 4.2-14*, but then does not undertake the full analysis. The DEIR indicates that the rate of increase of VMT is likely to exceed ABAG's population projections for Antioch, and concludes that "implementation of the policies provided in the proposed General Plan will improve consistency with clean air plan population and VMT assumptions; however, significant impacts would remain. This impact is significant and unavoidable, and the policies represent the best available mitigation measures" (*p. 4.2-19*). However, if planned using smart growth principles, new development in Antioch does not necessarily mean that vehicle use will increase at a rate inconsistent with the CAP. Using a smart growth model of development can encourage more walking, biking and transit use and can reduce the rate of increase in VMT. We strongly urge the City to commit to more creative land use and circulation policies and more aggressive mitigation measures in the General Plan Update and Final EIR (FEIR) in order to reduce air quality impacts as much as possible. Finally, we recommend that the City complete the analysis of the General Plan's consistency with the *Bay Area 2000 Clean Air Plan (CAP)* by also determining local plan consistency with CAP TCM's and indicating whether buffer zones will be established around existing and proposed sources of odors and toxics.

In particular, we think it is important for the City to consider the air quality impacts of the proposed growth management and land use policies in the draft General Plan. As we stated in our *September 26, 2002* comment letter on the Sand Creek Specific Plan DEIR, we are generally supportive of providing more housing in the region, but the location and density of new residential development and its proximity to services is extremely important. We are in favor of appropriate "infill" development that is of a moderate to high density, has a variety of land uses and encourages alternative modes of transportation. Such projects are generally much less automobile-dependent and thereby generate less air pollution than conventional sprawl development. We remain concerned about the amount of new development being proposed for the southern part of Antioch (Sand Creek, Roddy Ranch and Gillochle areas, in particular). We believe that the urban fringe is an inappropriate location for the level of development proposed

for those areas in the draft General Plan. The City should consider reworking the land use component of the plan to concentrate future development in already urbanized areas with existing transit facilities and neighborhood services.

5

Antioch and other communities in eastern Contra Costa County currently have a vast jobs/housing imbalance, with many local residents commuting long distances to work, many times driving alone. Cumulatively, these trips end up harming air quality. We commend the City for emphasizing the importance of balancing the number of local jobs with the number of residential units by making the development of employment uses a top priority in the General Plan Update (p. 4-4). We encourage the City to further attempt to reduce vehicle trips and vehicle miles traveled (VMT) as well as improve the jobs-housing balance by encouraging the development of housing and jobs on urban in-fill sites close to existing or future transit facilities. Long-distance commutes could be reduced if more Antioch residents were also local employees.

6

Both the air quality and circulation sections of the General Plan mention City policies and programs designed to achieve the goals of reducing automobile travel demand and promoting alternatives to the single-occupant vehicle. We were disappointed that our recommended Transportation Control Measures (TCM) for City General Plans from our CEQA guidance document, *BAAQMD CEQA Guidelines: Assessing the Air Quality Impacts of Projects and Plans (1999)*, were not listed in the Draft General Plan or the DEIR. We believe the City can use this General Plan Update to take a more active role in shaping local land use and transportation policy to encourage more use of alternative modes of transportation. Specifically, we recommend that the City consider additional air quality beneficial policies and provide more detail on the already proposed programs.

7

The General Plan includes *Air Quality Policies* that aim to reduce emissions from mobile sources, particularly those from single-occupant vehicles. We support the City's efforts to: encourage more mixed-use and bicycle/pedestrian accessible development; install transit improvements and amenities; provide bicycle and pedestrian facilities; require off-site mitigation for transit use; and encourage "clean" vehicles (p. 10-8, 10-9). We encourage the City to include more specific examples of how Antioch will implement such policies. Further, we suggest that the City consider including additional Transportation Demand Management (TDM) measures for reducing future vehicle trips in Antioch including: trip reduction programs, vanpools, preferential parking, flex time, shuttles to transit, transit subsidies for local employees, parking cash-out programs, better access to transit and services, compact and pedestrian / bicycle-friendly urban design, and compatible mixed use neighborhoods. Clearly, there is no single solution to reducing motor vehicle use, and we support the City in undertaking a multifaceted approach to the problem.

8

Planning for public transit in Antioch should include not only car-pool bus and rail service but also planning for the areas surrounding future transit facilities. In particular, the City should carefully consider which land uses will be most appropriate for development near proposed transit nodes, such as the proposed Antioch BART station. For example, we believe the maximum density for the high density residential land use designation (20 dwelling units per acre) in the draft General Plan should be increased, especially for developments within 1/4 mile of transit facilities. (p. 4-20). Increasing density means that more residents can walk and bike from

9

their homes to transit stations thereby reducing the number and length of vehicle trips and improving air quality. The General Plan Update should include discussion on opportunities for improving the City's transportation network including ways to make transit more accessible and convenient.

9

We are concerned about the General Plan Update's lack of discussion with regards to off-street parking. According to the DEIR, "parking has not been identified as an issue within the City, and adequate parking appears to be available in the Downtown and other commercial areas" (p. 4.13-6). Suburban communities like Antioch tend to have off-street parking policies that result in an oversupply of parking, which is one of the reasons many residents do not consider alternatives to the single-occupant vehicle. An over-supply of off-street parking also impedes more compact development patterns. We recommend that the City explore creative approaches to parking in Antioch such as actively reducing the number of off-street parking spaces and the implementation of parking cash-out programs for retail and commercial land uses. **Parking cash-out requires employers to provide transit and/or ridesharing subsidies to non-driver employees in amounts equivalent to the subsidized parking, thereby encouraging those who would normally drive alone to consider a commute alternative.**

10

In our *April 15, 2003* letter, we stated that the DEIR should evaluate whether implementing the General Plan will create or exacerbate land use conflicts that would result in adverse air quality impacts. Various industrial, commercial and agricultural land uses can be potential sources of air pollutants, and nearby sensitive receptors might potentially be exposed. In the *Hazardous Materials* chapter, the DEIR indicates that "buildout of the proposed General Plan may result in increased risk of upset associated with the routine use, generation, and transportation of hazardous materials, which may potentially pose a health or safety hazard" (p. 4.6-4). The DEIR does not analyze the air quality impacts of potential land use conflicts. Therefore, the FEIR should address all potential air quality impacts of plan development including: 1) the impacts of introducing new residents and other sensitive receptors near existing sources of air pollutants; and 2) the impacts of introducing new sources of air pollutants near existing sensitive receptors. The FEIR should also evaluate potential nuisance impacts, such as odors and dust that could result from plan implementation. Odors and dust may not necessarily cause physical harm, but can still be unpleasant and lead to citizen complaints. The General Plan Update should seek to avoid such impacts.

11

The demolition of existing structures could expose people to hazardous building materials such as asbestos or lead-based paint. The remediation of petroleum-contaminated soil can also have air quality ramifications and may be subject to District regulations. Any of these actions require careful mitigation planning and may need prior approval from the District. For more information on District regulations regarding demolition and treatment of contaminated soil, please contact our Compliance and Enforcement Division at (415) 749-4762.

12

We are also concerned about the amount of particulate matter that could be produced from woodburning stoves and fireplaces installed in future residential units. We are pleased to note that the General Plan includes an air quality policy that would "require new wood-burning stoves and fireplaces to comply with EPA and BAAQMD approved standards" (p. 10-9). We encourage the City to also adopt an official woodsmoke ordinance for fireplaces and woodstoves.

13

Ms. Alexis Vargas

-5-

August 29, 2002

to reduce particulate pollution in Antioch. Such an ordinance would require that all future development in the City include only clean-burning EPA-certified wood-burning appliances, pellet-fueled stoves, or natural gas fireplaces in future residential units. District staff are available to assist the City in the development of a local woodsmoke ordinance. If your agency is interested in learning more about the District's model woodsmoke ordinance program, please contact Lorna Salaver, Public Information Officer, at (415) 749-5196 or by email at lsalaver@baaqmd.gov.

13

Again, we support your efforts towards making Antioch a more sustainable community and urge you to consider further how air quality will be affected by your City's development plans. As your agency continues work on the General Plan Update, District staff are available to provide guidance and technical assistance related to air quality. If you have any questions regarding these comments, please contact Suzanne Bourguignon, Environmental Planner, at (415) 749-5093.

Sincerely,



William C. Norton
Executive Officer/APCO

WN:SB

cc: BAAQMD Director Mark DeSanctis
BAAQMD Director Mark Ross
BAAQMD Director Gayle Uilkema

Response to Letter E: Bay Area Air Quality Management District

- E-1 The City thanks the BAAQMD for its support of the proposed General Plan's goals and its conclusion that its policies will assist in the reduction of local and regional air quality impacts. No substantive issues are raised in this Comment regarding the adequacy of the EIR, and no further response is necessary.
- E-2 This comment does not raise any substantive environmental issues regarding the adequacy of the Draft EIR. The Comment requests further discussion of air quality in the Resource Management Element of the proposed General Plan. The General Plan confronts the issue of land use, transportation, and air quality by requiring developers of large development projects to participate in specific programs and take measures to improve traffic flow and/or reduce vehicle trips (proposed General Plan page 10-10). The General Plan also makes a substantial effort toward achieving a balance of local employment and housing opportunities as a means of reducing the long-distance commutes now plaguing many Bay Area residents. The proposed General Plan sets forth a vision and provides a plan for achieving that vision through the year 2030. The General Plan is based on a review of existing conditions, including traffic, land use and air quality conditions that affect the City. It provides a guide to preserving those features of the community that give Antioch its distinct character (e.g., Rivertown, views of open hillsides to the south), changing those features that impact on residents' quality of life (e.g., traffic congestion, lack of local employment opportunities), managing the community's natural environment, and ensuring adequate services and facilities to support the City's future needs.

While a discussion of the relationship between land use, transportation, and air quality would be informative, it would not materially add to the ability of existing General Plan policies to address air quality issues. An understanding of the strengths and weaknesses of the City's existing (1988) General Plan formed a basis for preparation of the air quality-related plans, policies, and programs in the updated General Plan. While such an understanding is of value in preparing an update to a City's General Plan, it is of far less value being presented within the updated General Plan itself. State General Plan guidelines call for evaluation of past General Plan policies to assist in preparation of an updated plan, but it is only the guidelines for the Housing Element that call for an evaluation of the effectiveness of past policies and programs to be presented in an updated General Plan element. The comment also calls for providing more detailed description of General Plan policies. As discussed in relation to biological resource policies, the General Plan sets forth environmental performance standards to be applied during the City's development and environmental review processes for individual development projects. The existing policies are sufficiently detailed so as to facilitate their subsequent application to specific development projects, and are sufficiently broad so as to allow for differences in site-specific conditions.

- E-3 This comment does not raise any substantive environmental issues regarding the adequacy of the Draft EIR, but addresses the incorporation of "smart growth" policies in the General Plan. The Comment implies that the Antioch General Plan does not incorporate the smart growth policies that have emerged from the County's "Shaping the Future" project. The updated General Plan does, in fact, incorporate a wide variety of smart growth features including, but not limited to:

- Achieving a local balance between housing and employment opportunities, along with a broad range of housing types for all economic segments of the community.
- Development of high density, mixed-use transit-oriented development in the vicinity of rail transit stations within the downtown area, near the Hillcrest Avenue/SR-4 interchange, and in the southeastern portion of the General Plan study area in the area being studied in the County's "Shaping the Future" project.
- Implementation of preferential lanes for use by buses and other forms of public transit in the vicinity of rail transit stations.
- Providing safe bicycle routes to school and park facilities from residential neighborhoods throughout the community.

E-4 The General Plan was crafted with substantial input from the Contra Costa County Bicycle Coalition. In addition, a Board member of Tri-Delta Transit served on the City's General Plan Steering Committee. The land use pattern proposed in the General Plan places substantial new employment-generating land in close proximity to residential development. As a result of this input, the measures identified in Response E-3 and other transportation and air quality measures set forth in the General Plan.

Several of the Transportation Control Measures (TCMs) set forth in the Bay Area 2000 Clean Plan involve regional programs and activities which the City can and does support. The General Plan supports each of the TCMs identified in the Clean Air Plan as described below.

- Support Voluntary Employer-Based Reduction Programs. Policy 10.6.2b of the General Plan requires large non-residential development project to "participate in programs and take measures... reduce vehicle trips." Examples of such programs, which would be applied to development projects as part of the City's environmental and development review processes, include development of mixed-use projects facilitating home to work trips via bicycle and walking, installation of on-site transit improvements to facilitate bus use, contributions toward off-site transit improvements, and provision of on-site pedestrian and bicycle facilities.
- Improve Areawide Transit Service. As noted above, Policy 10.6.2b includes provisions for transit improvements as part of large non-residential development. The policy provides the same requirements for large residential developments. Policy 7.5.2a of the General Plan aims at facilitating the development and use of two proposed rail transit centers within the City by permitting higher residential densities and mixed-use development adjacent to the proposed transit stations, working to improve adjacent freeway interchanges to accommodate traffic to the parking lots of these stations, and developing a system of dedicated transit lanes on the local street system connecting these stations to employment-generating and major residential areas within the City. Policy 7.5.2b permits higher residential densities than would otherwise be permitted adjacent to the existing Amtrak stop in the downtown area. Policy 7.5.2c and the provisions of the Land Use Element are aimed at facilitating high density, transit-oriented development adjacent to the existing and two proposed rail transit stations in and adjacent to Antioch. Other Circulation Element policies designed to facilitate transit use include establishment of multi-modal transit connections, preserving rights-of-way for extension of rail transit

facilities, including Tri-Delta Transit in the review of development projects, providing information to local residents and workers on the availability of transit services, and working with regional transportation agencies to determine the feasibility of establishing water transit facilities in Antioch along the San Joaquin River.

- Improve Regional Rail Service. As noted above, a number of policies and programs is set forth in the General Plan to facilitate the expansion of rail service within Antioch.
- Improve Access to Rail and Ferry Service. As noted above, policies and programs to improve access to rail service include improvements to freeway interchanges, increased development density and mixed use adjacent to rail transit stations, assurance of adequate parking facilities, and establishment of dedicated or priority lanes for bus transit accessing rail stations.
- Improve Intercity Rail Service. The Antioch General Plan supports this TCM by facilitating access to such rail service, as described above.
- Improve Ferry Service. Policy 7.5.2k specifically calls for working with ABAG, the Contra Costa Transportation Commission, the Ports of Oakland and San Francisco, and potential water transit purveyors to determine the feasibility of establishing ferry service in Antioch. Facilities for such a service could be developed in several locations along the San Joaquin River, including Rogers Point and the former Fulton Shipyard.
- Construct Carpool/Express Bus Lanes on Freeways. This TCM is regional in nature. The Antioch General Plan supports this measure by providing for the establishment of park-and-ride lots (Policy 7.5.2f).
- Improve Bicycle Access and Facilities. As noted above, the General Plan was prepared with substantial input from the Contra Costa Bicycle Coalition. Section 7.4 of the General Plan sets forth the City's program to facilitate bicycle use. This program includes improvements to a large number of bicycle facilities (Table 7.B); designing new residential neighborhoods to provide safe bicycle routes to schools, shopping, and parks; providing appropriate night lighting of bicycle facilities; maintaining roadway cross-sections and bridge designs that facilitate bicycle use; providing multi-use paths along creek corridors, rail rights-of-way, utility corridors, and linear parks; providing Class II or Class I bicycle facilities along or adjacent to all arterial streets, high volume collector roadways, and major access routes to schools and parks; requiring the provision of bicycle parking and other support facilities at new office, retail, and public facilities; and providing direct access between commercial uses and adjacent residential neighborhoods.
- Youth Transportation. Although the City does not directly provide youth transportation services, the General Plan supports youth transportation by facilitating the use of bicycles for transportation to schools, parks, and shopping areas, as described above.
- Install Freeway/Arterial Metro Traffic Operation System. This measure consists of operating a freeway service patrol on congested Bay Area Freeways. There are no provisions of a City General Plan that would materially facilitate the implementation of this TCM.
- Improve Arterial Traffic Management. Policy 7.3.2a of the General Plan calls for signal synchronization along major arterials. This policy is also aimed at improving traffic flow along arterials by limiting driveway access and providing appropriate

acceleration/deceleration lanes at major drive entries, provision of reciprocal access between non-residential uses, and construction of railroad grade separations.

- Transit Use Incentives. As noted above, the General Plan supports the increased use of transit by expanding rail transit facilities and facilitating access to and from transit stations. Employer participation in providing transit use incentives to employees would be considered as part of the environmental review of large employment-generating projects pursuant to the provisions of General Plan Policy 7.5.2a.
- Improve Rideshare/Vanpool Services and Incentives. Incentives for rideshare and vanpool services would be addressed as part of General Plan Policy 7.5.2a, as described above. In addition, the General Plan supports the establishment of new park-and-ride facilities within the City.
- Local Clean air Plans, Policies, and Programs. As noted in the BAAQMD Comment letter, the City of Antioch is participating in the “Shaping Our Future Project.” The updated General Plan, including its transportation, air quality and land use policies, represents a significant effort toward preparing and implementing a local air quality plan.

E-5 The proposed General Plan provides for infill development within currently developed areas of the City, including higher residential development adjacent to existing and proposed transit stations and exempting development within the downtown area and small infill projects from the City’s residential growth allocation system. Expansion of urban development into the Sand Creek Focus Area has been anticipated since adoption of the City’s existing General Plan in 1988. The provisions of that plan called for planning development of Future Urban Area (FUA) 1 (Sand Creek Focus Area) once an alignment for the SR-4 by-pass was selected, environmental documentation for the by-pass was completed, and the Southeast Specific Plan area was largely developed. The 1988 General Plan also called for preparation of a market feasibility analysis to determine the timing of actual development. Each of the criteria for consideration of development within the Sand Creek Focus Area has been met, and the area’s development is currently being considered by the City. The 1988 General Plan forecasted that actual development of FUA 1 would occur sometime after 2000.

The updated General Plan is applying the same long-term consideration to development within the Roddy Ranch and Ginocchio Property Focus Areas in the updated General Plan as it did for FUA 1 in 1988. Because of the need to address infrastructure, environmental, and transportation issues, and because of the limitations on development placed by the City’s residential growth allocation system, urban development within the Roddy Ranch and Ginocchio Property Focus Areas is included in the General Plan as a long-range concept. The proposed General Plan is a long-range planning document that is to guide the development and environmental management through the year 2030. The development of the Roddy Ranch and Ginocchio Property Focus Areas will not occur until the urbanized areas of the City have grown southward and will be adjacent to these Focus Areas. This will occur because the cost of infrastructure to develop these areas would not be affordable without the southward build out of the City. The developers of these Focus Areas would not be able to afford the cost of new roads, water lines, sewer lines, and other infrastructure facilities that are needed to support development. Additionally the City’s Growth Management Element will regulate growth within the City. This Element restricts the residential construction within the City per year and creates performance standards for public services and facilities. More specific

information about the City's growth management policies and objectives can be found in Chapter 3.0 of the proposed General Plan.

- E-6 See Responses E-4 and E-5. The proposed General Plan has been designed to facilitate infill development and provide for high density, transit-oriented development. By focusing on employment-generating development in the eastern and southeastern portions of the City, trip lengths between new employment-generating uses and new residential development in eastern Contra Costa County can be minimized as residential development expands to the east in Brentwood, Oakley, and Discovery Bay. Essentially, new employment areas in eastern and southeastern Antioch would act as a "catchment," eliminating the need for increased number of home to work trips along congested portions of SR-4 through Antioch and to the west.
- E-7 Table 5 of the BAAQMD's CEQA Guidelines (December 1999) contain Clean Air Plan Transportation Control Measures (TCMs) to be implemented by local government. These are described below.

- Support Voluntary Employer-Based Trip Reduction Programs. BAAQMD CEQA Guidelines suggest that local governments should provide assistance to regional and local ridesharing organizations and advocate legislation to maintain and expand incentives (e.g., tax deductions/credits). As noted in Response E-4, the General Plan requires large non-residential development project to "participate in programs and take measures... reduce vehicle trips," such as development of mixed-use projects facilitating home to work trips via bicycle and walking, installation of on-site transit improvements to facilitate bus use, contributions toward off-site transit improvements, and provision of on-site pedestrian and bicycle facilities.

To further implement this TCM, the policy following has been added to the General Plan:

10.6.2e Support and facilitate employer-based trip reduction programs by recognizing such programs in environmental mitigation measures for traffic and air quality impacts where their ongoing implementation can be ensured, and their effectiveness can be monitored.

- Improve Bicycle Access and Facilities. BAAQMD CEQA Guidelines suggest that local governments improve and expand bicycle lane system by providing bicycle access in plans for all new road construction or modifications; establish and maintain bicycle advisory committees in all nine Bay Area counties; designate a staff person as a Bicycle Program Manager; develop and implement comprehensive bicycle plans; encourage employers and developers to provide bicycle access and facilities; and provide bicycle safety education. As noted in Response E-4, the General Plan was prepared with substantial input from the Contra Costa Bicycle Coalition. Section 7.4 of the General Plan of the General Plan includes improvements to a large number of bicycle facilities (Table 7.B); designing new residential neighborhoods to provide safe bicycle routes to schools, shopping, and parks; providing appropriate night lighting of bicycle facilities; maintaining roadway cross-sections and bridge designs that facilitate bicycle use; provide multi-use paths along creek corridors, rail rights-of-way, utility corridors, and linear parks; providing Class II or Class I bicycle facilities along or adjacent to all arterial streets, high-volume collector roadways, and major access routes to schools and parks; requiring the provision of bicycle parking and other support facilities at new office, retail,

and public facilities; and providing direct access between commercial uses and adjacent residential neighborhoods.

- Improve Arterial Traffic Management. BAAQMD CEQA Guidelines suggest that local governments study signal preemption for buses on arterials with high volume of bus traffic, improve arterials for bus operations and encourage bicycling and walking, continue and expand local signal timing programs, only where air quality benefits can be demonstrated. As noted in Response E-4, the General Plan calls for signal synchronization along major arterials, and aims at improving traffic flow along arterials by limiting driveway access and providing appropriate acceleration/deceleration lanes at major drive entries, provision of reciprocal access between non-residential uses, and construction of railroad grade separations. Also included in the General Plan is a program calling for priority or exclusive lanes for transit within areas surrounding rail transit stations. Also, as noted above and in Response E-4, the General Plan includes substantial provisions for facilitating bicycle use. In addition, specific policies are set forth to encourage pedestrian travel. In addition to policies and programs to facilitate pedestrian-oriented villages adjacent to rail transit stations, Section 7.4.2 of the General Plan includes policies to require direct pedestrian connections between shopping centers and adjacent residential neighborhoods, facilitate development of off-street pedestrian paths, safe routes connecting residential neighborhoods to schools and parks, and improved design and safety of pedestrian walks.
- Local Clean Air Plans, Policies, and Programs. BAAQMD Guidelines call for local agencies to incorporate air quality beneficial policies and programs into local planning and development activities, with a particular focus on subdivision, zoning and site design measures that reduce the number and length of single-occupant automobile trips. As discussed in Response E-2 and other bullet points in this response, a variety of programs aimed at reducing the number and length of single-occupant automobile trips is included in the proposed General Plan. These include policies promoting transit-oriented development adjacent to existing and proposed rail transit stations, park-and-ride facilities, facilitating use of bicycle and pedestrian travel, and encouragement of bus use.
- Conduct Demonstration Projects. BAAQMD Guidelines call for local agencies to promote demonstration projects to develop new strategies to reduce motor vehicle emissions. Projects include low-emission vehicle fleets and LEV refueling infrastructure. Policy 10.6.2 of the General Plan calls for the City to “budget for purchase of clean fuel vehicles, including electrical and hybrid vehicles where appropriate, and, if feasible, purchase natural gas vehicles as diesel powered vehicles are replaced.” In addition, Policy 10.6.2b calls for “provision of charging stations for electric vehicles within large employment-generating and retail developments” as a means of mitigating air quality impacts. In addition, specific policies are set forth to encourage pedestrian travel. As noted above, in addition to policies and programs to facilitate pedestrian-oriented villages adjacent to rail transit stations, the General Plan includes policies to require direct pedestrian connections between shopping centers and adjacent residential neighborhoods, facilitate development of off-street pedestrian paths, safe routes connecting residential neighborhoods to schools and parks, and improved design and safety of pedestrian walks.
- Pedestrian Travel. BAAQMD CEQA Guidelines suggest that local governments maintain General Plan policies to promote development patterns that encourage walking and

circulation policies that emphasize pedestrian travel and modify zoning ordinances to include pedestrian-friendly design standards, that they include pedestrian improvements in capital improvement programs, and designate a staff person as a Pedestrian Program Manager.

- Promote Traffic Calming Measures. BAAQMD Guidelines call for local agencies to include traffic calming strategies in the transportation and land use elements of general and specific plans, and include traffic calming strategies in capital improvement programs. The General Plan Steering Committee considered the inclusion of requirements for the provision of traffic calming measures in the General Plan, and decided that requirements for the provision of traffic calming should not be set forth. Provisions for incorporation of traffic calming measures in development projects will be considered on a project-by-project basis.

E-8 Please refer to Responses E-2 and E-4. As noted in these Responses, the General Plan aims to increase local employment opportunities and balance them with local housing opportunities, increase transit use through mixed-use, transit-oriented development, facilitate use of bicycle and pedestrian movement throughout the community, and work with large employment-generating uses to reduce vehicle use. The City concurs that there is no single solution to reducing motor vehicle use. Thus, the General Plan sets forth a series of performance standards to be implemented during the environmental review of specific development projects. These measures will be designed to address the specific circumstances of the individual development projects and the probable air quality impacts they may cause.

E-9 The General Plan provides for the development of high-density, mixed-use transit-oriented development in the vicinity of existing and proposed rail transit stations (existing downtown Amtrak station and proposed rail transit stations near Hillcrest Avenue and the East Lone Tree Focus Area). Policy “i” for the Rivertown Focus Area permits residential uses on the upper floors of commercial development within the City’s downtown area. The density for these sites is determined based on commercial floor area ratios, and will allow for densities higher than 20 units per acre. Policy “l” for the Rivertown Focus Area permits transit-oriented development adjacent to the existing Amtrak platform. Policies for the SR-4 Frontage and East Lone Tree focus areas also permit transit-oriented development in proximity to proposed rail transit stations near Hillcrest Avenue and the SR-4 by-pass. The General Plan defines maximum building intensity within transit-oriented development based on floor area ratios, permitting residential development within a mixed-use setting to exceed 20 du/ac.

E-10 The City disagrees with the comment’s conclusion that purposefully providing insufficient parking will positively impact air quality. The shortage of parking will more likely cause people to drive around longer and circle repetitively to look for spaces within overcrowded parking facilities. As a standard during environmental review of individual development projects, inadequate parking is considered a significant impact. Therefore, to cause a shortage of parking would be to cause a significant impact. Within the Antioch area, significant air quality impacts are caused by freeway congestion and sitting in unmoving traffic, not by driving to a destination and finding adequate parking. The City believes the approach suggested in this Comment will actually increase air quality impacts.

- E-11 The potential for the General Plan to result in land use incompatibilities is addressed in Section 4.8 of the Draft EIR (Impact 4.8.1). The Draft EIR states that implementation of the proposed General Plan would generally “maintain Antioch’s existing pattern of industrial use. Heavy industrial uses along the San Joaquin River west of Rivertown would be transitioned over time into lighter industrial uses that are more compatible with nearby commercial and residential uses than are the current heavy industrial uses.”

The EIR acknowledges that the General Plan proposes non-residential development to be located adjacent to residential uses in several locations. These instances range from residential development adjacent to neighborhood shopping areas to industrial development proposed adjacent to existing and future residential neighborhoods in the northeastern portion of the General Plan study area.

The Draft EIR recognizes that short-term land use incompatibility impacts will occur as the result of construction activities, including noise, dust, and traffic from construction activities. Because they are short-term in nature and subject to a variety of regulations aimed at reducing their impacts, they were not considered to be significant.

The Draft EIR also acknowledged that the specific nature of potential land use incompatibilities will differ, depending upon the specific land uses at the transition between residential and non-residential. As a result, the EIR concludes that potential land use compatibility impacts “can only be addressed on a case-by-case basis, and will thus be evaluated for individual projects as development occurs.” The proposed General Plan sets forth performance standards for buffers and transitions between residential and non-residential land uses reduce potential land use compatibility impacts. To ensure that land use compatibility issues are limited or reduced, development will be subject to the policies outlined in the proposed General Plan, other City standards, applicable provisions of State law (including CEQA), and Federal law. Policy 10.6.2e of the General Plan specifically requires the physical separation of (1) proposed new industries having the potential for emitting toxic air contaminants and (2) existing and proposed sensitive receptors (e.g., residential areas, schools, and hospitals).

- E-12 All new development, including demolition of existing structures, will be required to comply with the provisions of local, State, and Federal laws, rules, and regulations, including those of the BAAQMD. The City will carefully plan mitigation measures and comply with District regulations in the case of demolishing an existing structure. If any questions arise the City will contact the BAAQMD’s Compliance and Enforcement Division.
- E-13 The General Plan policy referred to in the Comment is an enforceable restriction that will be applied to new development in conformance with the General Plan. The City will undertake a review to determine whether an “official woodsmoke ordinance” is needed to implement the proposed General Plan policy.

Community Development Department

County Administration Building
651 Pine Street
4th Floor, North Wing
Martinez, California 94553-0095

Phone:

Contra Costa County



Dennis M. Barry, AICP
Community Development Director

RECEIVED

SEP 08 2003

CITY OF ANTIOCH
COMMUNITY DEVELOPMENT

September 5, 2003

Mr. Victor Carniglia
Deputy Director of Community Development
City of Antioch
P.O. Box 5007
Antioch, CA 94531-5007

Subject: Comments on City of Antioch General Plan Draft EIR

Dear Mr. Carniglia:

Thank you for providing Contra Costa County with the Draft EIR for the City of Antioch General Plan update. We have reviewed the document and offer the following comments, which either supplement or reiterate earlier comments submitted by the Contra Costa County Community Development Department in response to the Notice of Preparation/Initial Study issued by the City of Antioch in Spring 2003 (see April 26, 2003 comment letter):

1. DEIR Analysis of Land Use Impacts Inadequate

The General Plan update proposes to allow intensive urban development of substantial unincorporated land area, particularly in the area south of Antioch city limits, including the Roddy Ranch and Ginnochio Focus Areas. In the County's April 26, 2003 letter we provided the City of Antioch with detailed information regarding the applicable County land use policies for the unincorporated area south of the Antioch city limits, and identified how the urban development in the Roddy Ranch and Ginnochio Focus Areas would be inconsistent with such policies. While we appreciate that the City of Antioch is now acknowledging the potential impact on applicable County land use policies, the Draft EIR incorrectly describes and characterizes these land use policies. More importantly, the Draft EIR incorrectly concludes that there would be a less than significant impact resulting from the General Plan update assumption of urban development in the Roddy Ranch and Ginnochio Focus Areas.

The Draft EIR and proposed General Plan update repeatedly and incorrectly characterizes the Urban Limit Line as simply a mechanism for "phasing" eventual

urban development. Such a characterization is contrary to the description provided in the Contra Costa County General Plan (1995-2010), at page 3-13:

"In general, the purpose of the ULL is twofold: (1) to ensure preservation of identified non-urban agricultural, open space, and other areas by establishing a line beyond which no urban land uses can be designated during the term of the General Plan, and (2) to facilitate the enforcement of the 65/35 Land Preservation Standard"

The text from the County General Plan clearly establishes that the purpose of the Urban Limit Line is to preserve areas for non-urban uses and to facilitate enforcement of the 65/35 Land Preservation Standard. The Draft EIR and the General Plan update assume that the Urban Limit Line will be expanded or that Measure C-1990: Contra Costa 65/35 Land Preservation Plan Ordinance will sunset, which will inevitably lead to urban development south of the Antioch city limits. This, however, ignores the whole of County General Plan policies, including numerous policies contained in the Land Use, Growth Management, Transportation-Circulation, Conservation, and Open Space elements, that taken together mandates this area south of the Antioch city limits be retained for non-urban development. The Draft EIR does not properly reference or analyze these applicable policies in relationship to the location, level, and intensity of urban development contemplated for the Roddy Ranch and Ginnocchio Focus Areas under the General Plan update. Absent this analysis, how is it possible that the Draft EIR can conclude that the "project" (General Plan update) would have less than significant impacts on land use?

2. DEIR Analysis of Agricultural Resources Inadequate

In the County's April 26, 2003 letter we contested Initial Study's conclusion that land planned for urban development by the General Plan update are not adjacent to lands zoned for agriculture and/or subject to the Williamson Act. We provided the City of Antioch with detailed information regarding agricultural resources and documents clearly showing that the portions of Ginnocchio Focus Area are under an active Williamson Act contract. It is disappointing that after providing this detailed information, the Draft EIR provides virtually no analysis of the project's (General Plan update) impact on agricultural resources. It is imperative that decision makers and the public be provided with an analysis of how the General Plan update could result in loss of agricultural land, and the EIR is the appropriate place to present this analysis.

3. DEIR Analysis of Visual Impacts and Proposed Mitigation Measures Inadequate

In the County's April 26, 2003 letter in response to the Notice of Preparation/Initial Study we urged that the EIR evaluate the visual impact of proposed urban development within the Roddy Ranch and Ginnocchio Focus Areas in relationship to scenic resource policies and implementation measures contained in the Open Space Element of the County General Plan. We also urged that the visual impact analysis

also evaluate how the proposed urban development would impact the East Bay Regional Park District's parklands and open space preserves. The Draft EIR provides only a brief and cursory visual impact analysis that does not provide decision makers and the public with a complete picture of how proposed urban development with the Roddy Ranch and Ginnocchio Focus Areas would be consistent with existing County scenic resource policies or how it relates to East Bay Regional Park District parklands and open space preserves.

The scenic resource value of the rolling foothills of the Diablo Range south of the Antioch City limits is of countywide importance. The City of Antioch should work with the East Bay Regional Park District and other interested parties to assure that these scenic resources are preserved and protected. It is our understanding that the East Bay Regional Park District has previously provided the City of Antioch with visual simulation information. We urge the City of Antioch to give due consideration to the analysis and recommendations submitted by East Bay Regional Park District.

4. Biological Resources and Consistency with the East County Habitat Conservation Plan

The County notes that the East Contra Costa County Habitat Conservation Plan Association, in a letter dated August 22, 2003, has commented on the potential consistency between the General Plan update's Resource Management Plan and the Habitat Conservation Plan, which is now in progress. This letter raises serious concerns with the claim that the Resource Management Plan would be consistent and complementary with the Habitat Conservation Plan. The letter explains that the Habitat Conservation Plan proposes a series of coordinated conservation actions in the area south of the Antioch city limits to connect existing public lands in the area to protect movement routes for kit fox and other species. The letter notes that the General Plan update and Draft EIR do not present any conservation priorities in the area south of the Antioch city limits and in fact a proposed conservation corridor in the Sand Creek area dead ends into proposed urban development within the Roddy Ranch Focus Area. The EIR for the General Plan update needs to reconcile this apparent inconsistency. The City of Antioch should work with the East Contra Costa County Habitat Conservation Plan Association to assure consistency between the Resource Management Plan and the Habitat Conservation Plan.

5. DEIR Analysis of Water Supply/ Water Facility Capacity Inadequate

The Draft EIR identifies two sources of water for Antioch – Contra Costa Water District conveyance from Sacramento-San Joaquin Delta and the City's own direct pumping from the San Joaquin River. The Draft EIR, however, does not provide adequate information or analysis about whether or the anticipated water supply will be adequate to meet demand under General Plan buildout. If there is uncertainty about the adequacy of the water supply identified in the EIR, there should be identification of additional water supply sources. The Draft EIR does not provide an analysis of additional water supply sources.

Additionally, the Draft EIR does not provide adequate information or analysis that existing or planned water facilities would have sufficient capacity under General Plan buildout.

6. D/EIR Analysis of Transportation/Traffic Inadequate

In the April 26, 2003 letter in response to the Notice of Preparation/Initial Study, the County urged that the transportation/traffic analysis for the EIR include the following: an evaluation based on a financially constrained transportation network so that decision makers and the public will given a picture of traffic conditions under the General Plan buildout if not all transportation improvements are not built within the General Plan timeframe; consistency with CCTA Technical Procedures; evaluation of impacts on routes of regional significance, and, impacts on other jurisdiction's roadways. The County is disappointed that our recommendations in the April 26th letter were not carried into the Draft EIR transportation/traffic analysis. More importantly, it appears that the analysis is inadequate or inconsistent with CCTA Technical Procedures and TRANSPLAN Committee procedures. We note that the TRANSPLAN Committee staff, in a letter dated August 6, 2003, identified a number of serious issues related to the Draft EIR's transportation/traffic analysis. It appears that the Draft EIR does not present an analysis of project (General Plan update) impacts on East County Action Plan Traffic Service Objectives, as required by CCTA Technical Procedures and TRANSPLAN Committee procedures. The County urges that such inadequacies or inconsistencies be reconciled before certification of a Final EIR for the General Plan update.

Contra Costa County appreciates the opportunity to review and comment on the Draft EIR of the Antioch General Plan Update, and requests that the comments and concerns addressed in this letter be addressed.

Should you have any questions regarding the comments and concerns raised in this letter, please contact me by telephone at (925) 335-1242 or by e-mail at proch@cd.co.contra-costa.ca.us.

Sincerely yours,



Patrick Roche
Principal Planner
Advance Planning Division

CC: D. Barry, Community Development Dir.

Response to Letter F: Contra Costa County Community Development Department

F-1 The Comment mischaracterizes Antioch's General Plan as allowing "intense urban development of substantial unincorporated land area...." The General Plan would permit future residential development at a maximum intensity of only 2-3 units per developable acre¹ within the Roddy Ranch and only 2.0 units per acres within the Ginocchio Property Focus Area. Moreover, such development would only be permitted prior to 2020 if it is consistent with the provisions of Measure C as it was adopted by the voters, effectively extending the provisions of Measure C as it was approved by the voters by 10 years.

In June 2003, the Antioch City Council adopted policy direction for the Roddy Ranch and Ginocchio Property Focus Areas. This direction has incorporated into the General Plan by modifying Policy 4.3.2f and text for the Roddy Ranch and Ginocchio Property Focus Areas as follows.

- f. Recognize the ULL as it was adopted by the voters in 1990 as a means of phasing urban and suburban development, preserving open space and maintaining a compact urban form. ~~Prior to Measure C 1990's expiration in 2010:~~
 - Maintain rural land uses (residential densities less than one dwelling unit per five acres (0.2 du/ac) and compatible open space/recreational uses which do not require urban levels of public services and facilities through 2020 in areas outside of the ULL as it was adopted by the voters in 1990.
 - ~~— Work with Contra Costa County to review the location of the ULL on a five-year basis; and~~
 - ~~— As lands within the ULL increasingly committed to urban, suburban, or permanent open space use and additional land is required for future residential and other development, work with Contra Costa County to review and expand the ULL prior to Measure C 1990's expiration in 2010;~~
 - Limit future urban development within Roddy Ranch and the Ginocchio Property to a total of 1,000 acres (approximately 750 acres within Roddy Ranch and 250 acres within the Ginocchio Property), consistent with the ULL as it was adopted by the voters in 1990.

To clarify the relationship between policies for the Roddy Ranch Focus Area and Policy 4.3.2f, above, policy direction for Roddy Ranch Focus Area has been revised to read as follows:

It is the intent of the Antioch General Plan that Roddy Ranch, ~~once it is included within the Urban Limit Line~~, be developed as a master planned enclave nestled in the rolling hills south of the present City of Antioch. The visual character of Roddy Ranch should be defined principally by suburban density residential development clustered within natural and recreational open spaces, along with the preservation of the steeper natural hillsides and the canyon bottoms containing riparian

¹ A "developable acre" consists of land that is not committed to open space, does not have steep slopes (generally over 25%), and does not have environmental constraints that would preclude development.

resources within the site. The existing golf course, as a major recreational amenity, should be the central focus of the planned community.

To clarify the relationship between policies for the Ginocchio Property Focus Area and Policy 4.3.2f, above, policy Direction for the Ginocchio Property Focus Area has been revised to read as follows:

The Ginocchio Property is currently located outside of the Urban Limit Line as it was adopted by the voters in 1990. As noted in Land Use Element Policy 4.3.2, the General Plan recognizes the Urban Limit Line as a means of phasing urban and suburban development preserving open space, and maintaining a compact urban form. ~~Until such time as the Urban Limit Line is moved to include the Ginocchio Property or the Urban Limit Line expires, development is to be limited to rural land uses consistent with the Contra Costa County General Plan and compatible open space/recreational uses. Thus, the policy direction that follows is predicated on compliance with the provisions of Policy 4.3.2f future inclusion of the Ginocchio Property within the Urban Limit Line.~~

Presentation of long-range policies for development of certain properties in the General Plan is consistent with the notion that a city's General Plan is a long-range planning document designed to manage the community's future comprehensively. In the case of Antioch, the General Plan is intended to provide policy direction aimed at seeing the City through to the year 2030. The inclusion of the land use policies for the currently unincorporated areas adjacent to the City are provided to guide development of these areas after they have been annexed into the City of Antioch, which, by policy, is intended to occur sometime after 2020.

- F-2 The view of the ULL as a phasing boundary describes the manner in which the Antioch General Plan views the line, and is not intended to characterize Contra Costa County's purpose or interpretation of their policy. As stated in Response F-1, the proposed General Plan is a long-range planning document meant to guide the City through the year 2030. Therefore, the City may plan for land uses within the City's Planning Area that may be annexed into the City within the General Plan time period. As further noted in Response F-1, development within the Roddy Ranch and Ginocchio Property is not anticipated until 2020.

As stated on page 4.8-1 of the Draft EIR the Contra Costa County 65/35 Land Preservation Plan limits urban development within the *County*, not within individual cities. It is recognized, however, the County LAFCO will consider the County's policies regarding the ULL in any deliberations regarding spheres of influence and annexations. Page 4.8-5 of the Draft EIR explains that, in the original voter approval of Measure C in 1990, the voters approved a ULL that included portions of the Roddy Ranch and Ginocchio properties. It was subsequent to voter approval of Measure C that the County Board of Supervisors moved the ULL in 2000, shifting all of the Roddy Ranch and Ginocchio properties outside of the County's ULL. Thus, inclusion of those portions of the Roddy Ranch and Ginocchio properties within the ULL that were within the original ULL approved by the voters would *not* be inconsistent with. The Draft EIR further explains that, under the provisions of Measure C-1990, the County is to review the location of the ULL every five years. Given that the balance of residential land within Antioch may be built out by 2020, it is reasonable and

prudent to recognize the possibility that urban development could occur within portions of the Roddy Ranch and Ginochio property sometime between 2020 and 2030. To address this possibility, the proposed Antioch General Plan includes policies to guide development of this area when and if it occurs. As stated in Response F-1, urban development of these areas will require development of a final development plan and will comply with all CEQA requirements, General Plan policies, and the provisions of State and Federal law.

- F-3 The land referred to in the comment is in ranch use, and is not actively used for crop production. As such, it is considered to be in agricultural production. The Draft EIR analyzes the loss of open space that would result from build out of the proposed General Plan as part of the discussion of Impact 4.8.1. This discussion acknowledges that the General Plan will result in the loss of existing open space lands. Loss of agricultural uses is included in the loss of open space land.

As stated previously, the Ginochio property is not currently being proposed for development, and City policy is that such development would not be considered for many years. As set forth in Response F-1, development will not likely occur within the Ginochio property until some time after 2020, after the anticipated expiration date of the contract. Prior to development, a final development plan will be prepared along with appropriate environmental documentation pursuant to CEQA, which will include analysis of agricultural resources within the final development plan area. As the Comment states, only portions of the Ginochio property are subject to the Williamson Act contract. Urban development within the Ginochio property prior to the expiration of that contract would not be permitted.

- F-4 Please see General Comment 1 for a discussion of the programmatic nature of the EIR for the proposed General Plan. The General Plan sets forth performance standards for the mitigation of visual impacts in the Community Image and Design element. In the absence of a specific development plan for the Roddy Ranch and Ginochio properties, the visual impacts that would result from development of these areas can only be discussed in a general manner. At the time actual development of these properties is proposed, a specific examination of the visual impacts of such development on surrounding open space lands and lands managed by the East Bay Regional Park District will be prepared pursuant to the provisions of CEQA and the Antioch General Plan. Specific mitigation measures needed to reduce visual impacts and maintain consistency with General Plan policies will be addressed at that time.

- F-5 The City understands the regional importance and aesthetic value of the rolling foothills in the southern portion of the Planning Area. The visual simulation information provided by the District analyzed the impacts of specific development proposals within the Sand Creek Focus Area. Preparation of such analysis was possible because such development proposals were available. The City did consider the information presented by the East Bay Regional Parks District, and undertook a number of modifications to the General Plan based on the District's input. These modifications were incorporated into the Planning Commission's recommendations on the General Plan document.

- F-6 The proposed General Plan provides protection of biological resources throughout the Planning Area by the incorporation of the following policies:

10.4.2 Biological Resources Policies

- a. Comply with the Federal policy of no net loss of wetlands through avoidance and clustered development. Where preservation in place is found not to be feasible (such as where a road crossing cannot be avoided, or where shore stabilization or creation of shoreline trails must encroach into riparian habitats), require 1) on-site replacement of wetland areas, 2) off-site replacement, or 3) restoration of degraded wetland areas at a minimum ratio of one acre of replacement/restoration for each acre of impacted on-site habitat, such that the value of impacted habitat is replaced.
- b. Preserve in place and restore existing wetlands and riparian resources along the San Joaquin River and other natural streams in the Planning Area, except where a need for structural flood protection is unavoidable.
- c. Require appropriate setbacks adjacent to natural streams to provide adequate buffer areas ensuring the protection of biological resources, including sensitive natural habitat, special-status species habitats and water quality protection.
- d. Through the project approval and design review processes, require new development projects to protect sensitive habitat areas, including, but not limited to, oak woodlands, riparian woodland, vernal pools, and *native* grasslands. Ensure the preservation in place of habitat areas found to be occupied by State and federally protected species. Where preserved habitat areas occupy areas that would otherwise be graded as part of a development project, facilitate the transfer of allowable density to other, non-sensitive portions of the site.
- g. Limit uses within preserve and wilderness areas to resource-dependent activities and other uses compatible with the protection of natural habitats (e.g., passive recreation and public trails).
- h. Through the project review process, review, permit the removal of healthy, mature oak trees on a case-by-case basis only where it is necessary to do so.
- i. Preserve heritage trees throughout the Planning Area.
- j. Within areas adjacent to preserve habitats, require the incorporation of native vegetation and avoid the introduction of invasive species in the landscape plans for new development.

See Response A-9 for a discussion of wildlife movement corridors.

- F-7 To better explain the analysis in the Draft EIR that the impact of the proposed General Plan on water resources will be less than significant, the following text is included in the Final EIR.

Page 4.12.2, first paragraph:

The Future Water Supply Study 2002 Update for the Contra Costa Water District (CCWD) states that future water demand associated with growth in the District's service will be met through the year 2050 by a combination of conservation, reclamation, and water transfers. This study analyzes the projected demand through

the year 2050 and includes ensuring a reliable supply of water during multiple dry year scenarios. Specifically, water transfers for drought reliability will be obtained by CCWD through purchased water rights or long-term and short-term contracts.

The Future Water Supply Study 2002 Update projections are based on estimates of future land use changes and population growth. They represent the corresponding growth in water demand associated with land use and demographic change. The CCWD's water reliability goal is to meet at least 85 percent of demand in a second or third dry year and 100 percent demand in other years. Therefore, the need for additional water supplies in normal and drought years was evaluated under three scenarios (normal, drought, and drought with a 15 percent demand reduction). Therefore, growth associated with the implementation of the proposed General Plan will be adequately serviced by water from the CCWD in addition to water from the San Joaquin River.

In addition, on page 4.12.2, the EIR states that the new multi-purpose pipeline being constructed by CCWD will enable the CCWD to meet projected demands for the service area through 2040.

The performance standards related to Water Storage and Distribution in the Growth Management Element of the proposed General Plan ensure that a clear linkage exists between growth and the expansion of services and infrastructure. Also, the water facilities policies as provided in the proposed General Plan and listed below will ensure that water facilities will have sufficient capacity.

8.4.2 Water Facilities Policies

- a. As part of the design of water systems, provide adequate pumping and storage capacity for both drought and emergency conditions, as well as the ability to provide fire flows required by the Contra Costa County Fire Protection District.
- b. Ensure that adequate infrastructure is in place and operational prior to occupancy or new development, such that (1) new development will not negatively impact the performance of water facilities serving existing developed areas, and (2) the performance standards set forth in the Growth Management Element will continue to be met.
- c. Maintain an up-to-date master plan of water facilities.
- d. Maintain existing levels of water service by protecting and improving infrastructure, replacing water mains and pumping facilities as necessary, and improving the efficiency of water transmission facilities.
- e. Permit the construction of interim facilities only when it is found that construction of such facilities will not impair the financing or timely construction of master planned facilities.
- f. Periodically evaluate local water consumption patterns, the adequacy of existing facilities, and the need for new facilities, including this information in the

comparison of proposed development projects to the performance standards of the Growth Management Element.

- g. Incorporate expected reductions in the need for water facilities resulting from water conservation programs only after several years of experience with the implementation of such programs.
- h. Provide the Contra Costa Water District with timely information on development proposals and projected levels of future growth so that it can maintain appropriate long-term master plans and refine the delivery of service and facilities to maintain the performance standards set forth in the Growth Management Element.

F-8 As noted in Response C-1, the analysis undertaken in the Draft EIR assumes buildout of the Antioch General Plan, as well as buildout of the General Plans of the cities of Pittsburg, Brentwood, and Oakley. Traffic from unincorporated areas outside of the Antioch General Plan study area and through traffic from areas outside of the east County region are incorporated into CCTA's East County regional traffic model that was used for the General Plan traffic analysis. The analysis also assumes implementation of growth management requirements pursuant to the provisions of Measure C. Because the traffic analysis assumes General Plan buildout, it assumes buildout of both General Plan land use and circulation plans. The concept of a "financially constrained model" primarily applies to the analysis of an individual development project as a means of testing the roadway network at a specific point in time, based on an assumption that roadway and highway construction may fall behind land development at that point in time. However, the roadway performance standards required to be included in the General Plans of cities within Contra Costa County preclude a financially constrained roadways system to exist at General Plan buildout. Required growth management provisions would not permit buildout of land use without the buildout of related transportation improvements since a financially constrained roadway systems would cause exceedences of roadway performance standards and preclude future development prior to General Plan land use buildout.

The analysis undertaken for the General Plan addressed all roadways in the East County regional traffic model, including routes of regional significance. See Response N-1 for a discussion of analysis of traffic service standards.



Contra Costa County
FLOOD CONTROL
 & Water Conservation District

Maurine M. Shiu
 ex officio Chief Engineer

255 Blaker Drive, Martinez, CA 94553-4326
 Telephone (925) 213-2000
 FAX (925) 213-0300

September 8, 2003

RECEIVED

SEP 10 2003

CITY OF ANTIOCH
 COMMUNITY DEVELOPMENT

Alexis Morris, Assistant Planner
 City of Antioch
 Community Development Department
 P.O. Box 5007
 Antioch, CA 94531-5007

Files: 97-29G, 97-29J, 97-30C, 97-55, 97-56, and 97-104
 97-29, 97-70, and 97-100

060 01-01
 Antioch General Plan

Dear Ms. Morris:

We reviewed the Draft Environmental Impact Report (DEIR) for the City of Antioch General Plan. We received the DEIR and General Plan on August 8, 2003 and submit the following comments:

1) The Antioch General Plan covers six formed Drainage Areas 29G, 29J, 30C, 55, 56, and 104 and three unformed Drainage Areas 29, 70, and 100. Drainage Areas 55 and 56 are part of the Lone Tree Corridor Assessment District No. 26 and 27. The City of Antioch's sphere of influence outside the southern City boundary line (the Roddy Ranch and Ginochio properties) is in formed Drainage areas 104 and 105. Drainage area fees are required for any development within a formed drainage area.

2) The General Plan EIR should include an in-depth discussion about the Flood Control District's adopted Drainage Area plans, their purpose and how they are implemented. These plans provide a framework for regional drainage in the Antioch area. Several of the Drainage Areas do not have local plans. The Flood Control District will work with the City and developers to plan facilities needed to serve these areas.

3) The General Plan EIR should include a specific policy that requires the City or developers in the unformed drainage areas to draft and implement their own regional Drainage Master Plan. A Drainage Master Plan should be completed prior to considering development proposals in these areas. The Drainage Master Plan should include detailed hydrologic modeling of the watershed that considers land use, existing facilities, soil, and topographic data. The Drainage Master Plan should result in a plan with descriptions of proposed flood control facilities (which typically include basins, channels and storm drains), compliance with discharge requirements, cost estimates, and schedule.

The Drainage Master Plan should also include an organization chart that details which agency will be responsible for Design, Planning, Hydrology, Current Development Review, Clean Water Program compliance, and Maintenance.

4) Portions of the City's General Plan area covers unincorporated areas of the County. The City should develop their own flood control plans and identify discharge points for annexed lands in unformed drainage areas where no Drainage Master Plan exists. The City should assume responsibility for insuring the flood control implementation is performed correctly and the ongoing maintenance is perpetual.

5) We compared Contra Costa County's 1995-2010 General Plan Land Use Maps with Antioch's General Plan Land Use Map. The land use assumptions in the District's hydrology calculations are generally based on the previous County General Plan. The City's land use designations for the following Focus Areas have a greater density compared with the District's hydrology assumptions: "A" Street Interchange, East Lone Tree Specific Plan, Ginochio Property, Rivertown/Urban Waterfront, Roddy

Alexis Morris
September 8, 2003
Page 2

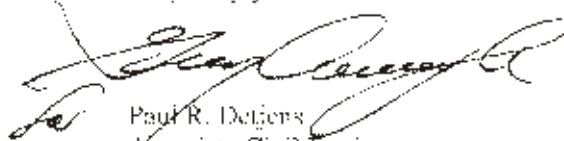
Ranch, SR 4 Frontage, Sand Creek Specific Plan, Somerville Road Corridor and Western Gateway. Also, many areas designated as Medium Density Residential on the City's General Plan are at a greater density compared to the District's plan.

The EIR should address the increased density in the City's General Plan as compared with the County's 2010 Land Use Map and provide mitigation for any impacts the increased impervious surface may have on the existing watersheds. The various drainage systems included in the adopted Drainage Area plans for the Antioch area were designed to accommodate full development at the density allowed by the zoning at the time each plan was developed. Any increases in density over what was originally assumed may overtax the planned system. Additional analysis should be performed to confirm the adequacy of existing and proposed drainage facilities.

- 6) The EIR should stipulate that future developments in Antioch are conditioned to design and construct storm drain facilities to adequately collect and convey storm water runoff, without diversion of the watershed, entering or originating within the development to the nearest natural watercourse or adequate man-made drainage facility per the drainage area plan.
- 7) The EIR should state that existing Flood Control District maintained basins are designed and function only as detention basins at this time. Additional functions, such as sedimentation mitigation or water quality enhancement are above and beyond the currently designed purpose of the basins and inclusion of these features could affect maintenance activities and ultimately maintenance costs. Additional funding will need to be provided for perpetual maintenance of additional functions.
- 8) The EIR should state that any construction from future development within Flood Control District right of way must be covered by a Flood Control Permit and approved by the District. Flood Control Permit applications may be obtained from Bob Hendry (925) 335-1215 at our Application and Permit Center at 651 Pine Street, 2nd Floor, North Wing, Martinez, CA 94553.
- 9) We previously reviewed the Draft Environmental Impact Report (DEIR) for the Sand Creek Specific Plan, which is one of the Focus Areas of this Study. This plan addressed development in Future Urban Area No. 1 (FUA-1) in the City of Antioch, located between the Black Diamond Mines Regional Preserve and Heidorn Ranch Road. FUA-1 is within Drainage Area 104. For specific comments regarding the Sand Creek area, please refer to our comment letter regarding this project, which was sent to the City on September 25, 2002.

We appreciate the opportunity to review the DEIR for the Antioch General Plan update. We look forward to receiving a copy of the EIR which includes our comments. If you have any questions, or would like to meet to discuss our comments, please call me at (925) 313-2394 or Hannah Wong at (925) 313-2381.

Very truly yours,


Paul R. Detjens
Associate Civil Engineer
Flood Control Engineering

PRD:WV
C:\GSD\GEM\City of Antioch\GEM\Antioch General Plan\GEM\GSD

cc: G. Cunningham, Flood Control
C. Wham, Flood Control
Joe Brandt, City of Antioch

Response to Letter G: Contra Costa County Flood Control & Water Conservation District

- G-1 The Comment identifies the drainage areas encompassing the General Plan study area, and states that fees are required for developments within the drainage areas. All requires fees will be collected as part of the City's normal development review process. The Comment does not raise any substantive issues regarding the adequacy of the EIR. No further response is necessary.
- G-2 As described in Section 2.3 of the Draft EIR and General Comment 1, the General Plan EIR is a "Program EIR," evaluating the broad-scale impacts of the proposed General Plan. The General Plan establishes an overall policy framework the City will use as a means of evaluating such proposals. The Draft addresses flood issues in the General Plan study area, and provides mitigation for these impacts. While a detailed discussion of each of the drainage plans being administered by the District would provide useful information, it would not materially add to the analysis of impacts. See also Response G-3.
- G-3 Depending upon the size and location of new development proposed within areas not having an existing regional Drainage Master Plan, the preparation of such a plan may be warranted. In light of the District's request, Policy 8.7.2b has been modified and a new policy added to read as follows:
- b. Require adequate drainage and flood control infrastructure to be in place and operational prior to occupancy of new development, such that:
 - New development will not negatively impact the performance of storm drain facilities serving existing developed areas;
 - The provisions of any applicable regional Drainage Master Plan are implemented; and
 - The performance standards set forth in the Growth Management Element will continue to be met.
 - c. Facilitate preparation of regional Drainage Master Plans within areas for which such a plan is not now available in advance of new urban development.
- G-4 As areas are annexed into the City in the future, Antioch will assume the same drainage and flood control responsibilities it has for lands within the present City limits. As noted in Response G-3, the City will work to facilitate the preparation of regional Drainage Master Plans within areas not currently served by such a plan. These Master Plans will identify appropriate discharge points, and ensure that the performance standards for flood protection set forth in the proposed General Plan's Growth Management Element will be met.
- G-5 The land uses proposed in the General Plan are largely based on the City's existing 1988 General Plan and subsequent adoption of the East Lone Tree and East 18th Street Specific Plans, with the exception of the Sand Creek, Roddy Ranch, and Ginocchio Focus Areas. The proposed General Plan development intensity for the Sand Creek Focus Area was based on the recommendations of the City's Sand Creek advisory committee, and modified to decrease that committee's recommended density based on environmental analyses prepared as part of

the preparation of the General Plan and Sand Creek Specific Plan. The Roddy Ranch and Ginochio properties were not addressed in the City's 1988 General Plan. The impacts of proposed build out of the Antioch General Plan is the subject of the analysis presented throughout the Draft EIR. Analyses comparing the proposed Antioch General Plan with the County's 2010 General Plan land use map would be inappropriate for several reasons:

- CEQA does not permit "plan to plan" analysis. Although CEQA Guidelines Section 15125d requires that EIRs evaluate any inconsistencies between the proposed project and applicable general plans and regional plans, such regional plans do not include a county's General Plan unless the proposed project is located in the county and the EIR is evaluating the project's consistency with the applicable General Plan. This is not the case for the Antioch General Plan EIR, wherein all development would occur within the existing or future boundaries of the City of Antioch. CEQA Guidelines call for analysis of "changes to existing physical conditions in the area affected by the project." "Plan to plan" analyses will tend to underestimate changes to existing physical conditions since they are based on using a plan rather than existing physical conditions as the baseline against which impacts are measured.
- Analyses of changes in development intensity will not directly measure changes in the amount of impervious surfaces that will, in turn, increase runoff. Many of the differences in land use intensity between the City's proposed General Plan and the County's existing General Plan that are noted in the comment do not represent differences in site coverage or amount of impervious surfaces, and would not accurately evaluate need for flood control facilities.
- The County General Plan is not an appropriate baseline to measure changes in a city's General Plan within a city's existing boundaries.

The proposed Antioch General Plan provides performance standards to ensure installation of adequate flood control and drainage facilities ahead of new development. These performance standards are found in the Growth Management Element (Section 3.5.6) and the Environmental Hazards Element (Section 11.4). In recognition of the issue raised in Comment G-5, the following policy had been added to Section 11.4.1 of the General Plan:

- g. Work with the Contra Costa County Flood Control & Water Conservation District to maintain up-to-date regional drainage master plans.

G-6 The proposed General Plan already has several policies, as listed below, to ensure the protection of City waterways and water recharge facilities. In recognition of Comment G-6, Policy 11.4.2d has been modified.

8.7.2 Storm Drainage and Flood Control Policies

- a. Continue working with the Contra Costa County Flood Control District to ensure that runoff from new development is adequately handled.
- b. Require adequate infrastructure to be in place and operational prior to occupancy of new development, such that:

- New development will not negatively impact the performance of storm drain facilities serving existing developed areas; and
 - The performance standards set forth in the Growth Management Element will continue to be met.
- c. Design flood control within existing creek areas to maximize protection of existing natural settings and habitat.

11.4.2 Flood Hazards Policies

- a. Prohibit all development within the 100-year floodplain, unless mitigation measures consistent with the National Flood Insurance Program are provided.
- b. Minimize encroachment of development adjacent to the floodway in order to convey flood flows without property damage and risk to public safety. Require such development to be capable of withstanding flooding and to minimize the use of fill.
- c. Prohibit alteration of floodways and channelization of natural creeks if alternative methods of flood control are technically and financially feasible. The intent of this policy is to balance the need for protection devices with land use solutions, recreation needs, and habitat preservation.
- d. Require new development to prepare drainage studies to assess storm runoff impacts on the local and regional storm drain and flood control system, ~~along with~~ Require implementation of appropriate detention and drainage facilities to ensure that the community's storm drainage system capacity will be maintained and peak flow limitations will not be exceeded. Wherever feasible, construct new storm drain facilities without diversion of flows between watersheds, conveying flows from the development to the nearest natural watercourse or adequate man-made drainage facility.
- e. Where construction of a retention basin is needed to support new development, require the development to provide for the perpetual funding and ongoing maintenance of the basin.
- f. Eliminate hazards caused by local flooding through improvements to the area's storm drain system or creek corridors.

- G-7 The Flood Control & Water Conservation District's statement regarding the function of existing basins for detention is hereby incorporated into the Final EIR.
- G-8 The Flood Control & Water Conservation District's statement regarding the need for flood control permits is hereby incorporated into the Final EIR.
- G-9 This comment does not raise any substantive environmental issues regarding the adequacy of the Draft EIR for the General Plan, but refers to the District's September 25, 2002, comments on a previously distributed EIR for the Sand Creek Specific Plan.



CONTRA COSTA MOSQUITO AND VECTOR CONTROL DISTRICT

155 WILSON CIRCLE ■ CONCORD, CA 94520 ■ (925) 685-4161 ■ FAX: (925) 4266 ■ www.concsmcdistrict.com

BOARD OF TRUSTEES

PRESIDENT

David Rodriguez
MARTINEZ

VICE PRESIDENT

Jim Bane
BRENTWOOD

SECRETARY

Ellen Blandford
EL CERRILLO

AT-LARGE

John Hall

CLAYTON

Harold Terrell

CONCORD

Earl Mortenson

CONTRA COSTA COUNTY

Russ Bellet
Jim Pluckney
Heather Gibson

DANVILLE

David Jameson, Ph.D.

HERCULES

Johnny Poon

LAFAYETTE

Vacancy

MORAGA

Myrta Petreas, Ph.D.

ORINDA

Charles Lupsha

OAKLEY

Richard Head

PINOLE

Tim McDonough

PULPIT ROCK

Vacancy

PULASKI HILL

Richard Means

REDWOOD CITY

Patricia Rodriguez

SAN CARLOS

Vacancy

SAN RAMON

Bob Peterson

WALNUT CREEK

Nancy Hammerfield

ADMINISTRATION

GENERAL MANAGER

Chris Brown

August 20, 2003

RECEIVED

AUG 22 2003

CITY OF ANTIOCH
COMMUNITY DEVELOPMENT

Ms. Alexis Morris
Assistant Planner
City of Antioch
3rd and H Street
Antioch, CA 94509

SUBJECT: CITY OF ANTIOCH DRAFT GENERAL PLAN UPDATE
ENVIRONMENTAL IMPACT REPORT

Dear Ms. Morris:

We have received the City of Antioch Draft General Plan Update Environmental Impact Report dated July, 2003. After review of this document, Contra Costa Mosquito and Vector Control District (District) staff have some comments regarding this report. Based on Section 4.0 Existing Setting, Impacts and Mitigation Measures, the following are the major concerns of the District:

4.11 PUBLIC SERVICES

Our first concern is the potential for public health problems. In 1993, 1996 and 1997, the encephalitis virus was detected in Contra Costa County. The encephalitis virus is transmitted by the *Culex tarsalis* mosquito and there are no available vaccines or specific treatments for human cases of encephalitis.

This District already maintains an extensive program of source surveillance in and around the City of Antioch and all sources in the area are inspected and treated on a regular basis. It is important to note that there will be an increase in the level of service required from this District under the plan because of additional mapping, source inspections, public service requests and treatments required as development increases.

4.3 BIOLOGICAL RESOURCES

Generally, proposed mitigation to compensate for the loss of wetlands or work in riparian habitat is required. If new wetlands or stream alterations are required under the General Plan guidelines, the mitigation should include the necessity of monitoring and accessibility by this District to determine necessary corrective measures to remedy undesirable trends in the establishment of these environments.

If new terraced wetlands, backwater channels or detention basins are created this District should be consulted in their construction to determine necessary corrective measure to remedy undesirable trends in the establishment of the wetlands, creeks, channels and basins. In addition, reeds and willow should not be used for re-vegetation of detention basins as they tend to migrate into the basins and create productive mosquito habitat.

4.7 HYDROLOGY AND WATER QUALITY:

Any time large development is created on previously vacant land there can be problems with urban runoff. The necessary drainage ditches, detention ponds and channels can cause problems with *Culex tarsalis* mosquitoes; as they prefer shallow water with emergent vegetation. When new drainage ditches and ponds are built, they should be as deep as possible and have steep sides to minimize mosquito production. Water levels should be kept as constant as possible to avoid production of floodwater *Aedes* mosquitoes and deep enough to support mosquitofish. Whenever possible, emergent vegetation should be minimized, as this provides a protective and nutritive habitat for immature mosquitoes. It is also imperative that this District have access to all potential mosquito breeding sources in the project area.

4.10 POPULATION AND HOUSING:

Any buildout in Contra Costa County causes concern for the District, as additional buildout will result in an increase in the number of people who will be exposed to mosquitoes. Over the past 40 years there have been over 500 cases of Western Equine Encephalitis in California and over 600 cases of St. Louis Encephalitis. Unfortunately people have been lulled into believing that there is no danger of disease from these mosquitoes.

In closing, this office has the expertise, and is available for consultation, regarding the design and management of wetlands, stream alterations, flood control systems and drainage patterns. We recommend that Contra Costa Mosquito and Vector Control District be consulted on the proper procedures to best control mosquito problems in the project area. Please call our office should you have any comments or questions.

Sincerely,



Ray Waletzko
Administrative and Finance Manager

RW

A:\Amoco\GeneralPlan

Response to Letter H: Contra Costa Mosquito and Vector Control District

- H-1 This comment does not raise any substantive environmental issues regarding the adequacy of the Draft EIR. The Comment generally describes the district's activities, and states that, as development increases in the future, the level of service required from the District will also increase.
- H-2 The proposed General Plan includes policies consistent with State and Federal law, recognizing the sensitivity of wetland and riparian habitats. The General Plan requires that impacts on riparian and wetland areas be mitigated, including replacement of lost wetlands and riparian habitat. The City will inform the District of any proposed restoration or mitigation of riparian and wetland habitat that may affect the services of the District.
- H-3 This comment does not raise any substantive environmental issues regarding the adequacy of the Draft EIR. See Responses H-1 and H-2.
- H-4 This comment does not raise any substantive environmental issues regarding the adequacy of the Draft EIR. The Comment states that any build out within Contra Costa County will increase the exposure of people to the dangers of mosquitoes. The City will consult with the District in the management of mosquito breeding and habitat areas.
- H-5 The City will inform the District of any proposed restoration or mitigation of riparian and wetland habitat that may affect the services of the District.


**CONTRA COSTA
WATER DISTRICT**

1225 Concord Avenue
P.O. Box 423
Concord, CA 94524
(925) 665-8000 FAX (925) 698-9122

RECEIVED
SEP 10 2003
**CITY OF ANTIOCH
COMMUNITY DEVELOPMENT**

September 8, 2003

Via facsimile: (925) 779-7034

Directors
Joseph L. Campbell
President

Elizabeth D. Apple
Vice President

Beth Engstrom
James Probst
Ken L. Warrory

Walter J. Bishop
General Manager

Victor Carniglia
Deputy Director of Community Development
City of Antioch
P.O. Box 5007
Antioch, CA 94531-5007

Subject: City of Antioch General Plan Draft Environmental Impact Report

Dear Mr. Carniglia:

The purpose of this correspondence is to provide comments to the City of Antioch from the Contra Costa Water District (CCWD) regarding the Draft Environmental Impact Report for the City of Antioch General plan update. CCWD operates numerous facilities in Antioch including the Antioch Service Center, a portion of the Los Vaqueros Pipeline, the Contra Costa Canal (Canal), the Multipurpose Pipeline and the Contra Loma Reservoir. CCWD operates these facilities on behalf of the United States Bureau of Reclamation (USBR) who is the owner of the Canal and the Contra Loma Reservoir. In addition CCWD is the raw water service provider for the City of Antioch.

Safety of Dams: On page 1-14, the City of Antioch references the Bureau of Reclamation, Dam Safety Analysis of the Contra Loma Reservoir that was performed in 1983. CCWD has a copy of an updated Dam Safety Report for the Contra Loma reservoir that was issued in early May of 2002. It would be appropriate to reference the most up to date Dam Safety report in the Final EIR. CCWD notes that this reference is used again on page 4.7-14 in the section on Risk of Dam Failure.

Water Supply: CCWD believes that more detail is needed in the description of future water supply and how this will be served. All of the City of Antioch is within the CCWD service territory. CCWD believes that the City of Antioch should reference CCWD's Future Water Supply Study 2002 Update Report as a foundation for supply availability from CCWD as well as CCWD's December 2000 Urban Water Management Plan. Both of these documents provide a description for water supply service from CCWD. The primary discussion on the Water Supply system is contained on page 4.12-1 and 4.12-2.

Water Quality: CCWD also believes that more detail is needed with respect to water quality in the Final EIR. The Draft EIR is clear that water quality from the San Joaquin River is of concern as the EIR projects that incremental future water supply will be taken from the San Joaquin River (page 4.12-11). The Draft EIR explains that water quality in the San Joaquin River is highest during the spring and "from month-to-month, the City cannot rely on the quality of this water supply" (page 4.12-11).

Vicior Carniglia
 City of Antioch General Plan Draft Environmental Impact Report
 September 8, 2003
 Page 2

It is not clear from the Draft EIR whether incremental San Joaquin River will be of sufficient quantity and quality to meet future growth and in particular how these supplies are used throughout the year. This should be clarified and more detail on the use of the San Joaquin River supplies should be provided, especially as demands grow in Antioch.

3

Flood Prevention Measures: On page 4.7-6 there is a discussion of proposed detention basins. CCWD notes that in the vicinity of these basins there may be water conveyance facilities like the Los Vaqueros Pipeline and the Contra Costa Canal. The General Plan should ensure that CCWD's fresh water conveyance systems in the vicinity of proposed detention basins are protected.

4

Storm Water Runoff: The Contra Costa Canal runs east to west through the City of Antioch. The Canal is the primary fresh water drinking supply for the majority of residents in Contra Costa County. CCWD believes that the General Plan should clearly indicate that new development that increases storm water runoff that is near or above the Contra Costa Canal would not be allowed to adversely impact the Canal or the ROW. In addition, storm water runoff will not be allowed to flow into the Canal. This should be incorporated into the section on page 4.7-13 Impacts to Water Quality.

5

In a like manner, Policy 10.6.2 Water Resources Policies, page 4.7-15 should include a provision that requires new developments that are in the vicinity of the Contra Costa Canal to comply with CCWD regulations regarding storm water runoff and protection of a critical freshwater drinking supply.


6

Policy 3.7.2. Regional Cooperation Policies. CCWD would like to be included in the list of "agencies whose activities affect and are affected by the activities of the City of Antioch (page 4.7-14).

7

Should you have any questions on these comments, please contact Mark Seedall at (925) 688-8119.

Sincerely,


 Jerry Brown
 Director of Planning

JB/MS:wcc

Response to Letter I: Contra Costa Water District

- I-1 Thank you for your comment. The Final EIR will reference the Dam and Safety Report for Contra Loma Reservoir that was issued May 2002:

Bureau of Reclamation, Dam Safety Division, *Safety Analysis of the Contra Loma Reservoir*, 2002.

- I-2 Thank you for your comment. The Final EIR will reference both the December 2000 Urban Water Management Plan and the Future Water Supply Study 2002 Update. To better support the analysis that the impact of the proposed General Plan on water resources will be less than significant, the following text shall be included in the EIR on page 4.12.2, first paragraph:

The Future Water Supply Study 2002 Update for the Contra Costa Water District (CCWD) states that future water demand associated with growth in the District's service will be met through the year 2050 by a combination of conservation, reclamation, and water transfers. This study analyzes the projected demand through the year 2050 and includes ensuring a reliable supply of water during multiple dry year scenarios. Specifically, water transfers for drought reliability will be obtained by CCWD through purchased water rights or long-term and short-term contracts.

The Future Water Supply Study 2002 Update projections are based on estimates of future land use changes and population growth. They represent the corresponding growth in water demand associated with land use and demographic change. The CCWD's water reliability goal is to meet at least 85 percent of demand in a second or third dry year and 100 percent demand in other years. Therefore, the need for additional water supplies in normal and drought years was evaluated under three scenarios (normal, drought, and drought with a 15 percent demand reduction). Therefore, growth associated with the implementation of the proposed General Plan will be adequately serviced by water from the CCWD in addition to water from the San Joaquin River.

- I-3 To clarify the utilization of water from both the San Joaquin River and the CCWD the following text will be amended, as shown below, in the Final EIR on page 4.12-11 fourth paragraph:

As stated previously, the City of Antioch has rights to utilize water from the San Joaquin River. In the last several years, as water demands increased, the City has increased the amount of water pumped from the San Joaquin River to approximately the same amount the City purchases from CCWD. As stated previously, the amount of water received from CCWD has only increased two percent from 1990 to 2000. The proposed General Plan would accommodate a substantial increase in population, which would generate a greater water demand. To meet this increasing demand, the City may increasingly rely on water supplies from the San Joaquin River. The water quality from the San Joaquin River near Antioch varies within the course of a year. Generally, the water quality is best during the spring when winter snows have thawed. ~~From month to month, the City cannot rely on the quality of this water supply. In the future, as is done currently,~~

the City will rely on water resources from the CCWD when the water quality of the San Joaquin River is poor. In addition to relying on increased water supplies from the San Joaquin River, the City will increase the demand for water supplies from CCWD. As stated in both the December 2000 Urban Water Management Plan and the Future Water Supply Study 2002 Update, the CCWD has utilized projections from the Association of Bay Area Governments to analyze water supply and demand, and has concluded that future water demands associated with growth in the Water District's service area will be met through the year 2050.

I-4 It is Antioch's policy that any public works project for which the City is responsible be designed, constructed, and operated in such a manner as to not interfere with the maintenance and operation of other infrastructure facilities, whether controlled by the City or another agency.

I-5 General Plan policies addressing the issue of water quality are found in Sections 8.7.2 and 10.7.2. Policy 8.7.2f requires "implementation of Best Management Practices in the design of drainage systems to reduce discharge of non-point source pollutants originating in streets, parking lots, paved industrial work areas, and open spaces involved with pesticide applications." Policy 10.7.2g requires "public and private development projects to be in compliance with applicable National Pollution Discharge Elimination System (NPDES) permit requirements," and that such projects implement Best Management Practices to minimize erosion and sedimentation. See also Response I-4.

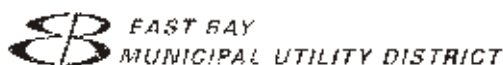
I-6 As discussed in Response A-4, the following policy has been added to Section 10.7.2 of the General Plan, Water Resources Policies:

Design drainage within urban areas to avoid runoff from landscaped areas and impervious surfaces from carrying pesticides, fertilizers, and urban contaminants into natural streams.

I-7 General Plan Policy 3.7.2c, discussed in Section 4.7.3 (page 4.7-14) of the Draft EIR has been revised, as indicated below.

- c. Maintain ongoing communications with agencies whose activities affect and are affected by the activities of the City of Antioch (e.g., Cities of Brentwood, Oakley and Pittsburg; Contra Costa County; Antioch Unified School District; Contra Costa County Fire Protection District; Delta Diablo Sanitation District; Contra Costa Water District, East Bay Regional Parks District). The primary objective of this communication will be to:
 - Identify opportunities for joint programs to further common interests in a cost efficient manner (e.g., development of major water conveyance, provision of regional recreational facilities);
 - Assist outside agencies and the City of Antioch to understand each other's interests, needs, and concerns; and

- Resolve differences in these interests, needs, and concerns between Antioch and other agencies in a mutually beneficial manner.
- d. Continue to refer major planning and land use proposals to all affected jurisdictions for review, comment, and recommendation.



September 2, 2003

Mr. Victor Carriglia
Deputy Director of Community Development
City of Antioch - City Hall
P.O. Box 5007
Antioch, CA 94531-5007



Dear Mr. Carriglia:

Re: Draft Environmental Impact Report General Plan Update with the Draft General Plan as Reference - City of Antioch

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the City of Antioch's General Plan Update Draft Environmental Impact Report (EIR). EBMUD commented on the Notice of Preparation (NOP) of the EIR for the General Plan Update on April 23, 2003 and notes that the response was included in Appendix A.

As stated in EBMUD's response to the NOP for the Draft EIR, EBMUD does not provide water or wastewater services to the City of Antioch (City), but sections of EBMUD's Mokelumne Aqueducts are within the City limits. Specifically, the only focus area in the City's Draft General Plan that could impact EBMUD's Mokelumne Aqueducts is the Sommersville Road Corridor. If a project that is within the Sommersville Road Corridor were to encroach upon the Mokelumne Aqueduct right-of-way, EBMUD's Aqueduct Section would have to be notified for approval.

If you have any questions concerning these comments please contact Clifford A. Threlkeld, Superintendent of Aqueduct Section at (209) 772-8010.

Sincerely,

A handwritten signature in dark ink, appearing to read 'William R. Kirkpatrick'.

WILLIAM R. KIRKPATRICK
Manager of Water Distribution Planning

WRK:OAILsb
607 255 dgc

Response to Letter J: East Bay Municipal Utility District

- J-1 It is Antioch's standard practice to notify agencies of any project that might encroach into the agency's right-of-way.



of Option B, still allows development on the Zeka/Higgins property but more completely mitigates the significant impacts to EBRPD parklands resulting from proposed development in the Sand Creek Valley. Option C includes: (1) expanded open space buffers to protect parkland and sensitive natural resources; (2) location of development so as to avoid significant visual and operational impacts to parklands; and (3) funding mechanisms to abate mine hazards and fund open space management. The details of Option C have been previously submitted to the City.

Recently, the Planning Commission recommended that the City adopt the Sand Creek land use designations in Option A and the policies in Option B. Additionally, the Planning Commission directed staff to revise the General Plan's policies to make them more responsive to EBRPD's concerns. We have worked cooperatively with the City to revise the General Plan policies, but we believe that improved policies in the General Plan must be supported by the adoption of land use designations other than those set forth in Option A.

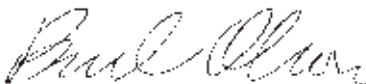
We urge the City to consider the adoption of the Rural Alternative for the South Antioch Planning Area. This alternative would allow for appropriate development within the existing City limits and provide for the protection of open space and important wildlife corridors outside the Urban Limit Line.

As described further in the comments prepared by SMW, the DEIR prepared for the General Plan Update does not adequately analyze or mitigate the impacts of the General Plan Update on aesthetics, biological resources, recreational and park facilities, land use, public services, and public safety. We request that the DEIR analyze the feasible alternatives and mitigation measures incorporated in the EBRPD's Option C and the Rural Alternative.

We hope that the City will use this environmental review process as an opportunity to explore alternatives to the General Plan Update—alternatives that respond to EBRPD's concerns and that are more consistent with existing and neighboring land uses and conditions. We welcome the opportunity to meet with the City regarding revised land use designations, as well as revised policies, for the Sand Creek Valley.

Please contact me at (510) 544-2622 if you have any questions regarding our comments.

Sincerely,



Brad Olson
Environmental Programs Manager

cc: EBRPD Board of Directors
Pat O'Brien, General Manager
Robert E. Doyle, Assistant General Manager
Antioch Planning Commission
Janice Gam, California Department of Fish & Game
Sheila Larsen, U.S. Fish & Wildlife Service

Response to Letter K: East Bay Regional Park District (EBRPD)

- K-1 This comment does not raise any substantive environmental issues regarding the adequacy of the Draft EIR, but notes that the District's comments are contained in detail in an attached letter by the law firm of Shute, Mihaly & Weinberger, LLP who prepared those comments on behalf of the District. EBRPD also states that this comment letter prefaces its attorney's letter with "more general comments."
- K-2 This comment does not raise any substantive environmental issues regarding the adequacy of the Draft EIR for the Antioch. The comment refers to comments and concerns that the EBRPD had on the Draft Sand Creek Specific Plan, which was previously distributed for public review. As an matter of information, substantial modifications were made to the Sand Creek Specific Plan EIR referred to in this comment, and the revised EIR has been distributed for its own public review.
- K-3 This comment does not raise any substantive environmental issues regarding the adequacy of the Draft EIR, but discusses a modified land use plan that the District has proposed for the Sand Creek Focus Area. Specific comments and responses regarding the District's proposal are set forth in Comment Letter L from Shute, Mihaly & Weinberger, LLP.
- K-4 This comment does not raise any substantive environmental issues regarding the adequacy of the Draft EIR. The comment addresses a September 22 letter from the District requesting certain modifications to the General Plan's policies and land use map for the Sand Creek Focus Area.
- K-5 This comment does not raise any substantive environmental issues regarding the adequacy of the Draft EIR, but requests that the City consider adoption of the Rural Alternative described in the Draft EIR for the southern portion of the General Plan study area.
- K-6 The City does not concur with this comment, and believes that the General Plan EIR does adequately analyze and mitigate for the anticipated impacts of the General Plan. The City believes that the policies set forth in the General Plan provide adequate protection for biological, open space, and visual resources within the General Plan study area. The City further believes that the proper vehicle for detailed land planning of the Sand Creek Focus Area is the Specific Plan that the General Plan requires to be prepared for the area. It is through the Specific Plan process that the environmental performance standards set forth in the General Plan for development in general and the San Creek Focus Area in particular will be applied based on detailed site-specific analysis that is beyond the scope of a General Plan or General Plan EIR (see General Response 1 for a discussion of the programmatic nature of the EIR).
- K-7 This comment does not raise any substantive environmental issues regarding the adequacy of the Draft EIR, but requests that the City revise land use designations and policies for the Sand Creek Specific Plan. The City of Antioch has reviewed comments provided by the District, and has incorporated many of them into the General Plan.

SHUTE, MIHALY & WEINBERGER LLP
ATTORNEYS AT LAW

D. CLEMENT SHUTE, JR.
MARK I. WEINBERGER
MARK D. MIHALY, P.C.
FRAN M. LAYTON
RACHEL S. ROEFFER
ELIEN J. GARBER
CHRISTY H. TAYLOR
TAMARA S. GALANTER
ELLISON FOLK
RICHARD S. TAYLOR
WILLIAM J. WHITE
ROBERT S. PENLMUTTER
CSA, L.L.C.
BRIAN J. JOHNSON
JANETTE S. SCHUE

396 HAYES STREET
SAN FRANCISCO, CALIFORNIA 94102
TELEPHONE: (415) 552-7272
FACSIMILE: (415) 552-5816
WWW.SMWLAW.COM

MARLENA G. EYRE
MATTHEW D. ZINN
CATHERINE C. ENGBERG
EDIN RYAN
MATTHEW C. VEDRA

AVRIL L. MULLER, AUCP
CARMEN J. BORD
URBAN PLANNERS

ELIZABETH M. LOOD
DAVID HAWI
COUNSEL

September 5, 2003

Via Federal Express

Victor Carniglia
Deputy Director of Community Development
Community Development Department
City Hall
Third and "H" Streets
P.O. Box 5007
Antioch, CA 94531

RECEIVED
SEP 08 2003
CITY OF ANTIOCH
COMMUNITY DEVELOPMENT

**Re: Comments on Proposed Antioch General Plan Update and Draft
Environmental Impact Report for General Plan Update**

Dear Mr. Carniglia:

On behalf of the East Bay Regional Park District ("EBRPD"), we have reviewed the Draft Environmental Impact Report ("DEIR") prepared for the City of Antioch's ("City") proposed General Plan Update ("General Plan Update" or "Project"). We submit this letter to express our concern that the DEIR does not comply with the requirements of the California Environmental Quality Act ("CEQA"), Public Resources Code Section 21000 *et seq.*, and the CEQA Guidelines, California Code of Regulations, title 14, Section 15000 *et seq.* ("CEQA Guidelines"). Additionally, the General Plan Update does not comport with State Planning and Zoning Law, Gov't Code § 65000 *et seq.*

In preparing this letter, we worked with and relied on the technical expertise of EBRPD staff to conduct our analysis of the DEIR and General Plan Update. This letter incorporates the comments of many EBRPD staff with expertise in specific areas addressed by the DEIR and General Plan Update, including Brad Olson,

Victor Carniglia
 September 5, 2003
 Page 2

Environmental Programs Manager and biology expert (see Exhibit 1); John Waters, Mine Manger, Black Diamond Mines Regional Preserve (see Exhibit 2); Larry Tong, Inter-agency Planning Manager; and Linda Chavez, Park Planner.

Through its General Plan Update, the City proposes to allow and encourage major new development on thousands of acres of open space land at the southern end of the City, both inside and outside of the Urban Limit Line set by Contra Costa County. This open space land provides habitat for a long list of sensitive species and is bordered on the west by the EBRPD's 5,984-acre Black Diamond Mines Regional Preserve.

In Section I, we discuss the inadequacies of the DEIR including the: (1) failure to analyze adequately the Project's impacts on the environment, including biological, visual, and land use impacts; (2) improper deferral of mitigation measures; and (3) failure to analyze feasible mitigation measures. In Section II, we describe why the proposed General Plan Update does not comply with State Planning and Zoning Law. These defects in the DEIR and General Plan Update not only violate CEQA and State Planning and Zoning Law, but also undermine informed planning and decision-making on the Project.

I. THE DEIR DOES NOT COMPLY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

CEQA requires that the EIR provide sufficient analysis and detail about the Project and environmental impacts of the Project to enable informed decision-making by the City and informed participation by the public. See CEQA Guidelines § 15151; *Kings County Farm Bureau v. City of Hanford*, 221 Cal.App.3d 692 (1990). Both the public and decision-makers need to fully understand the implications of the choices presented by the Project, mitigation measures and alternatives. See *Laurel Heights Improvement Ass'n v. Regents of University of California*, 6 Cal.4th 1112, 1123 (1993). In this case, as described in detail below, the DEIR does not provide the legally required information. Important information is omitted, inaccurate, or deferred until a later date in violation of CEQA.

A. The DEIR's Project Description is Flawed.

CEQA's most fundamental requirement is that an EIR contain an accurate, complete project description. See *County of Inyo v. City of Los Angeles*, 71 Cal.App.3d 185 (1977); see also CEQA Guidelines § 15124. Without a complete project description, an agency and the public cannot be assured that all of a project's environmental impacts

Victor Carniglia
September 5, 2003
Page 3

have been revealed and mitigated. Likewise, reasonable and feasible alternatives cannot be identified and compared to the proposed project.

5

1. The DEIR Contains Inconsistent Information.

The DEIR's project description relies heavily on a series of tables in order to convey the level of development that would be permitted under the General Plan Update. See DEIR at Page 3-6 thru 3-9 (Tables 3.A, 3.B, 3.C and 3.D). Careful review of these tables indicates that they contain inconsistent information regarding the number of housing units being proposed for the Sand Creek, Roddy Ranch and Ginochio properties. These inconsistencies must either be explained in the EIR or eliminated. Moreover, because the information contained in these tables is almost certainly used as the basis for determining and analyzing project impacts in later sections of the DEIR, modifying the numbers presented on these tables will mean that the City will need to revise the impact sections of the DEIR accordingly. This would likely include the traffic and circulation, air quality, noise, and other sections.

6

2. The DEIR Lacks Adequate Information Regarding Development Options A and B.

The EBRPD is pleased to note that the City has included Option B, a scaled-back alternative to its previously articulated proposal for development of the Sand Creek Area (Option A). See Exhibit 3 for a complete discussion and comparison of these options; see also Exhibit 4. Unfortunately, the DEIR does not provide all of the information that the public and decision-makers need in order to understand and compare the environmental impacts of Options A and B. Although the DEIR and General Plan Update explain the basic differences between the options in terms of the intensity of development permitted under each, the DEIR does not consistently and adequately provide the information necessary to compare the various impacts associated with each option. In fact, it is frequently difficult or impossible to determine whether the DEIR is evaluating Option A or B. The City must address this problem by amending the DEIR to include clearer and additional information about the environmental impacts of Options A and B. The DEIR should then be recirculated for public comment. See CEQA Guidelines § 15088.5.

7

Victor Carniglia
September 5, 2003
Page 4

3. The DEIR Fails To Describe Adequately the Development Planned.

The DEIR is also flawed because its analysis is based on an inadequate and incomplete description of the nature and extent of development proposed under the General Plan Update. As explained in Section II, below, the General Plan Update does not provide statutorily mandated information regarding proposed land uses, building density, and intensity.¹ These problems undermine every section of the DEIR that is based on the project's description of proposed building density and land uses. (e.g., land use, population/housing, traffic).

B. The DEIR Fails To Analyze and Adequately Mitigate the Project's Significant Impacts.

The primary purpose of an EIR is to "inform the public and its responsible officials of the environmental consequences of their decisions before they are made." *Laurel Heights Improvement Ass'n v. Regents of the Univ. of Cal.*, 6 Cal.4th 1112, 1123 (1993). Accordingly, an EIR must contain facts and analysis regarding a proposed project's environmental impacts, not just an agency's conclusions. *See Citizens of Goleta Valley v. Board of Supervisors*, 52 Cal.3d 553, 568 (1990). Throughout the DEIR, conclusions regarding the project's environmental impacts are not supported with adequate analysis. Also, the DEIR fails to identify adequate mitigation for the project's significant impacts. These approaches violate CEQA.

1. The DEIR Fails to Analyze or Adequately Mitigate the Project's Significant Impacts on Biological Resources.

The DEIR's analysis of the Project's impacts on biological resources is inadequate because it fails to provide an adequate description of the biological resources on the Project site, fails to support its conclusions regarding the Project's biological impacts with adequate analysis, fails to support its conclusion that proposed mitigation measures reduce the Project's impacts to a less than significant level, and fails to analyze feasible mitigation measures. Each of these deficiencies is discussed below. The following discussion of the problems presented by the DEIR's analysis of biological resource impacts was prepared based on the expert opinion of District staff.

¹ This problem is particularly pronounced outside of the Urban Limit Line set by the County.

Victor Carniglia
September 5, 2003
Page 5

a. Grassland Habitat

The DEIR's discussion of grassland habitat values and the value of grassland corridors to create landscape linkages between the Southern Antioch Area and Cowell Ranch is misleading in two significant areas. See DEIR at 4.3-3 and 4.3-4. First, the discussion of grassland habitat values provides no information or analysis of the significant animal species that typify the grassland community in the area of the City. Second, the DEIR makes false claims that development in the Brentwood area "essentially blocks the east end of these [habitat] linkages."

As noted in numerous other studies, plans and reports that have been prepared over the past twenty years, there are a number of animal species that are known to typify grassland communities such as those found in the east Contra Costa area.² These include San Joaquin kit fox, American badger, western ground squirrel, California tiger salamander, meadowlark, western burrowing owl, prairie falcon and golden eagle. In addition, the Alameda whipsnake is also known to make use of grassland habitats present in the East County area. See East Contra Costa Habitat Conservation Plan Association (ECCHCPA), "Species Accounts, Draft East Contra Costa Habitat Conservation Plan and Natural Communities Conservation Plan" (June 2002); Exhibit 5 (Swaim Letter, 2003). None of these species are listed in the biological resources section of the DEIR and impacts to them are not evaluated or acknowledged. The absence of this information is all the more obvious given that a comparable suite of animals is included in the DEIR for community types other than this one. See DEIR at 4.3-1 through 4.3-8.

Given the amount of information that is available on these species and their association with the grassland community type, their absence from the DEIR's discussion is particularly glaring. That is particularly true given that the problem of impacts to these very species has been an area of public controversy and regulatory agency concern. Such concerns spawned the need for regional strategies to conserve and protect these species, such as the East Contra Costa Habitat Conservation Plan. See Exhibit 6 (Weiser, 1997). While the City of Antioch has chosen not to participate in this regional effort, this does not relieve the City of the burden to identify the impacts of the General Plan Update on that community type in the EIR and to mitigate for those impacts.

² See e.g., East Contra Costa Habitat Conservation Plan Association (ECCHCPA), "Species Accounts, Draft East Contra Costa Habitat Conservation Plan and Natural Communities Conservation Plan" (June, 2002); Alameda-Contra Costa Biodiversity Working Group, "East County Pilot Study Technical Report: Biological, Land Use, and Economic Information Considered by the East County Pilot Study Task Force" (May, 1999); Sproul, Malcolm J. and Mary Anne Fleit, "Status of the San Joaquin Kit Fox In The Northwest Margin Of Its Range" published in *Transactions of The Western Section of The Wildlife Society* (1993, Vol. 29, pages 61-69); U.S. Fish and Wildlife Service (USFWS) "Recovery plan for upland species of the San Joaquin Valley, California" Region 1, Portland, OR. (1998).

Victor Carniglia
 September 5, 2003
 Page 6

Finally, as discussed further in connection with the Resource Management Plan, it is not accurate to say that development in Brentwood blocks the east end of all habitat linkages through the San Creek Valley. Movement by grassland species to the southeast is relatively unrestricted for highly mobile species. Figure 6.4 of the Draft East Contra Costa Habitat Conservation Plan (Exhibit 7) and EBRPD's Exhibit 8 clearly show that there are still intact habitat linkages between Black Diamond Mines and Cowell Ranch. See Exhibit 7 (East Contra Costa Habitat Conservation Plan Figure 6-4); see also Exhibit 8.

13

b. East Contra Costa Habitat Conservation Plan (HCP)

The East Contra Costa Habitat Conservation Plan ("HCP") is a joint process between the United States Fish and Wildlife Service ("FWS") and the California Department of Fish and Game ("DFG"). The FWS is the agency responsible for overseeing compliance with the Federal Endangered Species Act and DFG is responsible for ensuring compliance with the California Endangered Species Act and the California Natural Communities Act. Under this latter law, DFG will oversee preparation of a Natural Communities Conservation Plan ("NCCP").

The joint HCP/NCCP will address impacts and conservation measures for 26 special-status species in the 170,000-acre study area, which includes all of Antioch. A list of the covered species and community types was attached to the Notice of Preparation ("NOP") of Environmental Impact Report for the HCP/NCCP, which was sent to Antioch on June 30, 2003. This NOP is attached to this letter as Exhibit 9.³

14

If the joint HCP/NCCP is approved and adopted by local cities and Contra Costa County, it will serve as the accepted process for complying with State and Federal Endangered Species Acts in the east Contra Costa area. While some smaller projects with minimal effects to special-status species may continue to be approved by FWS and DFG through other compliance measures,⁴ larger projects with significant impacts to special-status species will likely require FWS and DFG approvals through a HCP/NCCP process.

³ It should be noted that the subject DEIR notes that soft bird's beak and Contra Costa wallflower may be covered by the plan. At this time, there is no proposal to do so because the HCP will not be covering impacts to tidal wetland areas where soft bird's beak may be present. Contra Costa wallflower is considered a "no take" species, and impacts to this species would also not be covered under the plan.

⁴ E.g., Section 7 consultations, Section 10(a) permits, and Section 2081 management agreements.

Victor Carniglia
 September 5, 2003
 Page 7

The Resource Management Plan ("RMP") contained in Appendix D of the DEIR does not constitute a HCP/NCCP and would likely not be accepted as an alternative to compliance with State and Federal Endangered Species Acts. At a number of locations, the DEIR refers to the RMP as the means of complying with State and Federal Endangered Species Acts; however, we can find no evidence that such an approach has been accepted by either FWS or DFG as an alternative to participating in the East Contra Costa HCP/NCCP, or alternatively, preparing an equivalent conservation plan.

14

The DEIR also concludes, in all cases, that impacts to special-status species can be mitigated to a less-than-significant level by complying with State and Federal laws and regulations pertaining to special-status species. See DEIR at 4.3-24. We believe such an approach improperly defers mitigation in violation of CEQA because such measures rely upon the outcome of future special-status species surveys, impact assessments and formulation of unknown mitigation measures to be required at some unspecified point in the future by FWS and/or DFG. In approving projects that adversely affect special-status species, the City has an obligation to address and mitigate for such impacts. The EIR must therefore provide specific guidelines for mitigation measures, addressing both the individual and cumulative effects of development projects on special-status species. The RMP does not provide such a framework, because it does not address the cumulative effects of proposed development contemplated by the General Plan Update. By contrast, Antioch's participation in the East Contra Costa HCP/NCCP would provide an effective means of addressing both individual and cumulative effects to special-status species in both a local and regional context.

15

c. Special-Status Species

DEIR Table 4.3.A, which provides information regarding the special-status plant species reported in the study area, omits a number of locations at which special-status plants have been reported in the vicinity of the General Plan Update area. See DEIR at 4.3-11. Big tarplant, for example, is found at several additional locations in southern Antioch. There are likely several populations of this very rare plant in proposed development areas. Contra Costa goldfields is also extant in Alameda County. Large leaf filaree (*Erodium macrophyllum*) is extant in the Roddy Ranch area. This is one of only two known populations in the East Bay. Table 4.3.A and the DEIR generally are flawed in that they fail to reflect this information. See Lake, Dianne, "Unusual and Significant Plants of Alameda and Contra Costa Counties" *California Native Plant Society, East Bay Chapter* (March 1, 2001, sixth edition) for additional information on rare plants in the Antioch Planning Area.

16

Victor Carniglia
 September 5, 2003
 Page 8

DEIR Table 4.3.B understates the extent of known occurrences and habitat for California red-legged frog and California tiger salamander in the southern planning area. See DEIR at 4.3-12. A number of recent occurrences have been documented on EBRPD lands and nearby private properties over the past few years that do not appear to have been referenced in the DEIR. Much of this newer information is contained in the habitat models and species distribution information provided in the draft HCP/NCCP. See East Contra Costa Habitat Conservation Plan Association (ECCHCPA), "Species Accounts, Draft East Contra Costa Habitat Conservation Plan and Natural Communities Conservation Plan" (June 2002); East Contra Costa Habitat Conservation Plan Association (ECCHCPA), "Draft East Contra Costa Habitat Conservation Plan and Natural Communities Conservation Plan (January 2003).

17

As the report attached hereto as Exhibit 5 (Swaim Letter, 2003) explains, an Alameda whipsnake was captured in July of 2003 in Black Diamond Mines, east of Star Mine, approximately 100 feet from the Zeka/Higgins property. Its location confirms that nearby habitats in the Sand Creek Valley, and likely Roddy Ranch, are used by Alameda whipsnakes. This would include chaparral, scrub, grasslands, rock outcrops and potentially other habitats in the southern Antioch planning area. The analysis in the DEIR must be modified to reflect this reality. We are not aware of any formal studies that have been conducted on private lands proposed for development in the South Antioch Planning Area to determine the extent of whipsnake usage, to evaluate potential project effects, or to corroborate the recent capture of Alameda Whipsnake at Black Diamond Mines.

18

Loggerhead shrike has been documented nesting in trees at Black Diamond Mines within 500 feet of the Zeka/Higgins property. Personal communication between Brad Olson (EBRPD) and Steven Bobzien (EBRPD) (2003). Additional nest locations may occur in the southern planning area. The analysis in the DEIR does not reflect this reality.

19

d. Anadromous Fisheries

Anadromous fisheries in the General Plan area, including steelhead and salmon would be under the jurisdiction of the National Marine Fisheries Service. The DEIR does not acknowledge this fact and should be modified to identify the National Marine Fisheries Service as an agency that will need to be consulted under Section 7 or 10 of the Federal Endangered Species Act for impacts to fish special-status species under their jurisdiction. Compare DEIR at 4.3-21.

20

Victor Carniglia
September 5, 2003
Page 9

e. **Significant "Edge" Impacts**

The DEIR's analysis of impacts does not adequately identify and discuss the potentially significant environmental impacts that would occur at the "edge" between proposed developed and undeveloped areas. See DEIR at 4.3-22. These "edge" impacts include increased incidence of fire, increased incidence of invasive non-native plants and animals, increased predation of native species by domestic pets, increased illegal dumping, polluted runoff, vandalism, noise and light intrusion. **The DEIR must evaluate these potential significant impacts and identify potential mitigation for them.**

21

f. **Inadequate Biological Resource Buffers**

The DEIR's impacts analysis is flawed because the buffers it relies on to mitigate and avoid biological resource impacts are inadequate and not clearly defined. The DEIR indicates that the City will rely on the use of buffers to avoid and mitigate various potential impacts of proposed development on biological resources. See DEIR at 4.3-23. Specifically, Biological Resource policy "c" requires only vaguely defined "appropriate" set backs for the protection of biological resources. See General Plan Update at 10-7. This policy does not, as presently written, adequately address and mitigate the potential significant impacts of proposed development on biological resources. The policy should, at the very least, contain specific criteria for determining how large a buffer must be to protect biological resources.

Moreover, the proposed buffers specifically described in the DEIR are inadequate. For example, the proposed buffer for Sand Creek is 125 feet from the centerline, yet FWS and DFG routinely require a minimum of 300 feet from centerline for drainages that support red-legged frog. Similarly, tiger salamanders are known to move more than a mile from breeding ponds to aestivation locations, yet the proposed buffer around known breeding ponds is much smaller than a mile. Public road crossings through Alameda whipsnake habitat would be another area of concern. In order to avoid impacts to Alameda whipsnake, proposed roads should be located outside of the habitat areas, plus an appropriate buffer to minimize the potential for road kill.

22

The location and size of biological resource buffers in the South Antioch Planning Area must consider a number of criteria to assure that such buffers adequately mitigate both the individual and cumulative effects of proposed developments on individual species. When each of these species-specific buffers are overlaid, the composite image would likely represent an adequate buffer, assuming that potential land

Victor Carniglia
 September 5, 2003
 Page 10

use conflicts are addressed along the boundaries of the composite area. Figure 10 in Appendix D of the DEIR represents a composite buffer of some of these species, however, the buffer area is inadequate because it is based upon an incomplete representation of existing species distribution information for the Sand Creek Area. Furthermore, the proposed buffers are not consistent with standard mitigation requirements for red-legged frog and California tiger salamander, and they do not provide adequate width and connectivity for San Joaquin kit fox movement between Black Diamond Mines and Cowell Ranch.

The proposed EBRPD "Option C" (see Exhibit 3) for the Sand Creek Area identifies a composite buffer area that may be adequate for the composite species-specific buffer needs for the western end of the Sand Creek Valley. Additional buffers will also be necessary around other sensitive habitats at other locations in the Valley, including the remainder of Sand Creek, plus oak woodland/savanna clusters, wetlands and perennial grasslands.

g. Heritage Trees

Policy "g" notes that heritage trees should be preserved throughout the planning area. While we support this goal, we could not find where the term "heritage trees" is defined in the General Plan Update or DEIR. Without such a definition, the General Plan Update and the DEIR's analysis of it are vague and inadequate. We note that the definition of "heritage trees" adopted by the City should address the historical significance of trees that are associated with historic homesteads, windrows, and town sites. In these and similar areas, trees may be the only remaining surface evidence of aspects of Antioch's rich cultural and historic past and should be preserved as such. Furthermore, we recommend the policy require the preservation of heritage trees, rather than merely state that they "should" be preserved.

h. Open Space Policies

The discussion of open space policies in the General Plan Update and EIR does not provide for the establishment of funding mechanisms to manage open space, buffers, and mitigation areas that are set aside to offset or avoid the open space impacts of development. In order to be adequate and effectively mitigate the significant impacts of development, the open space policies adopted by the City must include adequate funding mechanisms.

Victor Carniglia
September 5, 2003
Page 11

i. Recovery of Special-Status Species

The DEIR explains that the recovery of certain special-status species may be "inhibited" by implementation of the General Plan. DEIR at 4.3-22. While we concur with this statement, we believe that it does not go far enough. The DEIR fails to adequately consider other significant effects to special-status species that may jeopardize their continued existence in the planning area. The DEIR fails to consider the very real possibility that one or more of the proposed developments in the southern Antioch planning area may fail to obtain the necessary approvals from DFG and FWS because their construction could jeopardize the continued existence of special-status species in the area, including San Joaquin kit fox, red legged frog or Alameda whipsnake.

25

The DEIR also fails to address the possibility that one or more special-status species may become listed as threatened or endangered as a result of the significant loss of habitat and known occurrences in the South Antioch Planning Area, including western burrowing owl, tiger salamander and big tarplant. The Department of Fish and Game is currently considering petitions to list the western burrowing owl and tiger salamander under the California Endangered Species Act.

26

j. Wildlife Corridors and Habitat Linkages

The DEIR's discussion of potential effects to wildlife corridors and habitat linkages, fails to consider a number of additional projects in and near the South Antioch Planning Area that cumulatively threaten to eliminate all of the remaining grassland corridors between south Antioch and public open space at Cowell Ranch State Park, Round Valley Regional Preserve and Los Vaqueros Watershed. See DEIR at 4.3-25 through 4.3-28.

27

The DEIR also fails to consider the information about these corridors and linkages that are contained in the East Contra Costa County Habitat Conservation Plan and the earlier studies conducted in support of the earlier Alameda-Contra Costa Biodiversity Working Group. See East Contra Costa Habitat Conservation Plan Association (ECCHCPA), "Species Accounts, Draft East Contra Costa Habitat Conservation Plan and Natural Communities Conservation Plan" (June 2002); East Contra Costa Habitat Conservation Plan Association (ECCHCPA), "Draft East Contra Costa Habitat Conservation Plan and Natural Communities Conservation Plan (January 2003); Alameda-Contra Costa Biodiversity Working Group "East County Pilot Study Technical Report: Biological, Land Use, and Economic Information Considered by the East County Pilot Study Task Force" (May, 1999).

28

Victor Carniglia
September 5, 2003
Page 12

A number of species may use these grassland corridors for movement between protected open space areas, including San Joaquin kit fox, red-legged frog, Alameda whip snake, western burrowing owl and golden eagle. While all of the above species would be adversely affected by disruptions to these grassland movement corridors, the San Joaquin kit fox is particularly vulnerable to loss of these corridors because it cannot safely move through dense scrub and chaparral habitats, oak woodlands or riparian areas due to the density of the vegetation and the presence of predators. The Resource Management Plan included with the DEIR as Appendix D also uses kit fox as one of its umbrella species for grassland habitats. The San Joaquin kit fox is also the focus of a special report prepared by EBRPD staff on the impacts of south Antioch development on grassland movement corridors. That report is attached hereto as Exhibit 8 and incorporated herein by this reference. See also Exhibit 10 (Listing of recent kit fox sitings in the region).

29

k. Resource Management Plan.

The RMP relied on by the DEIR is flawed for numerous reasons. First, it provides no mechanism to assure that wildlife corridors outside the southern Antioch planning area will be protected or managed for habitat conservation purposes. See RMP at 2. A large portion of this area is not within Antioch's jurisdiction. Accordingly, the General Plan must rely upon preservation of corridors within the Antioch planning area that the City has some ability to protect through annexation, open space designations, conservation easements, acquisitions, and dedications. Only through larger regional habitat conservation strategies, such as the East Contra Costa HCP/NCCP, can the City seek to provide the necessary assurances that key wildlife migration corridors outside Antioch's land use jurisdiction can actually be preserved.

30

The RMP discusses an interesting example of a study that has determined that movement of one male mountain lion every ten years through a narrow corridor "was sufficient to reduce the probability" of an "extinction event" in the Santa Ana Mountains of Southern California. See RMP at 2. Unfortunately, such a study is not relevant to any of the potentially affected species that use the grassland wildlife migration corridors in the southern Antioch planning area. Mountain lion is the top predator in most of California. The more relevant species for corridor issues in the Antioch area is the San Joaquin kit fox, which is both a predator on ground squirrels and other small mammals, and is a prey species of red fox, coyote, domestic dogs and cats, and perhaps mountain lions, where their ranges might overlap. Another significant difference is that mountain lions are relatively long-lived compared to kit fox. Recent studies cited in the Upland

31

Victor Carniglia
 September 5, 2003
 Page 13

Species Recovery Plan estimate the average kit fox life expectancy at five years. A corridor that allowed for kit fox movement only once every ten years would result in local extinction of the species. See U.S. Fish and Wildlife Service (USFWS), "Recovery plan for upland species of the San Joaquin Valley, California" Region 1, Portland, OR. (1998).

31

The RMP and DEIR also make the assertion that wildlife migration corridors are blocked at the eastern end of the Lone Tree Valley (i.e., Sand Creek Valley). See RMP at 5. Development in Brentwood at the eastern end of the Sand Creek Valley may likely block the movement of those species that are moving along the Sand Creek riparian corridor; however, the movement of grassland species to the southeast is relatively unrestricted for highly mobile species, such as ground squirrels, kit fox, American badger, tiger salamander, burrowing owl and golden eagle who can cross from valley bottom over grassland ridges to other valley bottoms in Horse Valley, Deer Valley and Briones Valley into Cowell Ranch State Park. Such migration corridors are depicted in Figure 6-4 from the East Contra Costa HCP/NCCP attached as Exhibit 7 and in the attached Exhibit 8 developed by EBRPD.

32

Increased use of existing roads and construction of new roads within wildlife corridors will likely greatly increase the incidence of road kill on tiger salamander, and also to kit fox, badger and burrowing owl, however the movement of golden eagle would not likely be impeded. As noted in connection with the discussion of the EBRPD's Option C for the Sand Creek Valley (see Exhibit 3), Empire Mine Road should be abandoned between Mesa Ridge Drive and the Roddy Ranch Golf Course in order to protect wildlife movement between the Sand Creek, Horse and Deer valleys.

33

Alameda whipsnake are known to make use of grassland habitats at several locations in the East Bay. The last paragraph on page 8 of the RMP makes reference to a "herpetologist expert" but makes no reference to their name or a report that could be reviewed. This is an inappropriate citation for an EIR. Please see the above discussion about the recent whipsnake observations at Black Diamond Mines.

34

The RMP makes reference to key species for grassland habitats, including kit fox, tiger salamander and burrowing owl. See RMP at 9. This important information should also be included in the more detailed discussion of community types contained in the text of the EIR. The first paragraph on page 10 of the RMP notes that some species are "statically distributed." It is not clear what this statement means. Many species are secretive and may not be observed in one year, but are present, or even relatively abundant in another year. This has to do with variability in a number of environmental

35

Victor Carniglia
 September 5, 2003
 Page 14

factors. For example, repeated surveys of known breeding ponds for tiger salamanders on EBRPD property often show that in some years certain ponds are not used for breeding. Such findings demonstrate the need for multiple year surveys to accurately determine the location, extent and impacts to special-status species. This is particularly true for annual plant species which may not be evident for several years, even decades, until some event, such as fire, grading or high precipitation triggers seed germination.

The RMP provides a discussion of management strategies, but lacks any specificity about established mitigation ratios for species-specific impacts. See RMP at 12-13. For example, the standard mitigation ratio for kit fox has been the preservation three acres for every one permanently impacted. This has been a standard measure requested by FWS and DFG for several years. The ensuing discussion about discounts is difficult to follow and does not lead the reader to any clear understanding of what, if any, mitigation would take place for the various species and habitat impacts. The RMP and EIR need to set forth clear and measurable mitigation measures for these impacts that are acceptable to FWS and DFG who have regulatory authority to require avoidance and/or mitigation measures for these impacts.

The discussion in the RMP calls for a number of studies, but does not set forth clear and measurable mitigation criteria. See RMP at 14-16. Surveys to confirm presence should not be considered mitigation, only a starting point in determining what types of impacts may occur. Project design changes to avoid sensitive areas should be first considered, before specific mitigation measures are formulated and implemented to mitigate such impacts. Without such information at the start of the planning process, there would be no means of effecting changes in project design to avoid impacts.

The preserve area discussion in the RMP must spell out the minimum width of movement corridors and it must provide for connections southeast to Cowell Ranch in order for it to fully mitigate the impacts. See RMP at 18. There are a number of inconsistencies between the RMP and the East Contra Costa HCP/NCCP. See, e.g., RMP at 20. These have been identified elsewhere in this letter and its attachments.

2. The DEIR Fails to Analyze or Adequately Mitigate the Project's Significant Impacts on Visual Resources.

The DEIR fails to analyze adequately the Project's potentially significant impacts on visual resources. The DEIR's analysis of visual impacts is inadequate at the outset because it fails to describe the visual characteristics of development allowed under the General Plan Update. The DEIR provides a brief description of the visual

Victor Carniglia
 September 5, 2003
 Page 15

characteristics of existing development within the City (see DEIR at 4.1-1 to 4.1-5), but fails to describe the development that would be allowed under the General Plan Update, except to state that such development would be consistent with the Community Image and Design Element. See DEIR at 4.1-6. This lack of detail in the project description is a violation of CEQA, which requires a project description that is at least adequate to reveal the project's impacts on the environment. See *County of Inyo v. City of Los Angeles*, 71 Cal.App.3d 185 (1977); see also CEQA Guidelines § 15124. At a minimum, the DEIR should describe the visual characteristics of the development allowed under the General Plan Update that is likely to impact views of the "prominent natural landmarks" (see DEIR at 4.1-4) in the City. The DEIR's description of the visual characteristics of the Project fails to meet CEQA's requirements.

39

The DEIR's analysis of visual impacts is additionally deficient because it omits consideration of viewpoints from the neighboring EBRPD parks and preserves, including the Black Diamond Mines Regional Preserve. CEQA requires analysis of visual impacts from viewpoints outside the project site. See *Quail Botanical Gardens Foundation, Inc. v. City of Encinitas*, 29 Cal.App.4th 1597 (1994) (finding potentially significant the impacts of development on views from botanical gardens neighboring a proposed project site). The DEIR fails to provide an analysis of visual impacts from viewpoints within the EBRPD parks, despite the EBRPD's previous request for such analysis in the context of comments on the City's 2002 Draft Sand Creek Specific Plan and EIR. Had the DEIR properly analyzed the visual impacts of the General Plan Update on the Black Diamond Mines Regional Preserve, it would have found the impacts to be significant, as detailed below. The DEIR also fails to analyze the impacts of the development proposed in the Sand Creek Valley, Roddy Ranch, and Ginochio Ranch on "important view corridors," including Deer Valley Road and Empire Mine Road.

40

The EBRPD previously submitted a simulation of the visual impacts of the 2002 Draft Sand Creek Specific Plan on the Black Diamond Mines Regional Preserve. The 2002 Draft Sand Creek Specific Plan, which was never adopted, is now incorporated into the General Plan Update as Option A. The EBRPD's previously submitted visual simulation of these impacts is attached hereto as Exhibit 11. The EBRPD again presented this analysis to the Antioch Planning Commission ("Planning Commission") at its August 13, 2003 bearing on the General Plan Update and DEIR. The EBRPD then reiterated that Option A would result in significant adverse visual impacts to the Black Diamond Mines Regional Preserve. The existing views of open space are an integral part of the wilderness experience enjoyed by users of the Preserve. Development associated with Option A would be clearly visible from the Stewartville, Star Mine, and Ridge

41

Victor Camiglia
 September 5, 2003
 Page 16

Trails, the historic Star Mine, and the Star Mine Group Camp, all of which are within the Preserve.

41

At Planning Commission's August 13, 2002 hearing, the EBRPD also presented the Planning Commission with a simulation of the visual impacts of development under General Plan Update Option B and a new EBRPD-proposed Option C. These simulations are attached hereto as Exhibits 12 and 13, respectively.⁵ While Option B would substantially reduce some of the visual impacts to Black Diamond Mines Regional Preserve from the Stewartville Trail, it would not reduce significant visual impacts from the Star Mine Group Camp and Star Mine, located to the west of the Zeka/Higgins property, or from the recent open space dedication to Black Diamond Mines Regional Preserve for the Black Diamond Estates Development, located just north of the Zeka/Higgins Property. *See id.* The EBRPD-proposed Option C would further reduce the visual impacts to Black Diamond Mines Regional Preserve by eliminating development of the north side of Sand Creek, where it is most visually prominent as seen from Star Mine Group Camp, Star Mine and the Black Diamond Estates open space dedication area. *See id.* A development pattern consistent with the EBRPD-proposed Option C would substantially reduce all visual impacts to Black Diamond Mines Regional Preserve to a less than significant level.

42

The only mitigation measures proposed for the Project's impacts on scenic vistas and scenic resources are the proposed General Design Policies and Hillside Design Policies. *See* DEIR at 4.1-6. These policies do not provide adequate mitigation for visual impacts and do not provide the performance standards for mitigation that CEQA requires. Additionally, these policies are not adequate as mitigation measures because the land use designations under the General Plan Update are largely inconsistent with these policies, as explained below.

43

Option A is inconsistent with a number of the City's Hillside Design Policies. For example, policy "e" calls for buildings to be located in a way that preserves existing views, and policy "m" calls for the overall scale and massing of structures to respect the natural surroundings and unique visual resources of an area by incorporating designs that follow natural topography and minimize visual intrusion in the natural landscape. *See* DEIR at 4.1-7. Option A is inconsistent with the Hillside Design Policies because: (1) it impacts a number of significant hillsides and ridgelines adjacent to the

44

⁵ Note that the visual simulations prepared for Options B and C include only photograph number 2 since the development depicted on photograph 1 would be the same under all options, and development would be eliminated from photograph 3 under Options B and C.

Victor Carniglia
September 5, 2003
Page 17

Black Diamond Mines Regional Preserve and (2) it does not provide for any buffers between development and existing views from parklands to the south, west and north.

44

Option B is also inconsistent with the Hillside Design Policies. Option B would allow for hillside development north of Sand Creek, and it does not provide for an adequate buffer of a specified width between proposed development and the Black Diamond Mines Regional Preserve. Option B would also result in the creation of a peninsula of open space between the Black Diamond Estates and the Zeka/Higgins property that would be too narrow to manage for fuel break, livestock grazing and habitat purposes.

45

Option C is the only alternative that is consistent with the City's Hillside Design Policies. Option C protects scenic ridgelines by eliminating homes from the hillsides and it buffers regional parklands that contain significant ridgelines and hillsides. Development on the Zeka/Higgins property under Option C would be restricted to valley bottom areas that are contiguous with proposed development on the adjacent Richland and Cowan properties.

46

Remarkably, the DEIR fails to consider the impacts of increased light and glare on any uses other than "residential uses." See DEIR at 4.1-8. The DEIR specifically fails to consider the impacts of increased light and glare on recreational use of the Black Diamond Mines Preserve and the existing Star Mine Group Camp. The camp is located less than 1,500 feet from the Zeka/Higgins property. See Exhibit 14 (EBRPD facilities map). Groups use this camp seeking solitude from urban development, uninterrupted views of open space, and avoidance of disturbances from noise, light and glare. This campsite has a wilderness setting, which would be significantly altered by the intrusion of development into its viewshed.

47

On February 18, 2003, the EBRPD provided information to Ms. Roberta Mundie, Antioch's consultant for the Sand Creek Specific Plan, about the usage figures and sensitivity of the Star Mine Group Camp. The following is an excerpt from that letter:

"The Star Mine Group Camp averages about 300 campers per year. The average group size is 15 people in 20 separate camping reservations. The camp is used 30 nights per year, with an average stay of 1.5 nights per group, almost entirely on weekends. This means that ½ of the groups are camping on Friday and Saturday nights, and the remaining ½ on Friday or Saturday nights, thus the camp is used about 20 weekends per year. About

48

Victor Carniglia
 September 5, 2003
 Page 18

20% of the groups visiting this site come from Antioch. About 75% of the groups are from the East Bay and the remaining 25% from northern California. Boy Scouts, Girl Scouts and other children's groups are the most frequent visitors."

These campers are the sensitive receptors that were considered in the following analysis of visual impacts under Options A and B.

Option A would result in the most serious and significant visual impacts and would place homes within 1,500 feet of the camp. The natural open space character of the camp would be permanently lost due to development under Option A. The views from the camp would be significantly impacted by intrusion of development into the open space, and by nighttime lighting, which would greatly impair campers' ability to observe the night sky. Option B would place homes within about 3,500 feet of the camp (which would be less detrimental than Option A). However, Option B would still result in development on the hillsides north of Sand Creek, would be highly visible from the camp, and would be disruptive to observation of the night sky. Options A and B would have such substantial impacts on the camp that it may have to be relocated which would result in additional Project impacts not analyzed in the DEIR. Option C would substantially mitigate the visual impacts to the Star Mine Group Camp and would allow for its continued operation as an important camping facility for residents of the East Bay. As noted above, a significant percentage of the camp users come from the City of Antioch and other nearby communities.

The mitigation measures proposed by the City to address the light and glare associated with the Project address only the impacts on residential uses and are not adequate to mitigate the light and glare impacts of the General Plan Update on neighboring recreational uses. For example, mitigation measure 4.1.2D, which requires screened walls, landscaping, and lighting restrictions, applies only to commercial development adjacent to residential uses, and not to development adjacent to the Black Diamond Mines Regional Preserve. See DEIR at 4.1-9.

The Project's visual impacts could be minimized through a variety of feasible measures, such as establishment of an adequately-sized open space buffer to protect sensitive viewsheds, clustering of development, and mitigation measures that specifically address the impacts of light and glare on neighboring recreational uses. The DEIR must address such feasible mitigation measures, including those incorporated in the EBRPD's Option C.

48

49

50

Victor Carniglia
September 5, 2003
Page 19

3. The DEIR Fails To Analyze Adequately or Mitigate the Geological and Public Safety Hazards Associated with Past Mining Activity.

The DEIR contains almost no analysis of mine hazards in the southern area of the Sand Creek Valley. Instead, the DEIR incorporates by reference the mine hazards analysis contained in the *2002 Sand Creek Specific Plan and Four Associated Development Plans Draft Environmental Impact Report* ("Sand Creek DEIR"). See DEIR at 2-3. **The City's reliance on the Sand Creek DEIR is misplaced because that document was never finalized or certified and because that document contained an inadequate and incomplete analysis of the mine hazard risks posed by residential development in the southern portion of the General Plan Area, specifically the Zeka/Higgins property.**

51

The EBRPD previously submitted extensive written and verbal comments on the Sand Creek DEIR and provided substantial evidence that the mine hazards in the area were significant and not adequately mitigated. The City has not adequately responded to the EBRPD's comments on mine hazards, and it is the EBRPD's belief, based on knowledge from managing the mines at Black Diamond Mines Regional Preserve for nearly thirty years, that the analysis contained in the Sand Creek DEIR (and thus in the General Plan Update DEIR) is seriously flawed for the following reasons:

- **The Sand Creek DEIR entirely failed to consider the possibility of trough, as opposed to sink hole, subsidence on the Zeka/Higgins property. Trough subsidence is associated with mines such as those underlying the Zeka/Higgins property and can result in damage to structures, frequently over multiple acres. The coal seams underlying the Zeka/Higgins property were mined by the room and pillar method. This method can include "retreat pillaring" or "pillar extraction," which involves extraction of the coal pillars left during development mining. Trough subsidence occurs over room and pillar mines when mine roofs or pillars collapse due to lack of support.⁶ Retreat pillaring may have been conducted at the mines underlying the Zeka/Higgins property--just as it was conducted at the neighboring Black Diamond Mine.⁷ In an area of the Black Diamond Mine**

52

⁶ Significantly, trough subsidence is not necessarily limited by the depth of the mine, and the fact that a mine has stood for a considerable period of time with no apparent subsidence is no guarantee that subsidence will not occur in the future. See Exhibit 15.

⁷ A recent investigation of Black Diamond Mine has shown that retreat pillaring in that mine resulted in extraction ratios estimated to be greater than 80 percent. This extraction ratio is significant because it is extremely doubtful that the 20 percent of the coal remaining in stump pillars would be sufficient to prevent eventual widespread collapse of the mine workings.

Victor Carniglia
September 5, 2003
Page 20

recently investigated, significant roof failure was occurring due to 80 percent extraction ratios in that mine. If similar extraction ratios are typical of the mines underlying the Zeka/Higgins property, there is potential for mine roof collapse and trough subsidence on the property.

- The Sand Creek DEIR underestimated the area of the Zeka/Higgins property that may be susceptible to sink hole subsidence. Sink hole subsidence is caused by localized failure of a mine roof and appears on the surface as steep-sided pits. The Sand Creek DEIR's designation of areas having a high and moderate risk of collapse due to sink hole subsidence were based on potentially faulty assumptions regarding (1) the maximum height of roof collapse and (2) the geometry of the underlying mines. Evidence suggests that the Sand Creek DEIR assumed a maximum height of roof collapse that is too low. See Exhibit 16. Evidence also suggests that mining extended to the south boundary of the southwest corner of the Zeka/Higgins property. See Exhibit 17 (documenting a recently discovered coal mine shaft located on the EBRPD easement along the southern boundary of the Project site). As a result, the areas with a high or moderate risk of sink hole subsidence may be larger and extend farther south than indicated in the Sand Creek DEIR.
- The Sand Creek DEIR failed to identify the location of all mine openings described in the historical record or areas where there is a high probability that additional mine openings would be discovered. Historical records from the California State Mineralogist Report describe two mine openings not mentioned in the Sand Creek DEIR, and the EBRPD recently discovered an open shaft not discussed in that document. See Exhibit 17 (discovery of open shaft by EBRPD) and Exhibit 18 (excerpts from Seventh Annual Report of the State Mineralogist). Additionally, the Sand Creek DEIR failed to adequately analyze the risks presented by as yet unidentified mine openings on the Zeka/Higgins property, and it is unquestionable that there are unidentified openings on that property. See Exhibit 19.
- The Sand Creek DEIR failed to analyze significant health and safety hazards associated with abandoned mines: falling into a mine, ground falls, and unbreathable atmosphere. See Exhibit 20 (documenting hazards of abandoned mines). Sink holes and vertical ventilation shafts, both of which might appear on the Zeka/Higgins property, are potentially serious falling hazards. Sink holes and ventilation shafts are often not visible on the surface of the ground, and their collapse can occur without warning. Contrary to the suggestion in the General

Victor Carniglia
 September 5, 2003
 Page 21

Plan Update DEIR that collapse of ventilation shafts may create "soil slumps" (see DEIR at 4.5-4), such collapses may actually result in serious falling hazards.⁸ It has been reported that two young men died on what is now EBRPD property when unstable ground gave way and they fell into a ventilation shaft. See Exhibit 21.

- The Sand Creek DEIR failed to analyze the risk of exposure to contaminated air due to entering or falling into a mine. Measurements taken by EBRPD in coal mines on its property have shown that there are high levels of carbon dioxide gas and insufficient oxygen to support life within a few inches of the surface. At least four people have been killed by contaminated air in mines that are now part of the Black Diamond Mines Regional Preserve. See Exhibit 21. The General Plan Update EIR similarly fails to discuss the risks of high concentrations of carbon dioxide gas. See DEIR at 4.5-4.
- Both the Sand Creek DEIR and the General Plan Update DEIR fail to analyze the indirect risks to public safety of allowing development immediately adjacent to the Black Diamond Mines Regional Preserve where additional mine openings and sink holes exist.
- The Sand Creek DEIR failed to analyze the impacts on water quality and the environment of drainage from a mine dewatering (or pumping) shaft on the Zeka/Higgins property and from drainage of surface water through coal mining waste piles on that property. The General Plan Update EIR also fails to analyze these impacts. The drainage from the dewatering shaft on the Zeka/Higgins property has been noted as an important impact on water quality by the Central Valley Regional Water Quality Control Board ("CVRWQCB"). See Exhibit 22. A water sample taken in Sand Creek found that water from the shaft was causing contamination at a distance of at least three quarters of a mile.⁹ The investigation prompted the CVRWQCB to send a letter directing the landowner to submit a plan to "evaluate the impact of acid mine drainage on Sand Creek." *Id.* A seal installed on the shaft by the Office of Surface Mining in the early 1980s was never intended to prevent acid drainage. It is the EBRPD's belief that drainage from this shaft is ongoing. Additionally, the EBRPD's experience with mine waste piles on park property indicates that the waste piles on the Zeka/Higgins property will result in acidic runoff from surface waters filtering through the waste piles.

⁸ If ventilation shafts are vertical, or near vertical, as many are, the failure of a timber floor is more likely to open the entire shaft to the surface, creating a serious hazard.

⁹ No tests were taken beyond that point.

Victor Carniglia
 September 5, 2003
 Page 22

The mitigation measures proposed in the Sand Creek DEIR were inadequate to mitigate the public safety risks associated with mining hazards in the Sand Creek Valley Area. The mitigation measures in the General Plan Update EIR are similarly inadequate for the following reasons:

- The mitigation measure requiring that abandoned mines be placed in open space areas with "appropriate buffers areas to prevent unauthorized entry" (see DEIR at 4.6-11, policy "T") is inconsistent with the land use designations under Option A and portions of Option B, although Option B is clearly superior to Option A in this regard. 53
- The mitigation measures allow for residential development in areas of "high probability of surface collapse" if foundation design would not be affected by subsidence without even analyzing whether foundation design could protect property against subsidence. See DEIR at 4.6-11 (policy "o"). This policy/mitigation measure also does not address widespread trough subsidence that may involve many acres of land. Foundation reinforcement measures designed to protect against localized failure may not protect against the subsidence of an entire building lot. 54
- The mitigation measures for the public safety risks presented by allowing development in the vicinity of mine openings are inadequate. At the neighboring Black Diamond Mines Regional Preserve, EBRPD has adopted numerous measures to protect public safety in light of similar risks, including: surveillance of areas of the Preserve where openings might appear, helicopter patrols, and immediate professional response to the discovery of new openings. Additionally, EBRPD has a formal abandoned mine emergency plan to insure a rapid and organized response to underground emergencies at the Preserve. The General Plan Update DEIR contains no similar mitigation measures. 55
- Finally, the DEIR fails to mitigate the impacts on water quality and the environment of drainage from a dewatering (or pumping) shaft on the Zeka/Higgins property and from drainage of surface water through coal mining waste piles on the property. The EBRPD has recently implemented mitigation measures to address similar impacts due to waste piles on park property. 56
- The DEIR should include a provision for a geological hazard abatement district or other funding mechanism that would provide funds for mine closure efforts that would be ongoing in General Plan Area. It has been the EBRPD's experience 57

Victor Camiglia
 September 5, 2003
 Page 23

over the past 25 years of managing mine openings at Black Diamond Mines that there is no "one time" fix that "effectively seals" all mine openings. Also, several new ones develop each year. Development in an area of past mining activity will require establishment of a Geological Hazards Abatement District to fund this on-going need.

58

4. The DEIR Fails to Analyze the Project's Significant Land Use Impacts.

The DEIR fails to analyze adequately the consistency of the Project with existing land use plans. A proper coordination of planning efforts requires a careful analysis of the consistency of the proposed project with existing land use plans. The perfunctory analysis in the DEIR undermines efforts at coordinated planning and informed decision-making, and is not adequate under CEQA.

59

The DEIR improperly ignores the significant land use impacts of the proposed General Plan Update by understating the seriousness of that plan's inconsistency with applicable growth-limiting land use policies, including the Contra Costa County 65/35 Land Preservation Plan. The General Plan Update proposes to allow intensive urban development of substantial swaths of undeveloped unincorporated County land (Roddy Ranch, Ginocchio Property, etc.). Applicable County and LAFCO land use policies referenced in the DEIR (including, most notably, the Contra Costa County 65/35 Land Preservation Plan) dictate that these properties should remain in agricultural, open space, wetlands, parks and other non-urban uses. See DEIR at 4.8-1 to 4.8-5.

60

In light of this obvious inconsistency between the proposed General Plan Update and clearly applicable planning policies, the DEIR should have acknowledged that the General Plan Update would entail significant land use impacts. The DEIR and General Plan Update reach the contrary conclusion by making the unjustified and unreasonable assumption that the Urban Limit Line will eventually and inevitably expand so as to allow the City of Antioch to approve urban development south of its current boundary. They assume, for example, that the County will relax its limits on urban expansion after 2010, when the voter-approved Measure C-1990 sunsets. DEIR at 4.8-17. They repeatedly and incorrectly characterize the Urban Limit Line as merely a mechanism for "phasing" eventual urban development, rather than what it is: a tool for creating firm limits on such expansion. See DEIR at 4.8-5. There is no evidence to support the City's characterization of the Project's land use impacts as less than significant.

61

Victor Carniglia
 September 5, 2003
 Page 24

It is inconceivable (and at the very least highly unlikely) that the City would obtain the necessary approvals to annex and develop the land outside of its Urban Limit Line particularly when 38% of the land within the City is presently vacant. *See* DEIR at 4.8-1. In fact, the last time Brentwood and Antioch applied to develop outside of the Urban Limit Line, the LAFCO denied their application. The DEIR is seriously flawed in that it ignores this clear problem with the City's General Plan Update, and instead gives the false impression that the City can realistically assume that it will be **permitted to expand outside of its current urban limits within the relevant planning period.** *See* DEIR at 4.8-17.

62

Simply put, the DEIR's conclusion that the General Plan Update will not result in significant land use impacts is based on unreasonable assumptions, not substantial evidence. In light of the clearly applicable land use laws and policies, the only reasonable conclusion is that the General Plan Update would result in significant land use impacts. The DEIR improperly ignores those impacts.

63

The DEIR is also flawed in that it fails to acknowledge that the massive proposed development of open space constitutes a significant land use impact. The DEIR properly notes that "substantial loss of open space" is a threshold of significance for evaluating land use impacts. *See* DEIR at 4.8-8. The DEIR then concludes, without substantial evidence, that the Project's land use impacts will be less than significant. The DEIR does not adequately explain or support that conclusion, and in fact the proposed development of approximately 4,000 acres of open space is clearly a significant impact. The City's General Plan Update policies neither avoid nor mitigate this significant impact. For example, under Option A, only approximately 25% of the Sand Creek area would be preserved in open space. That would leave up to 75% of the existing open space areas potentially lost to development (75% x 2,100 acres = 1,575 acre loss).

64

Moreover, although the DEIR recognizes that the General Plan Update proposes employment-generating development in excess of the levels projected by the Association of Bay Area Governments ("ABAG") and provides some analysis of the implications of the inconsistency (including the eventuality that employment-generating development will actually proceed per ABAG's projections) (*see* DEIR at 4.8-18 through 20), the DEIR does not include an analogous discussion of the reasons for and implications of the mismatch between the high residential development projections relied on by the City and ABAG's more conservative projections. *See* DEIR at section 4.10. Without such analysis, the DEIR is deficient.

65

Victor Carniglia
September 5, 2003
Page 25

Neither the General Plan Update nor the DEIR makes clear how many housing units (of all types) the City assumes will be built annually, given the constraints and terms of Measure U. The City must make its assumptions plain and justify those assumptions. The City must also explain whether and to what extent it assumes there will be a demand for development of all of the units allowable under Measure U. This is particularly important in light of the fact that the City apparently has a backlog of approved units that have not yet been built or are awaiting allocation through Measure U.

66

Finally, the DEIR operates on the assumption that the General Plan Update policies will improve the ratio of jobs to population. See DEIR at 4.8-18. This assumption is not actually supported; however, by the General Plan Update's land use policies that purport to strike an appropriate balance between residential and employment-generating development. Those policies (excerpted on pages 4.8-19 to 4.8-20 of the DEIR) do not in any way link or tie the amount of residential development permitted in the City to the amount of employment-generating development that actually proceeds. As such, it is entirely possible that residential development will substantially outpace employment-generating development if the General Plan Update is adopted. The DEIR ignores this possibility entirely, focusing instead on the assertion that the jobs:population ratio will go from 0.48 to 0.92 if the General Plan Update is adopted. As such, neither this assertion nor the DEIR's conclusion that the General Plan Update policies will be effective at providing employment-generating land uses is supported by substantial evidence. This is particularly important because the City has criticized and sought to reject alternatives to the General Plan Update on the ground that they would not meet the project goal of promoting employment-generating development and improving the jobs:population ratio. See DEIR at 6-18. Because the policies of the General Plan Update will not reliably satisfy this stated goal, it is not appropriate to rule out alternatives on that basis.

67

The DEIR's analysis also makes no effort to analyze the consistency of the proposed Project with land uses specified in the Black Diamond Mines Regional Preserve. See Exhibit 23 (EBRPD Land Use-Development Plan). The land use plan for the Preserve designates a portion of the area adjacent to the Sand Creek Area as a "natural environmental unit;" the southern part of the Preserve immediately adjacent to the Sand Creek Area is designated as a "preserve unit" due to the significant habitat and historical mining value of this area. See Exhibit 23 at 31. The EBRPD's land use plan makes clear that the entire Preserve contains outstanding natural, historical, and biological features. The DEIR fails to analyze the consistency of development proposed by the Project with land uses throughout the Preserve.

68

Victor Carniglia
 September 5, 2003
 Page 26

5. The DEIR Fails to Analyze or Adequately Mitigate the Project's Significant Impacts on Recreation and Parks.

The DEIR's description of the EBRPD regional facilities in the vicinity of the Project site contains errors and omissions. First, Black Diamond Mines Regional Preserve is currently 5,984 acres, not 5,386 acres. See DEIR at 4.11-14. Second, the DEIR omits mention of the Star Mine Group Camp and the Stewartville Backpack Camp, both of which are located within the Black Diamond Mines Regional Preserve and **both of which would be significantly impacted by the development of the Sand Creek Valley proposed under Option A or B of the General Plan Update.** Third, the DEIR erroneously indicates that the EBRPD "may request a dedication of land for park, trail or conservation use as a condition of approval on projects." DEIR at 4.11-15. While the EBRPD has accepted numerous dedications of parkland, trails, and other easements, such dedications typically result from a condition of approval imposed by a local lead agency, not the EBRPD. The EBRPD has no authority to require a dedication.¹⁰

69

Additionally, the DEIR fails to analyze the impacts of the General Plan Update on the EBRPD's regional facilities, and the DEIR does not address any of the concerns raised by the EBRPD in the context of 2002 Draft Sand Creek Specific Plan. Specifically, the EBRPD is concerned about the impacts of the development proposed under the General Plan Update on visual quality, trail and facilities maintenance, public safety, cultural resources, and special status species within the Black Diamond Mines Preserve. The Project will also significantly increase the EBRPD's costs for regional park operations, public safety, and habitat management.

70

The DEIR recognizes that the projected population of 146,785 people under buildout of the General Plan (an increase of approximately 55,000 from today) would require development of additional parks and recreational facilities in order to avoid a detrimental impact on such services. See DEIR at 4.11-24. However, the DEIR completely fails to analyze the impacts of General Plan buildout on regional parks, and

71

¹⁰ The EBRPD is an advocate for the permanent preservation and management of open space to meet the rapidly growing demands of East Bay residents for recreational activities, preservation of scenic areas, and protection of sensitive ecological and cultural resources. The EBRPD has not made any determination that open space lands that may be dedicated through the development approvals for the southern Antioch area are suitable for addition to nearby regional parks. Such a determination would be contingent upon a number of factors, including the size, location and proximity of dedicated open space to EBRPD parklands, and the existence of adequate funding to manage such lands to provide for appropriate public access and resource conservation. In cases where the EBRPD has declined to accept dedications, because one or more of these conditions were not met, such lands have been taken over and/or managed by other agencies, home owners associations, land trusts or foundations.

Victor Carniglia
September 5, 2003
Page 27

concludes nonetheless that the impacts of the project would be less than significant merely with the adoption of the Parks and Recreation Policies—which concern policies to encourage building of local parks only (not regional parks). See DEIR at 4.11-26. The DEIR contains no mitigation measures that would address the significant impacts of the General Plan Update on regional parks.

71

Both the EBRPD Contra Loma Regional Recreational Area (“Contra Loma”) and the EBRPD Black Diamond Mines Regional Preserve (“Preserve”), which are within and immediately adjacent to the City, would be impacted by introduction of over 55,000 new residents to the region. Both facilities have already experienced an increase in users due to development in the region. As an indication of the capacity of these regional facilities, EBRPD notes that the maximum number of cars that can be accommodated at Contra Loma is 1,200 vehicles and at the Preserve is 637 vehicles. Additionally, the desired maximum number of visitors to Contra Loma at any one time is 5,000 visitors, a number that is already exceeded on such holidays as Independence Day and Labor Day.

Contra Loma has experienced a noticeable increase in people walking and bicycling into the facility as a result of development and increased population in the immediate vicinity of the park. This cumulative impact has resulted in the need to establish a new access trail along the entrance into Contra Loma. Contra Loma experiences a very high use of its facilities now, and the Project would result in even higher use of and significant cumulative impacts to the facility. The EBRPD’s costs for maintaining this facility would increase significantly as a result of the Project.

72

The introduction of over 55,000 people in the City of Antioch would have significant impacts on the park functions of the Black Diamond Mines Regional Preserve as well. New access facilities and expanded security measures would need to be considered in light of the amount and proximity of development proposed by for the Sand Creek Valley under Option A and Option B of the General Plan Update. The EBRPD is concerned with unauthorized nighttime access and illegal activity of the Preserve after closing, especially due to the geological and other hazards on the Preserve. The EBRPD’s concerns include collecting and removal of protected plants and animals, use of bicycles cross country and/or on restricted trails, general vandalism, accidental wildfires and arson, unauthorized vehicle trespass, and gate and fence damage. The DEIR must consider these impacts on existing regional parks.

Victor Carniglia
 September 5, 2003
 Page 28

Finally, the development associated with the General Plan Update would result in significant physical impacts to regional park facilities that would not be mitigated by concomitant increases in entrance fees or other assessments. Accordingly, the General Plan Update should include a mitigation measure that would include a funding mechanism or assessment for maintenance of regional parks that would be used to offset the significantly increased EBRPD management costs resulting from the Project.

72

6. The DEIR Fails to Analyze or Adequately Mitigate the Project's Significant Impacts on Water Supply.

The DEIR's analysis of water supply fails to comply with the requirements of CEQA. An environmental review document must identify the water resource for a proposed project and analyze the environmental impacts associated with the project's utilization of the water resource. *See Stanislaus Natural Heritage Project v. County of Stanislaus*, 48 Cal.App.4th 182 (1996). If an existing water source is proposed to be used, the environmental review document must discuss whether the existing source has enough water to serve the proposed project and current users. *See Santiago County Water District v. County of Orange*, 118 Cal.App.3d 818 (1981). If there is uncertainty as to the adequacy of the water supply to serve a proposed project, then the environmental review document must identify additional sources of supply and discuss the environmental consequences of tapping those resources. *See id.*

Although the DEIR identifies the two sources of water for the City—the Contra Costa Water District's ("CCWD") conveyance from the Sacramento-San Joaquin Delta and the City's own direct pumping from the San Joaquin River—the DEIR fails to provide adequate information about the water supply, the capacity of existing water facilities, or the environmental impacts associated with the forecasted water withdrawals.

73

The DEIR does not provide the information necessary to determine whether the available water supply is adequate to meet demand under the buildout of the General Plan. The DEIR fails to state how much water the City obtains from the CCWD now or how much it can rely on receiving in the future. *See* DEIR at 4.12-2. This omission is significant since the canal delivering water to the City from the CCWD is presently operating at "close to peak capacity" during the summer and peak hours, and it is not clear how the CCWD's construction of a new multipurpose pipeline between the Randall-Bold Treatment Plant in Oakley and the Central County Treated Water Service Area would affect the conveyance capacity to the City. *Id.*

Victor Carniglia
 September 5, 2003
 Page 29

Similarly, the DEIR states that the City is pumping approximately 9,000 acre-feet of water from the San Joaquin River in order to meet present demand (DEIR at 4.12-1), but it does not provide any estimate of how much additional water could be pumped from the San Joaquin River to meet the additional demand associated with buildout of the General Plan. In fact, the DEIR indicates that the City's ability to pump additional water from the River is limited "by the water quality of the River." DEIR at 4.12-2. The DEIR does not provide any explanation of how the estimated demand in the year 2020 (24,686 acre feet) will be met by water from these sources, especially when taking into account the demands of other current users. Additionally, the DEIR fails to analyze whether the water supply will be adequate to meet projected demand under drought conditions.

74

The DEIR also fails to analyze adequately the environmental impacts of the projected withdrawals from the Sacramento-San Joaquin Delta and the San Joaquin River. The DEIR completely fails to analyze the impacts of water withdrawals on the Sacramento-San Joaquin Delta, and it analyzes the impacts of increased withdrawals from the San Joaquin River only from the perspective of decreased drinking water quality in the City. See DEIR at 4.12-11. The DEIR must analyze the effects associated with the project's utilization of water on the Delta and the River, and the biological communities associated with those water bodies. The DEIR also fails to analyze the environmental impacts associated with projected expansions of water facilities or other infrastructure needed to provide water to the General Plan area.

75

Finally, if there is uncertainty as to the adequacy of the water supply to serve a proposed project, then the environmental review document must identify additional sources of supply and discuss the environmental consequences of tapping those resources. The DEIR contains no such analysis, and it appears that there is uncertainty regarding the adequacy of supply to meet projected demand under the General Plan.

76

For the foregoing reasons, the DEIR's analysis of water supply is inadequate under CEQA.

C. The DEIR's Analysis of Alternatives is Flawed.

CEQA mandates that lead agencies such as the City include in their EIRs an analysis of a reasonable range of potential project alternatives that would "avoid or substantially lessen any of the significant effects of the project." CEQA Guidelines § 15126.6. The analysis must provide sufficient information about the alternatives to

77

Victor Carniglia
 September 5, 2003
 Page 30

"allow meaningful evaluation, analysis and comparison with the proposed project." *Id.* A proper analysis of alternatives is essential if an EIR is to comply with CEQA's mandate that significant environmental damage be avoided or substantially lessened where feasible. *See* Pub. Res. Code § 21002. The information provided in the alternatives section should be accurate, and the analysis must be evenhanded. The City's analysis of alternatives in the Draft EIR for its General Plan Update fails to satisfy these minimum requirements of CEQA.

77

The Draft EIR acknowledges that the proposed General Plan Update would result in potentially significant environmental impacts in the areas of traffic and air quality. DEIR at 5-10. Moreover, as discussed elsewhere in this letter, the General Plan Update would also result in potentially significant environmental impacts in other areas, including biological resources, aesthetics, land use, and recreation. As such, a full and accurate analysis of alternatives that could lessen project impacts is required under CEQA. CEQA Guidelines §15126.6.

78

The alternatives analysis provided in the Draft EIR is flawed because it is improperly skewed in favor of the proposed General Plan Update and against the feasible alternatives thereto. Most notably, although the analysis acknowledges that the "No Project, Existing General Plan Alternative", the "Rural Alternative" and the "Reduced Density Alternative" would allow the City to meet its "fair share" housing allocation in the "near term" the analysis reaches the unfounded conclusion that those alternatives are environmentally inferior to the proposed General Plan Update in the area of population and housing because they would or could interfere with the City's ability to satisfy its "fair share" housing allocation in the "long term". DEIR at 6-9, 6-12 and 6-16. The DEIR reaches this conclusion of environmental inferiority based on pure speculation, and without providing an adequate analysis of the issue.

79

The DEIR's alternatives analysis fails entirely to indicate what it means by "near term" and "long term" (i.e., what year or years are implicated by these terms). This is critically important because the ABAG has, consistent with State Planning and Zoning Law, prepared "fair share" housing needs projections for Antioch and the other Bay Area jurisdictions for the years 2001-2006, not for subsequent years. *See* Exhibit 24. If, as appears to be the case, the City is relying on "fair share" housing needs projections other than those prepared by ABAG or beyond the 2001-2006 ABAG numbers, the City has not made that clear.¹¹ The City has also failed to justify those projections.

80

¹¹ With regard to the "No Project, Existing General Plan Alternative," the DEIR notes that the alternative would result in approximately 40,870 households in 2025. DEIR at 6-9. That is the ABAG long-term housing projection for Antioch. DEIR at 4.10-5 (Table 4.10.D). The DEIR nonetheless concludes, without explanation, that the No Project,

Victor Carniglia
September 5, 2003
Page 31

As it now stands, the DEIR's conclusion that the various alternatives considered will not satisfy unspecified housing projections violates CEQA in that it is entirely conclusory in nature. The conclusion does not appear (or even purport) to be based on any specific housing need projections or any projections regarding the housing capacity of the various alternatives, much less any comparison of need to capacity.

The only apparent basis for the DEIR's conclusion is the vague assertion that because the General Plan alternatives evaluated would involve less development than the proposed General Plan, they might provide fewer low income housing units. See DEIR at 6-18. This sort of simplistic "more is better" assumption ignores the various economic and planning factors that impact development of low income housing. It is also inherently skewed in favor of more intensive development and against less intensive development. In fact, it does not logically follow that making more land available for residential development is the best or only means of satisfying the City's "fair share" allocation. This is particularly true where, as in this case, the new land made available for development would mainly be designated and zoned to support high priced housing.

In sum, therefore, the DEIR does not present substantial evidence to support the conclusion that the "No Project, Existing General Plan Alternative", the "Rural Alternative" and the "Reduced Density Alternative" would jeopardize the City's ability to meet its "fair share" housing allocation. It is therefore improper to label those alternatives environmentally inferior to the proposed General Plan Update in the area of population and housing.¹²

These flaws in the DEIR's alternatives analysis are particularly critical because even though the "Rural Alternative" is acknowledged in the DEIR as the "environmentally superior alternative," the DEIR rejects that alternative (and others) based on the conclusion that the alternatives would fail to satisfy the project objective of

Existing General Plan Alternative would jeopardize the City's ability to meet its "fair share" obligation. That conclusion is not supported by substantial evidence.

¹² It is important to note that the terms of Contra Costa County Measure C-1990 specifically provide that the County could only move the Urban Limit Line out as proposed in the General Plan Update if an objective study were to determine that the Urban Limit Line is preventing the County from providing its "fair share" of affordable housing and that moving the Urban Limit Line is the only feasible means of enabling the County to meet those requirements. See DEIR 4.8-5. The conclusory analysis of the "fair share" issue contained in the DEIR does not satisfy the requirement of Measure C-1990; it does not constitute an "objective study" and does not demonstrate the "fair share" allocation cannot be met within the existing Urban Limit Line.

Victor Carniglia
 September 5, 2003
 Page 32

enabling the City's to meet its "fair share" housing allocation.¹³ DEIR at 6-18. Given that the DEIR does not contain substantial evidence to support a conclusion that the alternative would jeopardize the City's ability to satisfy its "fair share" allocation, it is improper to reject the "Rural Alternative" (and other alternatives) on that basis.

80

D. The DEIR Contains an Inadequate Analysis of the Project's Growth-Inducing Impacts.

CEQA requires that an EIR contain an analysis of a project's growth inducing impacts. Growth-inducing impacts are those that encourage or facilitate other activities or projects that could significantly affect the environment, either individually or cumulatively. See CEQA Guidelines § 15126.2(d). The City's General Plan Update is obviously a growth-inducing project in that it provides for an increase in population of approximately 55,000 people, and increase in residential units of approximately 18,000, and an increase in commercial and industrial square footage of approximately 25,000,000. See DEIR at 3-9 (Table 3.D) and 4.10-5. Additionally the General Plan Update sets forth policies governing the development of areas beyond the existing Urban Limit Line.

81

The DEIR's analysis of the growth-inducing impacts of the General Plan Update is plainly inadequate. In fact, it appears to have been simply cut out of an environmental review document prepared for another jurisdiction and not completely edited to analyze the Antioch General Plan Update. This may explain the statement on page 5-2 of the DEIR that "[t]he proposed General Plan is a master plan providing the framework by which public officials will be guided on making decisions relative to development within *Riverside County*." DEIR at 5-2 (*emphasis added*).

82

The DEIR's analysis of growth-inducing impacts fails to even summarize the water supply, sewer, or roadway improvements needed to accommodate the increases in population forecast under the General Plan Update. The DEIR assumes that the growth induced by the Project will have beneficial effects because, for example, if the growth occurs near transit centers, then the Project will support regional transit systems. See DEIR at 5-2. This statement, and many others like it, are completely unsupported by analysis in the DEIR. No discussion in the DEIR explains how growth would be focused near transit centers, and in fact, the General Plan Update provides for substantial residential development away from "transit centers"--in what is now open space.

83

¹³ The DEIR's alternatives analysis represents that one of the City's stated goals for the General Plan Update is to meet its "fair share" housing needs as determined by ABAG. Although we do not question the appropriateness of this goal, we do note that it is not among those listed in the "project objectives" section of the Draft EIR. DEIR at 3-1 to 3-2.

Victor Carniglia
 September 5, 2003
 Page 33

Finally, the DEIR does not analyze the Project's growth-inducing impacts outside the City, particularly in areas to the south and east of Antioch. CEQA requires the City to analyze the impacts of the form, location and amount of development that it can reasonably anticipate will be induced by the General Plan Update both within and outside of the City. *See City of Antioch v. City Council of the City of Pittsburg*, 187 Cal.App.3d 1325, 1337 (1986).

84

E. The DEIR Does Not Adequately Analyze the Cumulative Impacts of the Project.

An EIR must discuss the cumulative impacts of a project when the incremental effects of a project are considerable when viewed in connection with the effects of other past, current, and probable future projects. CEQA Guidelines §§ 15130(a), 15065(c). The analysis of cumulative impacts is particularly important in the context of long-range planning documents because the growth allowed under general plans is often substantial and because general plans set forth the policies that will guide the development of future, individual projects for several years. As noted in the CEQA Guidelines, an advantage of a program-level EIR for planning documents, such as the City's, is that they "[e]nsure consideration of cumulative impacts that might be slighted in a case-by-case analysis." CEQA Guidelines § 15168.

85

The City's analysis of cumulative impacts, with the exception of traffic (for which a separate analysis was prepared), is clearly inadequate because it fails to either provide a list of the other past, current, or probable future projects that were included in the cumulative analysis or to refer to a regional planning document summarizing area-wide conditions. *See* CEQA Guidelines § 15130. The DEIR utilizes some data from the ABAG, but the DEIR does not refer to a specific ABAG document or direct the public to a location where such document could be reviewed.

Additionally, the DEIR provides no quantification or meaningful discussion of the combined impact of the Project and other regional projects on the environment, such as, an estimate of the total amount of acreage of open space lost to development, an estimate of the total amount of habitat lost to development, or a measure of resulting air and water quality. The EIR does not provide decision-makers with any objective measure of cumulative impacts. The EBRPD generated map of the Black Diamond Mines to Cowell Ranch area (*see* Exhibit 8) shows a number of approved and proposed developments in Antioch, Brentwood and Contra Costa County. These include the proposed project described in Antioch's General Plan Update, plus the proposed

86

Victor Carniglia
 September 5, 2003
 Page 34

Vineyards at Cowell Ranch, Special Planning Areas G and H from the Brentwood General Plan, and the proposed Fox Ridge Manor subdivision in Contra Costa County. The proposed expansion of Los Vaqueros was not depicted in our exhibit, however, the cumulative impact analysis in the DEIR should also consider this project. The DEIR fails to consider the cumulative effects of these developments on aesthetics, open space, wildlife corridors, landscape linkages and special-status species habitats.

86

The City's analysis of cumulative biological impacts, which generally concludes that the development allowed under the General Plan Update would contribute to cumulative impacts on biological resources, does not even mention the regional HCP effort and is so vague that it could have been authored by someone without particular knowledge of the above-described regional development plans. See DEIR at 5-7. The City's approach of merely making conclusory statements about the cumulative impacts of the Project is not adequate under CEQA.

87

II. THE CITY'S GENERAL PLAN UPDATE DOES NOT COMPLY WITH STATE PLANNING AND ZONING LAW.

The City's General Plan Update violates provisions of State Planning and Zoning Law, is internally inconsistent, and contains a number of problematic policies. The deficiencies in the City's General Plan Update are summarized and described below.

A. The General Plan Update is not Legally Adequate Under State Planning and Zoning Law.

1. Land Use Element

88

State General Plan Law requires that the City's General Plan and its elements and parts comprise an "integrated, internally consistent and compatible" set of policies. Gov't Code § 65300.5. The General Plan Update violates this rule. The land use classifications shown in the land use diagram, Figure 4.1, and in Tables 4-B to 4-D (pages 4-15 to 4-17), Anticipated General Plan Buildout, differ from the land use classifications in Table 4-A, Appropriate Land Uses, and in the text (Section 4.4.1, pages 4-18 to 4-24, specifying the permitted building intensity or population density in each land use district).

State Planning and Zoning Law also requires that the Land Use Element designate the "general location and extent" of various land uses, including "standards of population density and building intensity" for each district. Gov't Code § 65302(a).

89

Victor Carniglia
 September 5, 2003
 Page 35

Because the land use districts are not described consistently in the General Plan Update Figure 4.1, Tables 4-A through 4-D, and Section 4.4.1, it is impossible in many instances to determine the land use category applicable to a specific property. The General Plan Update therefore fails to make clear what permitted land uses, intensity, and population density will apply to the areas that it purports to cover. For example, several large "Service Commercial" areas are shown in Figure 4.1, and Table 4-D anticipates build-out of over 775,000 sq. ft. in those areas. However, neither Table 4-A nor Section 4.4.1 list "Service Commercial" as a land use category. One cannot therefore determine from the plan what land uses and building intensities are permitted within properties located in "Service Commercial" areas.

89

Within the various "Focused Planning Areas," described in Section 4.4.6 (pages 4-26 to 4-80), the permitted land use, building intensity and/or population density cannot be determined in many cases. Maps of the "focused planning areas," repeatedly refer to land use categories that are not actually specified in Figure 4.1, Tables 4-A through 4-D, or Section 4.4.1. In many cases, the description of the "focused planning area" in the text does not describe permitted land uses, population density, and/or building intensity for all land use categories.

The Roddy Ranch and the Ginocchio Property, for example, are designated simply as "Mixed Use Planned Community/Resort." Neither Table 4-A nor Section 4.1.1 includes "Mixed Use Planned Community/Resort" as a land use category and the General Plan Update does not include sufficient information about the land uses proposed for those areas. Policies for both properties, listed on pages 4-72 - 4.80, include no standards for population density or commercial building intensity. The proposed residential density is not clear and although the General Plan does specify an overall maximum housing density per "developable acre," it does not specify the number of "developable acres." The General Plan policies are not sufficiently specific to calculate the "Anticipated General Plan Buildout" shown in Table 4-D. For instance, the plan provides no guidance for determining how many residences will be single-family or multifamily. The City is apparently attempting to defer the development of specific land use designations until a Final Development Plan is proposed (see DEIR at 4-75 and 4-79). This is not appropriate under State Planning and Zoning Law.

90

Neither Option A nor Option B for the Sand Creek Focus Area includes any standards for population density and the General Plan provides no building intensity standards for Senior Housing and no population density or residential building intensity standards for the Mixed-Use Medical Facility.

91

Victor Carniglia
 September 5, 2003
 Page 36

The categories for commercial development shown in Figures 4.8A and 4.8B (the land use maps) are not consistent with the policies in the text, so that the permitted building intensity cannot be determined. For instance, the text on pages 4-58 and 4-64 discusses three categories of commercial development with different land use intensities: employment-generating uses, local-serving commercial, and other retail/office commercial. Because Figures 4.8A and 4.8B show only "Commercial/Open Space" and "Business Park", however, it is impossible to determine what the allowable building intensity would be for each parcel.

91

Planning and Zoning Law requires that the Land Use Element of the General Plan designate uses of the land for "education" and for "solid and liquid waste disposal facilities." It must also identify areas covered by the plan which are subject to flooding. Gov't Code § 65302(a). The Draft Antioch Land Use Element does not designate sites for educational uses, or for solid and liquid waste disposal activities, nor does it identify areas subject to flooding.

92

2. Open Space Element

State Planning and Zoning Law mandates that a City's General Plan should recognize that "open-space land is a limited and valuable resource which must be conserved whenever possible." Gov't Code § 65562. The open space element of the General Plan must designate open space for the preservation of natural resources; for the managed production of resources; for outdoor recreation; and for public health and safety. Gov't Code § 65560(b). The Draft General Plan Update does not designate any site specifically for preservation of natural resources, managed production of resources, outdoor recreation, or public health and safety. Policies relating to open space, which are scattered throughout the Draft Plan, in most cases do not designate specific sites but improperly defer identification of open space areas until specific projects are proposed. There are no policies relating to the 5,600 acres of agricultural land located in Antioch.

93

State Planning and Zoning Law also provides that the City's General Plan open space element must contain an "open space action program" consisting of "specific programs" the City intends to pursue to in implementing its open space element. Gov't Code § 65564. Although the Resource Management section and scattered policies elsewhere in the General Plan Update include some open space objectives and policies, they do not satisfy state law requirements, as they do not constitute a specific "action program." Notably, Section 12.0 of the General Plan Update entitled "Implementation" contains no programs to implement Antioch's open space policies.

94

Victor Carniglia
 September 5, 2003
 Page 37

3. Conservation Element

In order to comply with State Planning and Zoning Law, the Antioch General Plan must include a conservation element for the "conservation, development, and utilization" of a variety of natural resources including soils, fisheries, and minerals. The element must consider the effect of development described in the land use element on natural resources located on public lands. The element must also discuss and evaluate any water supply and demand information described in Government Code section 65352.5, if provided by a water agency to Antioch.

The General Plan Update's Resource Management Element does not discuss the effect of development on the natural resources located on adjacent public lands, in particular, on those public lands owned by the EBRPD. The Resource Management Element also contains no description of soils and minerals nor their conservation, development, and utilization. The conservation, development, and utilization of fisheries are not discussed, nor are there any policies related to fisheries. Water supply and demand information is not discussed at the level of detail required by Gov't Code § 65352.5.

95

4. Noise Element

In order to comply with State Planning and Zoning Law, the Antioch General Plan must include current and projected noise levels for highways and freeways, primary arterials, major local streets, passenger and freight trains, rapid transit, aviation facilities, local industrial plants, and other important ground stationary sources. Existing and projected noise contours must be shown for all those sources based on noise monitoring, and the contours must be used as a guide to establish a land use pattern that minimizes exposure to excessive noise. The noise element must also recognize the guidelines established by the State of California. Gov't Code § 65302(f).

96

The Draft General Plan Update does not include current and projected noise levels for any of the uses listed, nor does it include noise contours. Consequently, the land use element cannot minimize the exposure of sensitive receptors, including those using EBRPD lands, to excessive noise. The Draft General Plan also fails to include any discussion of the State's noise element guidelines.

Victor Carniglia
September 5, 2003
Page 38

5. Circulation Element

In order to comply with State Planning and Zoning Law, the Antioch General Plan circulation element must show the location of a variety of transportation facilities, "all correlated with the land use element of the plan." Gov't Code § 65302(b). The Circulation Element in Antioch's Draft General Plan Update shows the location of planned transportation improvements, and the Growth Management Element establishes traffic standards. However, neither element correlates planned transportation improvements with the Land Use Element nor discusses whether the planned improvements will enable Antioch to meet its traffic standards.

97

B. The Development Proposed by the City Pursuant to the General Plan Update is Inconsistent with Many of the Express Policies of that Plan.

One of the most striking and problematic aspects of the General Plan Update is the fact that much of the development the City proposes to allow under that plan is directly inconsistent with the express policies of the plan. The consequence of this inconsistency is that the City is already violating the policies that are meant to guide all land use development in the City. Furthermore, State Planning and Zoning Law requires general plans to be internally consistent. The following examples illustrate the problem.

All indications are that the intensive development proposed (including Option A for the Sand Creek Area) does not comport with the proposed biological resource policies in the General Plan Update, including the stated policy of protecting sensitive habitat areas. (e.g., oak wood lands, vernal pools and grasslands). See DEIR at 4.3-23. Development that destroys such habitat cannot, by definition, also protect it. The City does not appear to have done the planning and analysis necessary to determine how development must be limited to protect biological resources. Please refer to the EBRPD's "Option C" for further information. See Exhibit 3. Development of Option A for the Sand Creek Valley would also violate a number of geology and seismicity policies set forth in the plan, including "f", "t" and "o". See General Plan at 11-4.

98

Option C proposed by the EBRPD (see Exhibit 3) is the only Sand Creek development option that appears to be consistent with a number of Hillside Design Policies in the General Plan Update. Policy "m" calls for the overall scale and massing of structures to respect the natural surroundings and unique visual resources of an area by incorporating designs that follow natural topography and minimize visual intrusion in the natural landscape. Option C appears entirely consistent with these policies because it

99

Victor Carniglia
 September 5, 2003
 Page 39

protects scenic ridgelines by eliminating homes from the hillsides; it buffers regional parklands that contain significant ridgelines and hillsides. Development under Option C would be restricted to valley bottom areas that are contiguous with proposed development on the adjacent Richland and Cowan properties. By contrast, Option B would allow for hillside development north of Sand Creek. Option A, would further violate Policy "m" by severely impacting a number of additional significant hillsides and ridgelines.

99

Finally, the General Plan's discussion of intergovernmental coordination includes several policy statements to work with local neighboring governments and to "pursue establishment of inter-jurisdictional agreements for the mitigation of development impacts" (see General Plan at 12-7), yet the City has chosen not to participate in the East Contra Costa Habitat Conservation Plan, the stated purposes of which include regional cooperation and mitigation of development impacts to special-status species. It would therefore appear that by not participating in the HCP effort, the City is already in violation of its own General Plan policies.

100

C. The General Plan Update Contains a Number of Problematic Policies.

EBRPD staff have carefully reviewed and prepared comments on and suggested changes to the proposed policies contained in the General Plan Update. EBRPD staff's comments on the General Plan Update are attached hereto as Exhibit 25.

101

III. CONCLUSION

For the reasons set forth above, we respectfully request that no further consideration be given to the Project as proposed until an EIR that fully complies with CEQA is prepared and circulated for public review.

102

Very truly yours,



Tamara S. Galanter
 Osa L. Armi
 Janette E. Schue
 SHUTE, MIHALY & WEINBERGER LLP

Victor Carniglia
 September 5, 2003
 Page 40

List of Exhibits:

- 1 C.V./Biography for Brad Olson
- 2 C.V./Biography for John Waters
- 3 August 27, 2003 Letter from EBRPD to City of Antioch Planning Commission
 Re: City of Antioch General Plan and EIR - Sand Creek Focus Area Option C
 Black Diamond Mines Regional Preserve.
- 4 August 27, 2003 Letter from Shute, Mihaly & Weinberger LLP to City of Antioch
Planning Commission.
- 5 **Letter from Karen Swaim regarding recent observation of Alameda Whipsnake at
 Black Diamond Mines**
- 6 **Newspaper article regarding East County habitat plan (Matt Weiser 1997)
 The Sunday Times**
- 7 **Map of San Joaquin Kit Fox Corridors prepared for the East Contra Costa
 HCP/NCCP (Figure 6.4)**
- 8 **Report by Brad Olson on the Potential Impacts of the City of Antioch's General
 Plan Update on the San Joaquin Kit Fox, with attached Map of Black Diamond
 Mines to Cowell Ranch San Joaquin Kit Fox Corridors prepared by EBRPD**
- 9 **East Contra Costa HCP/NCCP - Notice of Preparation of an Environmental
 Impact Report**
- 10 **Table of recent kit fox sitings in the region**
- 11 **Visual impact simulation of Sand Creek Focus Area - Option A**
- 12 **Visual impact simulation of Sand Creek Focus Area - Option B**
- 13 **Visual impact simulation of Sand Creek Focus Area - Option C**
- 14 **Black Diamond Mines Regional Preserve Trail and Facilities Map**
- 15 **Subsidence Misconceptions and Myths (Gray et al. 1996)**
- 16 **Surface Subsidence Engineering (Peng 1992)**
- 17 **Site Description of Mine Opening C71**
- 18 **Excerpt of Seventh Annual Report of the State Mineralogist**
- 19 **Newspaper article regarding coal mines underlying Zeka/Higgins property (Jan
 Ramsey 2003) The Sunday Times**
- 20 **Materials Related to the Hazards of Abandoned Mines**
- 21 **Oakland Tribune Article Regarding Mining Dangers**
- 22 **Letters and Inspection Report of the Central Valley Regional Water Quality
 Control Board**
- 23 **Black Diamond Mines Regional Preserve Land Use-Development Plan and
 Environmental Impact Report**
- 24 **ABAG housing needs projection information**

Response to Letter L: Shute, Mihaly & Weinberger LLP¹

- L-1 The comment provides a statement summarizing the East Bay Park District's positions that that the Draft EIR does not comply with CEQA and that the General Plan does not comply with State General Plan law. Within this comment no specifics are mentioned, but are provided in other comments. The City of Antioch disagrees with the District's conclusion for the reasons set forth in response to specific comments.
- L-2 This comment does not raise any substantive environmental issues regarding the adequacy of the Draft EIR, but states that in preparing the comment letter, the District's attorneys "relied on the technical expertise of EBRPD staff to conduct our analysis of the DEIR and General Plan update."
- L-3 This comment summarizes the EBRPD's perspective of the proposed General Plan and Draft EIR, and presents the overall structure of this comment letter. The comment implies that the City is proposing development on "thousands of acres of land" that are somehow preserved in open space. This is an incorrect characterization of the General Plan. The General Plan neither proposes nor permits development on lands preserved in open space.
- L-4 This comment provides a general statement regarding the Commentor's assertion that the Draft EIR does not provide legally required information. Specific comments are described in detail later in the comment letter. The City of Antioch does not concur with this comment for the reasons set forth in response to detailed comments below.
- L-5 This comment summarizes the importance of the project description in an EIR, but does not raise any substantive issues regarding the EIR prepared for the Antioch General Plan. No further response is necessary.
- L-6 An error was found in the land use tables set forth in the Draft EIR (see revised Tables at the end of responses to Comment Letter L). This error occurred in transcribing land use data by General Plan category and Focus Area from detailed tables identifying General Plan land use by traffic analysis zones. The quantified analysis of traffic and air quality impacts are based on the correct land use by traffic zone figures. Noise analysis is based on a worst-case analysis of the noise that would result from roadways running at their design capacity and speed.
- L-7 See General Comment 1 for a discussion of the programmatic nature of the General Plan EIR. As described in Section 2.3 of the Draft EIR, this EIR is a "Program EIR," which evaluates the broad-scale impacts of the proposed General Plan. It is not a "project-level" EIR. The project for the purposes of this Program EIR is the General Plan for the entire City, and is not limited to the Sand Creek Focus or any particular development proposal. The General Plan does not address specific development proposals. Rather, the General Plan establishes an overall policy framework the City will use as a means of evaluating such proposals.

¹ As noted in Comments K-1 and L-1, this letter has been submitted on behalf of the East Bay Park District, and represents the District's comments on the Draft EIR for the General Plan.

The EIR for the General Plan is a first tier program EIR that focuses on the broad policy implications of implementing the General Plan as a whole. Its purpose is to provide general programmatic environmental review of the environmental issues raised by the General Plan, and provide performance standards, such that the impact of the plan will be avoided or lessened, to the extent it is feasible to do so.

The comment sets forth an assertion that the Draft EIR does not properly distinguish between Option “A” and Option “B” for the Sand Creek Focus Area in its analysis, but provides no examples to substantiate this claim. In the absence of specific comments as to how the EBRPD believes the Draft EIR might inadequately distinguish between the two options for Sand Creek, it is impossible to provide a meaningful response other than the City believes that the Draft EIR does adequately distinguish between the two options for this portion of the General Plan study area.

- L-8 The comment provides states that the Draft EIR’s project description is flawed based on the District’s assertion that the General Plan itself does not provide required information regarding proposed land uses, building density, and intensity. The District’s specific reasoning for this claim is provided in later comments (L-88 through L-102). The City is of the opinion that the project description adequately represents the proposed General Plan in that the General Plan properly identifies permitted land uses, building density and intensity. The City’s response to Comment L-8 is provided in Responses L-88 through L-102.
- L-9 The comment represents the opinion of the EBRPD, and is itself a conclusion not supported by any analysis. More detailed comments follow later in the comment letter, and are accompanied by the more detailed analysis presented below. The intent of the General Plan is to provide a clear policy framework for the review of subsequent development projects, and not to provide detailed land planning for each property within the General Plan study area. The General Plan EIR is a program level document, intended to be followed by subsequent environmental analysis of specific development projects. The General Plan EIR provides environmental performance standards to be applied to these subsequent development projects, but does not provide specific mitigation for each development proposal that might subsequently be submitted to the City for review. As detailed in General Response 1, this is an acceptable approach to CEQA documentation.
- L-10 This comment is a general statement that is detailed in subsequent comments. The City does not concur with its conclusions for the reasons set forth in response to specific comments.
- L-11 The Draft EIR clearly identifies the significance and rarity of native grasslands, and also clearly defines the important role that native grasslands play in the natural environment of eastern Contra Costa County. EBRPD’s comment fails to acknowledge Table 4.3.B of the Draft EIR, which plainly identifies the special-status animal species occurring or potentially occurring within the Antioch General Plan study area, including those species that have been or might be found within native grasslands. Table 4.3.A identifies special-status plants found within Antioch General Plan study area, including native grasslands.

See Response A-9 for a discussion of wildlife movement corridors and constraints affecting such corridors.

- L-12 As noted in response to Comment L-11, Table 4.3.B of the Draft EIR identifies the special-status animal species occurring or potentially occurring within the Antioch General Plan study area. Because the General Plan is broad in nature, the EIR's programmatic approach identifies loss of habitats as an impact of the General Plan, but does not include specific analysis of impacts upon each species. Please refer to General Response 1 for a discussion of the level of detail required by CEQA in a program-level EIR. As noted in General Response 1, it is neither feasible nor necessary for a Program EIR to identify project level impacts. It is necessary, however, to devise policies and mitigation measures representing performance standards to avoid or lessen the impact of the General Plan.

The General Plan EIR identifies those General Plan policies that, when applied to subsequent development proposals, will ensure that impacts on biological resources are avoided or lessened. Because of the various natural resources and special-status species within the Antioch Planning Area, Open Space Policy 10.3.2e, (listed below) has been included in the General Plan to support subsequent site-specific and species-specific mitigation and conservation. Because many of the species within the Planning Area are highly mobile and because the General Plan considers development through the year 2030, site-specific surveys and mitigation measures should be developed during project level environmental review.

10.3.2e. Require proposed development projects containing significant natural resources (e.g. sensitive or unusual habitats, special-status species, habitat linkages, steep slopes, cultural resources, wildland fire hazards, etc.) to prepare Resource Management Plans to provide for their protection or preservation consistent with the provisions of the Antioch General Plan, other local requirements, and the provisions of State and Federal law. The purpose of the Resource Management Plan is to look beyond the legal status of species at the time the plan is prepared, and provide a long-term plan for conservation and management of the natural communities found on-site. Resource Management Plans shall accomplish the following:

- Determine the significance of the resources that are found on-site and their relationship to resources in the surrounding area, including protected open space areas, habitat linkages, and wildlife movement corridors;
- Define areas that are to be maintained in long-term open space based on the significance of on-site resources and their relationship to resources in the surrounding area; and
- Establish mechanisms to ensure the long-term protection and management of lands retained in open space.

The requirements of Policy 10.3.2 are supplemented by specific performance standards set forth in the Resource Management Element, as well as within Land Use Element policies specific to individual Focus Areas. The measures set forth in the General Plan provide for mitigation of biological resource impacts. As discussed in Response L-14, because of a lack of certainty associated with timing of its adoption, the HCP/NCCP cannot function as a substitute for the policies set forth in the proposed General Plan.

- L-13 See Response A-9 for a discussion of wildlife movement corridors and constraints affecting such corridors.
- L-14 Participation by public agencies in the East Contra Costa County HCP/NCCP process is voluntary on the part of each agency, and is not mandated any law or requirement. The comment is misleading in that it states that, once adopted, the HCP/NCCP “will serve as the accepted process for complying with State and Federal Endangered Species Acts in the east Contra Costa County area.” It would be more accurate to state that the HCP/NCCP would be an accepted process for complying with State and Federal Endangered Species Acts in the east Contra Costa County area for those agencies that choose to participate in the process. For those agencies, such as the City of Antioch, that have to date not chosen not to participate in the HCP/NCCP, compliance with the State and Federal Endangered Species Acts would occur through the processes that are currently in place.

Antioch has chosen to ensure that development will be subject to strong natural resources performance standards set forth in its General Plan. As the comment implicitly admits, it is not certain that the HCP/NCCP will be adopted by all participating agencies. For that reason, and because it is likely that any HCP adoption would not occur until after adoption of the Antioch General Plan, participation in the HCP/NCCP process would not be a substitute for the measures set forth in the General Plan.

Appendix D of the Draft EIR is titled “Framework for Resource Management Plan for Sand Creek Focus Area.” The Framework Plan plainly states that it is intended to provide a “framework for addressing special-status biological resources in the Sand Creek Focus Area,” and that the plan has been developed to “provide a basis for establishing resource management policies for the Sand Creek Focus Area.” The Framework Plan also states that it “will serve as the basis for a more detailed RMP. Thus, the Framework Plan is clearly not the final RMP for the Sand Creek Focus Area, is not intended to constitute a HCP/NCCP nor is it intended to be an alternative to the State and Federal Endangered Species Acts.

The City is not required to participate in the HCP or a like program, and its participation in the program favored by the Park District is not the only means available to protect special-status species and their habitats. Adherence to State and Federal law, including the Endangered Species Acts outside of the HCP/NCCP process, in addition to the proposed General Plan policies, City standards and environmental review of specific development projects (including implementation of the performance standards set forth in the General Plan) will protect these special-status species and their habitats. Additionally, Open Space Policy 10.3.2e, as listed in Response L-12, has been included to provide support for subsequent site-specific mitigation and conservation. As stated previously, this strategy is appropriate due to the highly mobile nature of some species within the Planning Area.

- L-15 The statement in the Draft EIR to which the comment refers actually states that proposed General Plan policies focus primarily on avoidance and minimization of impacts to riparian and wetland habitats and to maintaining and conserving native vegetation. The Draft EIR concludes that “implementation of the proposed General Plan policies, applicable City standards and guidelines, and adherence to State and Federal law, including the Endangered Species Acts, as well as the requirements mandated during the environmental review of

individual projects would reduce impacts to biological resources associated with the proposed General Plan to a less than significant level.” Thus, the General Plan relies on more than just compliance with State and Federal law pertaining to special-status species.

Please refer to General Response 1 regarding the level of detail required by CEQA in a program level EIR. See also Response L-14 for a discussion of the Framework Plan included in Appendix D of the Draft EIR. In addition, a similar approach was upheld by the Court in *Rio Vista Farm Bureau Center v. County of Solano* (1992) 5 Cal.App.4th 351. In that case, the County prepared a hazardous waste management plan representing an initial assessment of the County’s hazardous waste management needs. The Plan contained criteria for siting future facilities and designated generally acceptable locations; site-specific analysis, however, was deferred to subsequent “project EIRs.” The petitioners argued that the County “piecemealed” its environmental review. The Court disagreed, stating:

“The omission of any description of specific potential future facilities . . . does not, in our view, render the FEIR deficient The Plan does not propose a single project divided into parts; it merely serves as a hazardous waste management assessment and overview, with any separate future projects . . . to be accompanied by additional EIRs. Repeated commitments are made in both the Plan and the FEIR for preparation of future CEQA documents prior to approval, upon a finding of consistency with the Plan, of any hazardous waste management facilities.”

(5 Cal.App.4th at 371-371.)

The approach taken by the City of Antioch to define performance standards to be applied in later specific development projects does not defer mitigation in violation of CEQA.

- L-16 It is not the intent of Table 4.3.A to identify every known location for each special-status plant that might be found within the General Plan study area, but to denote the habitat areas where they might be found, to assist in defining the areas where surveys for such species would be required. As stated above, because of the various natural resources and special-status species within the Antioch Planning Area Open, Space Policy 10.3.2e, as listed in Response L-12, has been included in the General Plan to provide site and species specific mitigation and conservation.

In relation to the big tarplant (*Holocarpha macradenia*), Table 4.3.A identifies “dry annual grasslands with clay or loam soils” as the location where this rare plant might be found, noting that it is sometimes found on slopes or burns. The table also notes that the big tarplant has been found in the Los Medanos and Roddy Ranch areas, as well as near Livermore. Surveys and preservation or mitigation for the big tarplant would be required for all suitable habitat areas within the General Plan study area. Table 4.3.A notes that the Contra Costa goldfields (*Lasthenia conjugens*) was last reported in Antioch in 1895, and that there are only a “handful of extant populations in Napa, Solano, and Contra Costa Counties.” The comment notes that large leaf filaree (*Erodium macrophyllum*) is extant in the Roddy Ranch area. Table 4.3.A will be revised to include that species.

- L-17 It is not the intent of Table 4.3.B to identify every known location for each special-status animal that might be found within the General Plan study area, but to denote the habitat areas where they might be found, to assist in defining the areas where surveys for such species would be required. As stated above, because of the various natural resources and special-status species within the Antioch Planning Area Open Space Policy 10.3.2e, as listed in Response L-12, has been included in the General Plan to provide site and species specific mitigation and conservation.

Table 4.3.B notes that the red-legged frog (*Rana aurora*) “inhabits marshes, slow parts of streams, lakes, reservoirs, ponds, and other permanent water. When not breeding the red-legged frog may be found in damp woods.” The table further notes that it is potentially found in “creeks and ponds throughout the plan area,” and that it has been documented from tributaries to Sand Creek in the southern portion of plan area. By noting that the red-legged frog is potentially found in creeks and ponds throughout the General Plan study area, the EIR does not understate the potential for occurrences of the species even though it does not cite each known occurrence in Table 4.3.B.

Table 4.3.B identifies the breeding habitat of the California tiger salamander (*Ambystoma californiense*) as “quiet water of ponds, reservoirs, lakes, temporary rain pools, and streams, and notes that adults “emerge from their subterranean burrows for only a few weeks a year during the late winter and early spring after heavy rains. Suitable habitat includes open woodland and grassland.” The table further notes that the California tiger salamander is found primarily in the southern portion of the General Plan study area, and states that “grasslands in these areas interspersed with vernal pools and stock ponds provide potential aestivation and breeding habitats.” The table notes that the species has been documented to occur “in Horse Valley and on south side of Balfour Road. Actual sightings have occurred in the southern portion of the Planning Area.” The EIR clearly does not underestimate the potential occurrence of the species, even though it does not cite each known occurrence of the tiger salamander.

- L-18 As stated in Response L-17, it is not the intent of Table 4.3.B to identify every known location for each special-status animal, but to denote the general areas where they might be found to assist in defining areas where surveys would be required. Table 4.3.B notes that the Alameda whipsnake (*Masticophis lateralis euryxanthus*) typically occurs in “northern coastal scrub or chaparral communities of the East Bay Hills in Alameda and Contra Costa counties. These two habitats are more favored by this snake when they occur adjacent to ungrazed grassland or oak woodland savanna where rodent populations are high. Rodents are not considered prime prey, but their burrows are favorite retreat areas for this snake. Grasslands are also considered an important habitat component because of their foraging value, and some female whipsnakes have been identified laying eggs in grassy fields. Rock outcrops are considered especially important hunting habitat for this snake. Western fence lizard is the primary prey species and prime habitats have high populations of this lizard.” The table also notes that the Alameda whipsnake “inhabits south-facing slopes and ravines where shrubs form a vegetative mosaic with oak trees and grasses.” Potential habitat for the whipsnake is identified in Table 4.3.B as the hills in the southwestern portion of the General Plan study area. As is the case for the species discussed in Response L-17, the EIR does not understate

the potential occurrence of the Alameda whipsnake even though it does not specifically identify each known occurrence of the species in the General Plan study area.

- L-19 Table 4.3.B identifies the habitat of the loggerhead shrike (*Lanius ludovicianus*) as “open habitats with sparse shrubs and trees, other suitable perches, bare ground, and low or sparse herbaceous cover.” The table also notes that potential breeding and foraging habitat in General Plan study area is “typically associated with open grassland areas and oak woodlands/savannas.” As stated in Response L-17, it is not the intent of Table 4.3.B to identify every known location for each special-status animal, but to denote the general areas where they might be found to assist in defining areas where surveys would be required. The description of potential habitat contained in Table 4.3.B includes the specific location referred to in Comment L-19.
- L-20 Table 4.3.B includes the two species referred to in the comment. As the author of this comment letter points out in several specific comments, the Antioch General Plan and the General Plan EIR require compliance with the State and Federal Endangered Species Acts. Once compliance with the law is required by a General Plan policy, it is not necessary to specify which Federal agency is tasked with enforcing the provisions of each law with which a specific development project must comply. As noted in Comment L-20, enforcement of the Federal Endangered Species Act in relation to anadromous fish is the responsibility of the National Marine Fisheries Service, whereas responsibility for terrestrial species rests with the U.S. Fish and Wildlife Service. In recognition of this comment, the thresholds for significance of biological resources has been modified to read as follows:

“The effects of a development project on biological resources are considered to be significant if the proposed project will:

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFG, National Marine Fisheries, or USFWS;
- 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 CDFG, National Marine Fisheries, or USFWS;
- Have a substantial adverse effect 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;
- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; and/or

- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan.

Note: CEQA Guidelines Section 15065 identifies conditions warranting “mandatory findings of significance” that are to be used in preliminary review of projects, conducting initial studies, and in determining if an EIR is required. The mandatory findings of significance are not used as thresholds of significance for purposes of the proposed General Plan analysis as: 1) it has already been determined that an EIR is required and 2) a more comprehensive analysis is provided herein than would be done for a preliminary review or an initial study.”

This revision does not modify any of the discussion elsewhere in the Draft EIR, since later references are to compliance with the provisions of the Endangered Species Act, and are not dependent upon specifying the Federal agency that is tasked with its enforcement.

- L-21 The Draft EIR notes that in addition to direct impacts, implementation of the General Plan could result in “fragmentation of sensitive habitats resulting in isolation of habitat patches creating a “checkerboard” pattern of small habitat patches of limited biological value.” The Draft EIR also notes that the General Plan could result in “fragmentation of habitat that constricts, inhibits, or eliminates wildlife movement.” To clarify the Draft EIR discussion, the following text is added to the Final EIR.

“Edge effects occur along the border between developed and undeveloped areas. These effects can extend a considerable distance (hundreds of feet) from the development footprint (areas actually modified for urban development). Edge effects occur from exotic plants and animals, including dogs and cats (which may disturb, kill, or injure wildlife and damage plants), pests (such as rats and house mice), and invasive plants. Edge effects also include light and noise, and fuel management, which involves brush clearance (which disturbs or eliminates wildlife and opens the area to invasion by exotic species), and typically extends up to 200 feet or more from development, depending on nearby topography and vegetation (more extensive fuel modification is typically needed where there are steep slopes below structures or where fuels loads are higher, such as north-facing slopes).

Type conversion can result when fire occurs at a frequency greater than the full regeneration period required by a community or its elements. For example, a chaparral shrub that requires 20 years to produce enough seed to fully re-establish itself would be eventually eliminated by fires occurring more frequently than 20 years. After repeated short fire cycles, chaparral and coastal scrub tend to convert to weedy annual grasslands, which are themselves tolerant of and vulnerable to frequent fires. Fire suppression tends to result in larger, more catastrophic fires in decadent stands, and results in impacts relating to fuel breaks (with the associated brush clearance edge effect). Additionally, certain exotic species, such as some non-native grasses, can spread beyond physically disturbed areas and impact native species.”

See Response L-22, below, for a discussion of mitigation of edge effects.

- L-22 Based on comments received directly from the East Bay Regional Parks District, the General Plan was revised during Planning Commission public hearings to include policies for the urban/rural edge and the provision of adequate buffer areas to address edge effects. These policies are found in Section 10.5 of the General Plan (Resource Management Element).
- L-23 “Heritage trees” are mature trees over 50 years of age that are associated with historic events or sites within the City.
- L-24 The City of Antioch concurs that the preservation of open space needs to be accompanied by adequate funding for its management. In many cases, dedications for open space are made to public agencies that already have funding sources for the management of open space. In other cases, funding sources for the management of open space need to be secured. To this end, Policy 10.3.2 of the General Plan states:

- d. “Where significant natural features are present (e.g., ridgelines, natural creeks, rock outcrops, and other significant or unusual landscape features), require new development to incorporate natural open space areas into project design. Require dedication to a public agency or dedication of a conservation easement, preparation of maintenance plans, and provision of appropriate management and maintenance in perpetuity of such open space areas.”

Significant habitat areas are intended to be included in the provisions of this policy. To clarify its intent, policy 10.3.2d is here revised to read:

- d. “Where significant natural features are present (e.g., ridgelines, natural creeks and other significant habitat areas, rock outcrops, and other significant or unusual landscape features), require new development to incorporate natural open space areas into project design. Require dedication to a public agency or dedication of a conservation easement, preparation of maintenance plans, and provision of appropriate management and maintenance in perpetuity of such open space areas.”

The requirement for the provision of “management and maintenance in perpetuity” is the financial mechanism requested in Comment L-24.

- L-25 Comment L-25 requests that the EIR analyze the potential for illegal activities in subsequent developments. The EIR for the General Plan analyzes the impacts of the proposed General Plan, which, as stated in a number of instances in the EBRPD comment letter relies on compliance with the provisions of the Federal and State Endangered Species Acts. The Draft EIR properly assumes that development pursuant to the proposed General Plan will comply with these laws. The Final Program EIR is obligated to include a mitigation monitoring program that ensures implementation of EIR mitigation measures, including compliance with the law and the provisions of the proposed General Plan. The City of Antioch currently has a policy that necessary local, State, and Federal approvals be obtained prior to the issuance of a grading permit.

- L-26 The proposed General Plan includes the following policies in Section 10.4.2 of the General Plan to protect and conserve the habitat of special-status species, which are defined as species that are listed or designated for listing, as threatened or endangered.
- a. Comply with the Federal policy of no net loss of wetlands through avoidance and clustered development. Where preservation in place is found not to be feasible (such as where a road crossing cannot be avoided, or where shore stabilization or creation of shoreline trails must encroach into riparian habitats), require 1) on-site replacement of wetland areas, 2) off-site replacement, or 3) restoration of degraded wetland areas at a minimum ratio of one acre of replacement/restoration for each acre of impacted on-site habitat, such that the value of impacted habitat is replaced.
 - b. Preserve in place and restore existing wetlands and riparian resources along the San Joaquin River and other natural streams in the Planning Area, except where a need for structural flood protection is unavoidable.
 - c. Require appropriate setbacks adjacent to natural streams to provide adequate buffer areas ensuring the protection of biological resources, including sensitive natural habitat, special-status species habitats and water quality protection.
 - d. Through the project approval and design review processes, require new development projects to protect sensitive habitat areas, including, but not limited to, oak woodlands, riparian woodland, vernal pools, and *native* grasslands. Ensure the preservation in place of habitat areas found to be occupied by state and federally protected species. Where preserved habitat areas occupy areas that would otherwise be graded as part of a development project, facilitate the transfer of allowable density to other, non-sensitive portions of the site.
 - e. Limit uses within preserve and wilderness areas to resource-dependent activities and other uses compatible with the protection of natural habitats (e.g., passive recreation and public trails).
 - h. Within areas adjacent to preserve habitats, require the incorporation of native vegetation and avoid the introduction of invasive species in the landscape plans for new development.

In addition, General Plan open space policies (Section 10.3.2) include the following:

- d. “Where significant natural features are present (e.g., ridgelines, natural creeks and other significant habitat areas, rock outcrops, and other significant or unusual landscape features), require new development to incorporate natural open space areas into project design. Require dedication to a public agency or dedication of a conservation easement, preparation of maintenance plans, and provision of appropriate management and maintenance in perpetuity of such open space areas.”
- e. “Require proposed development projects containing significant natural resources (e.g. sensitive or unusual habitats, special-status species, habitat linkages, steep slopes, cultural resources, wildland fire hazards, etc.) to prepare Resource

Management Plans to provide for their protection or preservation consistent with the provisions of the Antioch General Plan, other local requirements, and the provisions of State and Federal law. The purpose of the Resource Management Plan is to look beyond the legal status of species at the time the plan is prepared, and provide a long-term plan for conservation and management of the natural communities found on-site. Resource Management Plans shall accomplish the following:

- Determine the significance of the resources that are found on-site and their relationship to resources in the surrounding area, including protected open space areas, habitat linkages and wildlife movement corridors;
 - Define areas that are to be maintained in long-term open space based on the significance of on-site resources and their relationship to resources in the surrounding area, and
 - Establish mechanisms to ensure the long term protection and management of lands retained in open space.”
- f. Encourage public access to creek corridors through the establishment of trails adjacent to riparian resources, while maintaining adequate buffers between creeks and trails to protect sensitive habitats, special-status species and water quality.

Additionally, as stated on page 4.3-25 of the Draft EIR “Implementation of the proposed General Plan policies, applicable City standards and guidelines, and adherence to State and Federal law, including the Endangered Species Acts, as well as the requirements mandated during the environmental review of individual projects would reduce impacts to biological resources associated with the proposed General Plan to a less than significant level.”

- L-27 This comment does not identify any “additional projects” that were not discussed in the Draft EIR. To the City’s knowledge, Draft EIR takes into account all existing and proposed development in and near the southern portion of the Antioch General Plan study area. For example, the City has projected in its biological analysis that future development within the City of Brentwood to the southeast of Antioch may block or constrain existing wildlife corridors (which projection has been disputed by EBRPD).
- L-28 The analysis of biological habitats in the southern portion of the General Plan study area leading to formulation of the Framework Plan set forth in Appendix D of the EIR and the “Option B” policies in the General Plan, which EBRPD has supported included review of information regarding habitat corridors generated by the East County HCP/NCCP program.
- L-29 This comment does not raise any substantive environmental issues regarding the adequacy of the Draft EIR, but states that a number of species would be adversely affected by disruptions to these grassland movement corridors. The City has recognized this potential, and incorporated policies into the General Plan to protect the movement corridor discussion in the comment.
- L-30 The City of Antioch concurs that it does not have the authority to impose land use policies over areas outside its jurisdiction. The proposed General Plan represents the City’s good faith

- effort to provide for the protection of important habitat areas and connections that are under the City's jurisdiction and control. If each jurisdiction with land use authority would properly evaluate area habitat and provide environmental management policies such as those set forth in the proposed Antioch General Plan, habitat linkages and movement corridors would be protected. The HCP/NCCP process may also resolve the issue of connecting habitats and corridors preserved by the City of Antioch with habitats and corridors in adjacent communities. The City does not need to participate in the HCP/NCCP in order to do its part in the protection of biological resources within the region, and, as discussed in Responses L-12 and L-14, the HCP/NCCP would not be a viable substitute for the policies set forth in the General Plan.
- L-31 The study referred to in the comment is included in the Draft EIR only to illustrate the point that different species use movement corridors in different ways, and that constant movement is not needed to establish the importance of a movement corridor.
- L-32 See Response A-9 for a discussion of wildlife movement corridors and constraints affecting such corridors.
- L-33 The City Council has, as a matter of policy, agreed to abandon Empire Mine Road from its current terminus at the southern edge of existing development, at approximately Mesa Ridge Drive, southerly into the Zeka/Higgins property. Legal access into the Zeka/Higgins must be maintained. This proposed abandonment will be reflected on the General Plan Circulation map. Development of new roadways will be required to meet the same General Plan policies and performance standards as new residential, commercial, industrial, and other types of land development.
- L-34 The text referred to in this comment states that the southwestern portion of the Sand Creek Focus Area provides suitable habitat for the Alameda whipsnake. See Response L-18.
- L-35 The text of the Draft EIR provides an adequate summary of the more detailed information presented in the Framework Resource Management Plan contained in Appendix D, and it is not necessary to bring from the Appendix into the main body of the document all of the text describing habitats forward. "Statically distributed" refers to species whose distribution tends to show little change over time, and compared to more mobile species whose presence within a particular habitat area will change significantly over time.
- L-36 The "RMP" referred to in the comment is actually the Framework Plan, not the final RMP itself, as described in Responses A-3, A-7, A-9, and L-14. The General Plan provides performance standards based on avoidance of impacts and replacement of habitat. Specific ratios for replacement will be set as part of the final RMP based on site-specific conditions, so as to ensure that equivalent habitat is preserved or replaced. Depending upon the quality of habitat that ultimately be impacted, the "rule of thumb" replacement ratio cited in the comment may need to be adjusted to ensure that mitigation is truly proportional to impacts.
- L-37 The City concurs that surveys are not mitigation themselves, and are the necessary precursor to the imposition of mitigation requirements. As noted in Responses to Comment Letters A,

B, and L, the General Plan sets forth environmental performance standards for subsequent application to individual development projects.

L-38 See Response A-8. The General Plan does not mandate a specific corridor configuration or width, but does set forth clear policies mandating the preservation of functional wildlife corridors.

L-39 Discussion of aesthetic impacts in an environmental document is typically difficult due to the subjective nature of design and aesthetics. For a specific development project with clearly defined views toward or from specific identifiable locations or features, visual simulations can be prepared showing what the project would look like in its post-development condition. Such analysis is impossible for a General Plan, since it would need to provide simulations for each of hundreds of potential development projects, none of which have actually been designed. As a result, only a programmatic analysis can be prepared for a General Plan. This is what was accomplished in the Draft EIR, which states that future developments “that are built on or near the ridgelines may obstruct some historic and panoramic views of Mt. Diablo and the ridgelines. Also, developments constructed throughout the City may have the potential to alter landforms, scenic vantage points, and overall character, which could be an adverse impact on scenic views of the City. Some scenic vantage points within the City are not located in areas designated for open space, but rather for residential uses. Future development involving residential land uses around these areas could potentially obstruct views.” The General Plan Community Image and Design Element provides detailed performance standards for the preservation of significant views. See General Response 1 for a discussion of the programmatic nature of the General Plan EIR.

Additionally, Section 15146 of the CEQA Guidelines states in part that the “degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity which is described in the EIR.... An EIR on a construction project will necessarily be more detailed in the specific effects of the project than will be an EIR on the adoption of a local general plan or comprehensive zoning ordinance because the effects of the construction can be predicted with a greater degree of accuracy.”

L-40 A General Plan-level, first tier program EIR may properly focus on the broad policy implications of implementing the plan as a whole. It is neither feasible nor necessary for an EIR of this sort to specify with precision specific project-level impacts. What is necessary, however, is to devise policies and mitigation measures setting performance standards, such that the impacts of the General Plan will be avoided or lessened, to the extent it is feasible to do so. The EIR addresses the impacts of the General Plan as a whole, rather than project-specific impacts of any particular development proposal. The comment states that comments have been sent to the City in the context of the 2002 Draft Sand Creek Specific Plan and EIR. The Specific Plan and the accompanying EIR process is the correct venue to discuss the analysis of these types of project-related impacts. It should also be noted that the Draft Sand Creek Specific Plan EIR was never certified, but has been revised and recirculated for public comment.

L-41 Please refer to Response L-40. The visual simulations referred to in the comment were presented to the Planning Commission as part of its review of the General Plan. Based in large part on the comments of EBRPD, the Planning Commission recommended the more

environmentally protective policies in “Option B” for the Sand Creek Focus Area. The City Council will review Options A and B, the Planning Commission’s recommendations, the Draft EIR, and comments and responses to comments on the Draft EIR before taking action on the General Plan, including the Sand Creek Focus Area. Overall, however, this comment addresses the Sand Creek Specific Plan, and not the proposed project here, which is the General Plan update.

- L-42 Please refer to Response L-40. Based on the presentation made by the EBRPD, the Planning Commission recommended inclusion of Option B policies in the General Plan, based on its conclusion that the open space required in these policies, along with the buffering and transition policies recommended by EBRPD and included in the General Plan, will reduce visual impacts in the vicinity of EBRPD facilities to a less than significant level.
- L-43 The comment is incorrect in its assertion regarding mitigation for aesthetic impacts. The Draft EIR contains general design policies aimed at protecting views, and well as specific policies related to hillside development. Additional mitigation measures are identified for light and glare impacts. Please refer to Comment L-44, where the author of Comment Letter L cites specific policies that would mitigate visual impacts. In addition, the Community Image and Design Element of the General Plan provides specific performance standards for preservation of views within the community.
- L-44 The conclusion presented in this comment is based on a misunderstanding of the General Plan. Although, for purposes of analysis, the EIR treats lands designated for development as being completely converted to urban use (i.e., no preservation of natural open space), that analysis is applied prior to the imposition of the mitigation measures, including those identified in Comment L-44. However, the lands in question in “Option A” for the Sand Creek Focus area are designated as follows:
- Hillside and Estate Residential/Open Space;
 - Golf Course/Senior Housing/Open Space;
 - Estate and Executive Residential/Open Space;
 - Commercial/Open Space;
 - Hillside, Estate, and Executive Residential/Open Space; and
 - Open Space/Senior Housing.

The reason that all but the most northeasterly portions of the Sand Creek Focus Area are designated “/Open Space” is to recognize that implementation of General Plan policies will result in the delineation of lands for permanent preservation in open space, and that the delineation of those lands needs to occur as part of site-specific planning process being undertaken for the Sand Creek Focus Area. Although the Option A map does not delineate boundaries between development areas and lands to be preserved in open space, the policies of the proposed General Plan provide clear performance standards for such delineation to occur as part of the development and environmental review process for the Sand Creek Specific Plan. Such delineation is to be based on site-specific biological and other studies beyond those which can reasonably be accomplished in a Citywide General Plan.

General Plan Land Use Element policy 4.4.6.7I for both Options A and B states¹:

1. "It is recognized that although the ultimate development yield for the Focus Area may be no higher than the 4,000 dwelling unit maximum, the actual development yield is not guaranteed by the General Plan, and could be substantially lower. The actual residential development yield of the Sand Creek Focus Area will depend on the nature and severity of biological, geologic, and other environmental constraints present within the Focus Area, including, but not limited to constraints posed by slopes and abandoned mines present within portions of the Focus Area; on appropriate design responses to such constraints, and on General Plan policies. Such policies include, and but are not limited to, identification of appropriate residential development types, public services and facilities performance standards, environmental policies aimed at protection of natural topography and environmental resources, policies intended to protect public health and safety, and implementation of... (a) Resource Management Plan..."

Thus, the General Plan anticipates the delineation of areas to be kept in open space based on the environmental performance standards contained in General Plan policies, including those cited in Comment L-44 as part of the city's development and environmental review process. As discussed in General Response 1, this approach is consistent with the provisions of CEQA.

- L-45 Please refer to Response L-44. The "Option B" map would also be subject to the policies of the General Plan, which provide environmental performance standards to be applied to individual development projects during the City's development and environmental review process. Because of the citywide nature of the General Plan, it is impossible to provide detailed land use planning for all properties within the General Plan study area, and necessary to provide for a general delineation of required open space, with additional requirements imposed when specific land use plans are submitted to and reviewed by the City.
- L-46 The comment represents the opinion of the author of Comment Letter L. For the reasons set forth in Responses L-44 and L-45, the City believes that options presented to the Planning Commission (including "Option A" and "Option B" for the Sand Creek Focus Area) are consistent with General Plan hillside policies and other provisions of the General Plan.
- L-47 The discussion of light and glare impacts contained in the Draft EIR is *not* limited to impacts on residential areas. While the fourth mitigation measure contained in the Draft EIR refers to impacts that commercial and industrial uses might have on adjacent residential development, the first three mitigation measures are applicable to the urban/wildland edge. These mitigation measures, which the Planning Commission included in its recommendation on the General Plan read as follows:

4.1.2A. The City shall modify the proposed General Plan to incorporate a policy with the following provision: The City of Antioch shall require that sources of

¹ Policy 4.4.6.7I for the Sand Creek Focus Area differs between Option A and B in that the policy refers to 5,000 units under Option A, and to 4,000 units under Option B.

lighting within the General Plan area be limited to the minimum standard required to ensure safe circulation and visibility.

4.1.2B. The City shall modify the proposed General Plan to incorporate a policy with the following provision: Within rural areas the City of Antioch shall require street lighting to be limited to intersections and other locations that are needed to maintain safe access (e.g., sharp curves).

4.1.2C. The City shall modify the proposed General Plan to incorporate a policy with the following provision: The City of Antioch shall require exterior lighting for buildings to be of a low profile and intensity.

In addition, based on the recommendations of the EBRPD made to the Planning Commission, detailed performance standards to address buffers and transitions between urban and open space areas, and thereby protect open space lands from the impacts of urban development (including light and glare) have been incorporated into the proposed General Plan (Section 10.5).

- L-48 Please refer to Response L-44 for a discussion of the impacts of “Option A” and to General Response 1 for a discussion of the programmatic nature of the General Plan EIR. In the absence of detailed development plans, site-specific analysis of the impacts that development within specific portions of the Sand Creek Specific Plan might have on specific portions of the Black Diamond Mines Regional Preserve is not possible, the conclusions set forth in Comment L-48 are speculative and ignore the policies set forth in the proposed Antioch General Plan. As described in Section 2.3 of the Draft EIR for the General Plan, it is a “Program EIR,” which evaluates the broad-scale impacts of the proposed General Plan. This project consists of a General Plan for the entire City, not any particular development proposal. Similarly, the Draft EIR is a Program EIR addressing the impacts of the General Plan as a whole, rather than a project-specific EIR. The General Plan does not address specific development proposals. Rather, the General Plan establishes an overall policy framework the City will use as a means of evaluating such proposals.
- L-49 As stated in Response 47, the discussion of light and glare impacts contained in the Draft EIR is *not* limited to impacts on residential areas. While the fourth mitigation measure contained in the Draft EIR (the only one referred to in Comments L-47 and L-49) refers to impacts that commercial and industrial uses might have on adjacent residential development, the first three mitigation measures are applicable to the urban/wildland edge. In addition, based on the recommendations of the EBRPD made to the Planning Commission, detailed performance standards to address buffers and transitions between urban and open space areas, and thereby protect open space lands from the impacts of urban development (including light and glare) have been incorporated into the proposed General Plan (Section 10.5).
- L-50 Based on the presentation made by the EBRPD to the Planning Commission, the General Plan was revised to include buffering and transition policies recommended by EBRPD. The performance standards set forth in the policy recommended by EBRPD included provisions to ensure that visual impacts in the vicinity of EBRPD facilities will be reduced to a less than significant level. See Response A-11 for a description of these policies.

- L-51 The comment is incorrect. The studies presented in the 2002 Sand Creek Specific Plan EIR described potential hazards associated with the mines, and were the best and most up-to-date information available at the time the General Plan EIR was prepared. Additional analysis included in the September 2003 Draft EIR for the Sand Creek Specific Plan does not alter any of the analysis contained in the Draft General Plan EIR. Whether the Sand Creek EIR was certified is irrelevant to the use of that information. That analysis was incorporated into the proposed General Plan and Draft EIR to create performance standards, which will be utilized in the development of this area. See General Response 1 for a discussion of the programmatic nature of the General Plan EIR and the preparation of performance standards for application in subsequent development projects.
- L-52 The General Plan states that access tunnels and mine openings constructed as part of the former mining operations within the Sand Creek Focus Area were generally well documented, and have been relocated and sealed over the years. However, the EIR also notes that ventilation shafts are more numerous, their locations are poorly documented, and often closed in a manner that could become unsafe over time. The Draft EIR clearly states that these mines “present a possible risk of collapse and surface subsidence that could compromise the integrity of buildings developed overlying the mine tunnels.” The General Plan requires that site-specific analysis be undertaken, and appropriate mitigation be implemented to prevent structural collapse or subsidence that would endanger buildings designed for human occupancy, and states that should it be necessary, closed mines are to be placed within areas designated for permanent open space. Thus, the General Plan provides clear performance standards for mitigation as permitted in a Program EIR under CEQA (see General Response 1). To ensure that the City’s policy regarding mitigation of hazards associated with closed mines is clear, policies related to historic mineral extraction in Section 11.3.2 of the General Plan have been modified as follows.
- m. “As appropriate and necessary to protect public health and safety, abandoned mines shall be placed in natural open space areas, with appropriate buffer areas to prevent unauthorized entry.
 - n. Within areas of known historic mining activities, site-specific investigations shall be undertaken prior to approval of development to determine the location of any remaining mine openings, the potential for subsidence of collapse, and necessary measures to protect public health and safety, and prevent the collapse or structural damage to structures intended for human occupancy due to mine-related ground failure or subsidence. Such measures shall be incorporated into project approvals.
 - o. All identified mine openings shall be effectively sealed.
 - p. Construction of structures for human occupancy shall be prohibited within areas found to have a high probability of surface collapse or subsidence, unless foundations are designed that would not be affected by such surface collapse or subsidence, as determined by site-specific investigations and engineered structural design.

- q. The locations of all oil or gas wells on proposed development sites shall be identified in development plans. Project sponsors of development containing existing or former oil or gas wells shall submit documentation demonstrating that all abandoned wells have been properly abandoned pursuant to the requirements of the California Department of Conservation Oil, Gas, and Geothermal Resources.”

Most of the discussion in Comment L-53 refers to site-specific comments for the Sand Creek Specific Plan. As stated above, the studies and nature of the hazards have been incorporated into the proposed General Plan to create performance standards. These hazards are an issue for one individual project, and, in addition to meeting the performance standards and policies required by the General Plan, this development will be required to meet the requirements of CEQA. As noted in General Response 1, the specificity required by CEQA for second tier environmental documents may be more detailed than for a program level EIR on a General Plan.

- L-53 The adequacy of mitigation measures in an EIR for a specific development project that has not been certified is irrelevant to the General Plan EIR. Responses to the comment’s assertion regarding the adequacy of General Plan mitigation measures is provided in response to the specific comments that follow.
- L-54 The comment is incorrect in that it assumes that development will cover the entire Sand Creek Specific Plan area. As discussed in Response L-44, all but the most northeasterly portions of the Sand Creek Focus Area are designated “/Open Space.” Implementation of General Plan policies will result in the delineation of lands for permanent preservation in open space. The delineation of those lands will occur as part of site-specific planning process being undertaken for the Sand Creek Focus Area. As shown in Figure 4.8 of the proposed General Plan, the area in which the mine hazards are present is designated Hillside and Estate Residential/Open Space. The performance standards and policies in the proposed General Plan will be applied to the Sand Creek Specific Plan a part of its development and environmental review, and the Specific Plan will provide a site-specific delineation of where development may occur consistent with the policies of the General Plan. In areas found to have significant mine hazards, the open space designation will be applied. Thus, the General Plan anticipates the delineation of areas to be kept in open space based on the environmental performance standards contained in General Plan policies, including those cited in Comment L-44 as part of the City’s development and environmental review process. As discussed in General Response 1, this approach fully complies with the provisions of CEQA.
- L-55 See Responses L-44 and L-54 for a discussion of the relationship between General Plan policies and the land use map presented in Figure 4.8 of the proposed General Plan. As discussed in those responses, the General Plan sets performance standards to be applied as part of the development and environmental review of specific development projects, such as the Sand Creek Specific Plan. The General Plan is not the correct venue to provide site-specific land use planning for privately owned lands such as those within the Sand Creek Focus Area. The purpose of the General Plan is to set City policy regarding future land use and environmental management, and to provide performance standards that individual development proposals will be required to meet. Thus, the General Plan establishes an overall

policy framework the City will use as a means of evaluating such proposals. Also, as stated in Response L-54, the area in which mine hazards are present is designated Hillside and Estate Residential/Open Space, and in areas found to have significant and unavoidable mine hazards the open space designation will be applied. General Plan policy would prohibit the development of structures for human occupancy in locations subject to a “high probability of surface collapse.”

The General Plan sets forth the commonly accepted performance standard that subsidence of the ground level does not prohibit development *if* the structures for human occupancy can be designed so as to avoid collapse and significant structural damage. The General Plan is also based on the commonly accepted performance standard that subsidence of the ground level would prohibit development, even though structures could be protected *if* such development would endanger the health and safety of occupants and visitors to the site. To ensure that this performance standard is clear, Policy 11.3.2 of the General Plan has been modified to read as follows:

- a. Limit development in those areas, which, due to adverse geological conditions, will be hazardous to the overall community and those who will inhabit the area.
- b. Require evaluations of potential slope stability for developments proposed within hillside areas, and incorporate the recommendations of these studies into project development requirements.
- c. Require specialized soils reports in areas suspected of having problems with potential bearing strength, expansion, settlement, or subsidence, including implementation of the recommendations of these reports into the project development, such that structures designed for human occupancy are not in danger of collapse or significant structural damage with corresponding hazards to human occupants. Where structural damage can be mitigated through structural design, ensure that potential soils hazards do not pose risks of human injury or loss of life in outdoor areas of a development site.
- d. Where development is proposed within an identified or potential liquefaction hazard area (as determined by the City), adequate and appropriate measures such as (but not limited to) designing foundations in a manner that limits the effects of liquefaction, the placement of an engineered fill with low liquefaction potential, and the alternative siting of structures in areas with a lower liquefaction risk, shall be implemented to reduce potential liquefaction hazards. Any such measures shall be submitted to the City of Antioch Building Division for review prior to the approval of the building permits.

L-56 Please refer to Response L-55. The General Plan process establishes performance standards and a framework, which the City will utilize to evaluate the proposed development of the Sand Creek Focus Area. The City has just released a new Specific Plan Draft EIR for the Sand Creek Specific Plan (September 2003). The Specific Plan EIR process is the correct venue to discuss and implement specific mitigation measures for on-site mines.

- L-57 Please refer to Response L-56. Section 10.7.2 of the General Plan sets forth policies to protect water quality. As noted in response A-2, these policies have been modified to address contamination from runoff.
- L-58 As discussed in Response L-24, Policy 10.3.2 of the General Plan requires that the preservation of open space needs to be accompanied by adequate funding for its management. It is not necessary to establish a geological hazards abatement district in the General Plan. If, based on subsequent site-specific analysis, it becomes necessary to place lands with geologic hazards in permanent open space pursuant to General Plan policy, a management entity and funding source for the open space would be identified. This management entity would perform the functions of a geological hazards abatement district. Such an entity is one of several possible approaches to management of lands set aside for the protection of public health and safety. The General Plan properly requires that active management of such land occur, but need not specify the form of management.
- L-59 This comment makes a general statement that is detailed in subsequent specific comments. The City does not concur with this comment since the Draft EIR does analyze existing land use patterns, compatibility of proposed land uses within the proposed General Plan, and consistency with regional planning efforts.
- L-60 See Responses F-1 and F-2 for a discussion of the relationship between the Antioch General Plan and the County's 65/35 Land Preservation Plan. As stated in those comments, the Contra Costa County 65/35 Land Preservation Plan limits urban development within the *County*, not within individual cities. It is recognized, however, that the County LAFCO will consider the ULL in any deliberations regarding spheres of influence and annexations. The Draft EIR explains that, in the original voter approval of Measure C in 1990, the voters approved an Urban Limit Line that would allow development of portions of the Roddy Ranch and Ginocchio properties. Only later did the County Board of Supervisors move the ULL to prohibit development of the Roddy Ranch and Ginocchio properties. Thus, development of those portions of the Roddy Ranch and Ginocchio properties that were included within the original ULL, as proposed by the General Plan, would *not* be inconsistent with Measure C as approved by the voters, and no significant land use impact would result.

The Draft EIR further explains that, under the provisions of Measure C-1990, the County is required to review the location of the ULL every five years. Given that the balance of residential land within Antioch would be built out by about 2020, it is reasonable and prudent to recognize the possibility that urban development might occur within portions of the Roddy Ranch and Ginocchio property outside of the ULL approved by the voters in 1990 sometime between 2020 and 2030. There is already a road network and a golf course outside of the ULL. To address the possibility of development in the future, the proposed Antioch General Plan extends the sunset date of the Urban Limit Line as it was approved by the voters by ten years from 2010 to 2020, and includes policies to guide development of this area when and if it occurs. As stated in Responses F-1 and F-2, urban development of these areas will require development of a Final Development Plan and mitigation of impacts resulting from development will be provided in compliance with all CEQA requirements, General Plan policies, and the provisions of State and Federal law. Development within the Roddy Ranch and Ginocchio Property Focus Areas will also require modification of the ULL (if

- development outside of the area originally approved by the voters is proposed), extension of Antioch's sphere of influence, and annexation to the City.
- L-61 Please refer to Responses F-1, F-2, and L-60.
- L-62 Please refer to Responses F-1, F-2, and L-60. In a responsible planning effort, the proposed Antioch General Plan addresses the possibilities of the City's growth over the next 26 years, and plans for the possibility that areas that voters approved for development under Measure C in 1990 could be developed between 2020 and 2030. As noted in Responses F-1 and F-2, current City policy is that development within the Roddy Ranch and Ginocchio properties would not occur until some time after the year 2020, at least ten years beyond the current expiration date of Measure C (2010). Additionally, Chapter 3.0 of the proposed General Plan discusses both the County's and the City's growth management policies and details the City's strict regulations on yearly development within the City, which include provisions regarding when and where development can occur.
- L-63 The comment represents a conclusion on the part of the Commentor with which the City does not concur. Please refer to Responses F-1, F-2, L-60, and L-62 for the reasons the City believes the contrary conclusion in the Draft EIR is supported by evidence on the record.
- L-64 The comment is based on its author's assumptions, and specifically discusses what the comment's author presumes the outcome of the Sand Creek Specific Plan's development and environmental review process will be. As stated previously, the General Plan establishes an overall policy framework the City will use as a means of evaluating such proposals. The assumptions that the comment makes are derived from the *maximum* number of dwelling units and the *minimum* amount of open space that the General Plan allow. The Specific Plan process will delineate the ultimate boundaries of development and open space based upon the requirements of General Plan policies and environmental performance standards. As previously stated, Policy 4.4.6.7l specifically states that, although the General Plan identifies a maximum allowable number of dwelling units within the Sand Creek Focus Area, the "actual development yield is not guaranteed by the General Plan, and could be substantially lower." This General Plan policy notes that the actual development yield is dependent upon mitigation of environmental constraints and on General Plan policies such as, but not limited to, identification of appropriate residential development types, public services and facilities performance standards, environmental policies aimed at protection of natural topography and environmental resources, policies intended to protect public health and safety, and implementation of an RMP. Thus, although a minimum of 25 percent of the Sand Creek Focus Area is required to be preserved in open space, exclusive of lands developed for golf course use, actual preservation of open space is anticipated to be substantially greater.
- L-65 Pursuant to the California Resources Code Section 21104(c), an agency shall only make substantive comments that are within an area of expertise of the agency. Discussion of population, housing, and employment projections are not within the EBRPD's area of expertise. Consequently, EBRPD Comments L-64 through L-67 violate this statutory provision, and arguably, the City is not obligated to respond. Nevertheless, the City provides the following responses to these improper comments.

Comment L-65 is incorrect. As stated on page 4.10-6 of the Draft EIR:

“As shown in Table 4.10.D, build out of the proposed General Plan in 2030 would result in a larger population and household, and a much larger employment base than ABAG has projected. However, Table 4.10.E indicates that the population projections have been exceeded in 2001, and the housing projections have almost been met in 2001 and been exceeded in 2003. This data indicates that the region is (currently) growing at a faster rate than ABAG projected. Therefore, projections for 2025 will be exceeded whether or not the proposed General Plan is implemented.”

It is also important to note that ABAG projections are for the year 2025, while the City of Antioch does not anticipate build out of its General Plan until sometime thereafter, approximately 2030. Thus, the Antioch General Plan provides for growth beyond ABAG's current projection horizon.

L-66 This comment ignores Policy 3.6.2a and Sections 3.6.2 and 3.6.3 of the proposed General Plan, which provide specific rate of growth and development allocation policies. To define the number of allowable dwelling units per year, Policy 3.6.2a requires that the City:

- a. Limit the issuance of single-family development allocations to a maximum annual average of 600, recognizing that the actual rate of growth will vary from year to year. Thus, unused development allocations may be reallocated in subsequent years, and development allocations may be moved forward from future years, provided that the annual average of 600 development allocations may not be exceeded during any given five-year period (i.e., no more than 3,000 development allocations may be issued for any given five-year period).

Policy 3.6.2c defines how residential development allocations are to be counted, while Policy 3.6.2d requires that the City place specific limits by ordinance on various types of residential development. These policies read as follows:

- c. To facilitate the development of housing required to meet the needs of all economic segments of the community and special needs groups identified in the Housing Element, age-restricted housing and multiple-family dwellings shall be counted as less than one single family dwelling unit for the purposes of residential development allocations. The relationship between an allocation for a single-family dwelling and an allocation for age-restricted housing and multiple-family dwellings shall be based on such factors as differences in traffic generation, school impacts, and demand for new recreation facilities.
- d. In order to avoid a predominance of any one housing type, limits shall be placed on the number of annual allocations that may be granted to age-restricted senior housing, single family detached housing, and multifamily housing.

Policy 3.6.2f addresses the relationship between the City's growth management program and State Housing Element law by ensuring that the City's growth management program will not

constrain the production of housing for all economic segments of the community, as required by State Housing element law. That Policy reads as follows.

f. To facilitate the development of housing required to meet the needs of all economic segments of the community and special needs groups identified in the Housing Element, exempt the following types of developments from limitations on the annual issuance of development allocations, whether for single-family or multi-family residential development. Dwelling units approved pursuant to the following exemptions shall not be counted against the established maximum annual development allocation.

- (1) Income-restricted housing needed to meet the quantified objectives for very low and low income housing set forth in the Housing Element, along with “density bonus” dwelling units approved pursuant to the provisions of the Housing Element and the City’s Density Bonus ordinance.
- (2) Dwelling units designed for one or more Special Needs Groups, as defined in the Housing Element (i.e., handicapped, income-restricted senior housing), pursuant to programs set forth in the Housing Element as needed to meet the Housing Element’s quantified objectives for housing of special needs groups.
- (3) Dwelling units within development projects having vested rights through a valid (unexpired¹) development agreement or vesting map.
- (4) Construction of a single dwelling unit by or for the owner of the lot of record on which the dwelling unit is to be constructed.
- (5) Construction of a second dwelling unit on a lot of record.
- (6) Development of a project of four or fewer dwelling units.
- (7) Development projects within the Rivertown Focused Planning Area.

L-67 To achieve a balance between local employment and housing opportunities, the policies contained within the proposed General Plan do not need to link the rate of residential and employment-generating development as suggested in the comment. The initial concept of the City’s Measure U was to emphasize such a linkage; however, reliance on such a linkage as an economic development strategy would not address the causes of the current imbalance between jobs and housing, nor would it provide any incentive for new employment-generating land uses. The most likely outcome of such a linkage would be to slow down the rate of residential development, without increasing the rate of employment-generating development, thereby exacerbating the existing imbalance.

Rather than create an artificial and ineffective linkage between residential and employment growth rates, the General Plan sets forth a growth management strategy that controls the

¹ The majority of existing development agreements expired on December 31, 2002.

annual rate of residential growth within Antioch. The City's growth management strategy also includes enforcement of public services and facilities performance for new development within the City. This strategy is detailed in the General Plan Growth Management Element.

The second part of the strategy to achieve a balance between local employment and housing opportunities is contained in the General Plan Economic Development Element, which sets forth a program to facilitate the development of new employment-generating development within Antioch, including a description of the incentives that the City will offer for such development. Part of the strategy for increasing employment-generating development within Antioch is to provide lands for the development of housing for the executives of the businesses the City seeks to attract. This is a common strategy in many communities throughout the State, and is compatible with State Housing Element law that seeks to facilitate housing opportunities for all economic segments of the community, including very low, low, moderate, and above moderate income housing. As one of the more affordable communities in Contra Costa County, Antioch has found that it has primarily attracted middle-end housing (i.e., housing that is attractive to the average home buyer in the County).

- L-68 The uses specified in the Black Diamond Mines Regional Preserve do not constitute a region plan with which consistency of the Antioch General Plan needs to be analyzed in the EIR. Rather, EBRPD's comments on the General Plan and the General Plan EIR, especially those addressing biological and visual resource issues, express the District's concerns with the conclusions reached in the EIR regarding impacts in general and impacts on the Black Diamond Mine Preserve in particular. As noted in responses to Comment Letters A, B, and L, the Antioch General Plan contains provisions to mitigate the impacts of future development on biological and visual resources, and to mitigate impacts on the Black Diamond Mines Regional Preserve.

Although not acknowledged in this comment, the City has worked with the East Bay Regional Parks District to address issues of land use compatibility with the Black Diamond Mine Preserve. Thus, the General Plan has been modified at the request of EBRPD to include policies for buffers and transitions to mitigate the impacts of development permitted by the Antioch General Plan on the District's facilities.

- L-69 References to the size of the Black Diamond Mines Regional Preserve on page 4.11-14 of the EIR are hereby revised to reflect the current preserve size of 5,984 acres. However, the difference in acreage, which is less than 10 percent of the area of the preserve, does not change the analysis contained within the Draft EIR.

Because of the programmatic nature of the General Plan, it is not necessary to describe each and every facility contained within the Preserve. Such analysis would more appropriately be undertaken for a project-level EIR where site-specific impacts are being analyzed, and impacts might differentially affect different facilities within the Preserve. CEQA clearly states in Section 15146 that "the degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity which is described in the EIR." Finally, the City of Antioch concurs that the EBRPD has no authority to require a dedication of land, and acknowledges that the District has accepted numerous donations in the past.

- L-70 The General Plan Draft EIR is not intended to address the concerns raised by a public agency or other party on a particular development project, except as it affects the policy direction and performance standards set by the General Plan. The comment notes that EBRPD is concerned with the potential impacts of the General Plan on visual quality, trail and facilities maintenance, public safety, cultural resources, and special-status species within the Black Diamond Mines Preserve.

Several comments in the EBRPD's comment letter have addressed potential impacts on visual resources and special-status species within the Preserve. The City has responded to those specific comments. Comment Letter L does not provide any explanation as to how the General Plan might create impacts on trail and facilities maintenance, public safety, or cultural resources within the Preserve. The comment also asserts that the General Plan will "significantly increase the EBRPD's costs for regional park operations, public safety, and habitat management," but offers no analysis as to how or why such an impact might occur.

California Resources Code Section 21104(c) states that a responsible or other public agency's comments "shall be supported by specific documentation." The District has not provided any documentation or details regarding these alleged impacts. Nonetheless, given the program-level analysis of the Draft EIR, the current lack of specific development proposals for lands in proximity to the Preserve, and the failure of EBRPD to provide any details regarding the alleged impacts, it is impossible for the City to provide a specific response. Generally, however, the comment appears to be addressing the secondary economic impacts that the General Plan might have on EBRPD's operations resulting from increased use of the Black Diamond Mines Regional Preserve. The City would expect the EBRPD to consider increase use of its facilities as a public benefit, rather than an adverse impact.

- L-71 The proposed Antioch General Plan is intended to provide for a "system of park, recreational, and open space lands of sufficient size and in the appropriate locations, including provision of a range of recreational facilities, to serve the needs of Antioch residents of all ages." To achieve this objective, the General Plan Growth Management Element sets a performance standard for new development of five acres of improved public and/or private neighborhood parks and public community parkland per 1,000 population, including appropriate recreational facilities." Specific policies to facilitate this system are set forth in Section 8.9.2 of the General Plan, Parks and Recreational Facilities policies.

Policy 8.9.2b describes types of park facilities, and defines a "regional park" as a "park having a wide range of improvements not usually found in neighborhood or community parks, and designed to meet recreational needs of an entire regional population. Regional parks are generally over 100 acres and serve a population within a 30-minute driving time. Regional parks are generally provided by County and State agencies, as well as regional agencies such as EBRPD, and are therefore not included in local park standards." Unlike the City, the agencies administering regional parks have not established performance standards that would define the relationship between population growth and the need for new regional parks. Thus, while the City can clearly define the demand for new local parks that would be generated by 55,000 new residents through the year 2030, the City has no basis for determining the acreage of regional park land that would be needed to meet the needs of that same population, making speculative any discussion of potential regional park needs.

- L-72 See Response L-71. The potential impacts identified at the end of page 27 of Comment Letter L would result from general usage of the park. Because the park service a regional and not a local population, it is impossible to determine what level of impact, if any, would result from development within the Antioch General Plan study area as compared to growth anywhere else in the region the Black Diamond Mines Preserve serves. The concluding paragraph of Comment 73 asserts that population growth in Antioch would create a disproportionate impact on the Preserve that “would not be mitigated by concomitant increases in entrance fees or other assessments.” It is EBRPD, not the City, which has the authority to impose or determine entrance fees for its facilities. Moreover, no documentation is provided by EBRPD to support the District’s assertion, as required by California Resources Code Section 21104(c). Because the Preserve is a regional facility serving a regional population, there is no basis to single out one adjacent City and demand that it provide a funding mechanism or fee for regional parks in the absence of other cities in the regional service area doing the same. Should the EBRPD provide such documentation or prepare a fee study to support establishment of an impact fee for regional park facilities, the City will consider whether it is appropriate for new development in Antioch to contribute to such a funding mechanism.
- L-73 The issues raised in this comment (analysis of water supply) are outside of the area of expertise of the agency providing the comment (see Response L-65). To better support the analysis of impacts of the proposed General Plan on water resources will be less than significant, Response F-7 adds text more specifically describing water resource availability to support future growth in Antioch. In addition, the EIR states on page 4.12.2 that the new multi-purpose pipeline being constructed by CCWD will enable the CCWD to meet projected demands for the service area through 2040.

The performance standards related to Water Storage and Distribution in the Growth Management Element of the proposed General Plan ensure that a clear linkage exists between growth and the expansion of services and infrastructure. Also the water facilities policies as provided in the proposed General Plan and listed below will ensure that water facilities will have sufficient capacity.

8.4.2 Water Facilities Policies

- i. As part of the design of water systems, provide adequate pumping and storage capacity for both drought and emergency conditions, as well as the ability to provide fire flows required by the Contra Costa County Fire Protection District.
- j. Ensure that adequate infrastructure is in place and operational prior to occupancy or new development, such that (1) new development will not negatively impact the performance of water facilities serving existing developed areas, and (2) the performance standards set forth in the Growth Management Element will continue to be met.
- k. Maintain an up-to-date master plan of water facilities.

- l. Maintain existing levels of water service by protecting and improving infrastructure, replacing water mains and pumping facilities as necessary, and improving the efficiency of water transmission facilities.
- m. Permit the construction of interim facilities only when it is found that construction of such facilities will not impair the financing or timely construction of master planned facilities.
- n. Periodically evaluate local water consumption patterns, the adequacy of existing facilities, and the need for new facilities, including this information in the comparison of proposed development projects to the performance standards of the Growth Management Element.
- o. Incorporate expected reductions in the need for water facilities resulting from water conservation programs only after several years of experience with the implementation of such programs.
- p. Provide the Contra Costa Water District with timely information on development proposals and projected levels of future growth so that it can maintain appropriate long-term master plans and refine the delivery of service and facilities to maintain the performance standards set forth in the Growth Management Element.

L-74 The issues raised in this comment (analysis of water supply) are outside of the area of expertise of the agency providing the comment (see Response L-65). Please refer to Response L-73.

L-75 The issues raised in this comment (analysis of water supply) are outside of the area of expertise of the agency providing the comment (see Response L-65). The Draft EIR does not need to analyze activities that are currently ongoing within the City. Future water demands will be met by the CCWD and have been analyzed by the CCWD to ensure availability. The Draft EIR for the proposed General Plan does not need to analyze subsequent individual projects that would occur under the proposed General Plan. A similar approach was upheld by the Court in *Rio Vista Farm Bureau Center v. County of Solano* (1992) 5 Cal.App.4th 351. In that case, the County prepared a hazardous waste management plan representing an initial assessment of the County's hazardous waste management needs. The Plan contained criteria for siting future facilities and designated "generally acceptable locations; site-specific analysis, however, was deferred to subsequent "project EIRs." The petitioners argued that the County "piecemealed" its environmental review. The Court disagreed, stating:

"The omission of any description of specific potential future facilities. . . does not, in our view, render the FEIR deficient The Plan does not propose a single project divided into parts; it merely serves as a hazardous waste management assessment and overview, with any separate future projects . . . to be accompanied by additional EIRs. Repeated commitments are made in both the Plan and the FEIR for preparation of future CEQA documents prior to approval, upon a finding of consistency with the Plan, of any hazardous waste management facilities."

(5 Cal.App.4th at 371-371.)

L-76 Please refer to Response L-73.

L-77 The issues raised in this by EBRPD in Comments L-76 through L-86 are outside of the area of expertise of the agency providing the comment, and are also beyond the District's mission as a public agency to the extent that such comments are concerned with CEQA requirements rather than substantive issues related to the operations and expertise of the District. Comment L-77 provides a summary of CEQA requirements for the discussion of a reasonable range of alternatives within an EIR, and provides a broad assertion regarding the adequacy of the General Plan EIR's evaluation of alternatives. The specific reasoning for this assertion is presented in subsequent comments. The City of Antioch does not concur with the EBRPD's conclusion for the reasons stated in responses to the specific comments that follow.

L-78 This comment summarizes CEQA Guidelines, and states that a full and accurate analysis of alternatives is required under CEQA. The City concurs with this statement. The City does not concur with the assertion in Comment L-78 that the General Plan would result in significant unavoidable impacts in relation to biological resources, land use, and recreation for the reasons stated in responses to specific biological resources, land use, and regional recreation comments from EBRPD.

L-79 The conclusion of the Alternatives discussion is correct. As stated on pages 6-9 and 6-12, of the Draft EIR, "although development that would occur as part of the No Project, Existing General Plan Alternative could enable the City to meet its 'fair share' housing allocation in the near term, the long-term construction of sufficient housing would be less likely under the No Project, Existing General Plan Alternative due to the lower number of housing units constructed at build out (compared to the proposed General Plan)." Also, on page 6-16, the Draft EIR states that the "reduction in development that would occur as part of the Reduced Development Alternative would make affordable housing more difficult to produce and may make it difficult for the City to meet its 'fair share' housing allocation in the future." As shown in ABAG's projections (listed in the Draft EIR) the population of Antioch and the entire region will significantly increase throughout the planning period of the General Plan. The cost of housing is driven by supply and demand. Therefore, knowing that the demand is increasing and having less supply, the cost of housing will increase. Hence, it will be more difficult for the City of Antioch to meet the needs of all economic segments of the community.

L-80 The comment incorrectly implies that the City of Antioch is relying on fair share housing objectives other than those provided by ABAG. Even a cursory review of the General Plan Housing Element would show that housing needs projections used in the Housing Element for ABAG are for the years 1999-2006 (Table 9.BB of the General Plan). During this period, ABAG has projected a need of 4,459 new dwelling units to be constructed to meet Antioch's fair share of regional housing needs. While it is clear that sufficient land is currently available within Antioch to meet the City's share of regional housing needs for this and the next few housing elements, it is also clear that the inventory of lands available to continue meeting the City's share of regional housing needs will run out. The General Plan is a long-range planning document setting policy through the year 2030. To only plan for housing through 2006 would be irresponsible. As stated on page 1-2 of the proposed General Plan:

“State law (Government Code 65302, et. seq.) requires that every California city and county prepare and adopt a “comprehensive, long-term general plan for the physical development of the county or city, and of any land outside its boundaries which in the planning agency’s judgment bears relation to its planning.” According to State guidelines for the preparation of general plans, the role of the General Plan is to establish a document that will “...act as a ‘constitution’ for development, the foundation upon which all land use decisions are to be based. It expresses community development goals and embodies public policy relative to the distribution of future land use, both public and private.”

As further mandated by the State, the General Plan must serve to:

- Identify land use, circulation, environmental, economic, and social goals and policies for the City and its surrounding planning area as they relate to land use and development;”

The housing need that the proposed General Plan assumes is based upon the ABAG projections that extend to year 2025. These are the same projections that other cities within the Bay Area utilize to prepare long-term planning documents.

- L-81 Because a City’s General Plan is intended by the California Government Code to serve as a “constitution for development,” and to manage growth and development with a long-term, comprehensive view of the community, Comment L-81 is correct in its observation that a General Plan is inherently growth inducing. A General Plan is not a development project or a collection of development projects; its purpose is to guide new growth in a manner that is beneficial to the community and protective of its natural environment. Thus, all of the detailed discussion regarding the impacts of a General Plan represent an analysis of the indirect impacts that will result from the growth that the proposed General Plan will induce. Essentially, the detailed impact discussion in a General Plan EIR is an analysis of the growth inducing impacts of the Plan, and the portion of the General Plan EIR labeled “Growth Inducing Impacts” is a summary of the potential impacts from the General Plan.
- L-82 The reference to Riverside County is a typographical error due to the consultant’s location in Riverside County. The typographical error does not render the analysis in the Draft inadequate. The statement cited in the comment was intended to apply to the City of Antioch, and is an accurate description of the purpose of the City’s General Plan.
- L-83 As noted in Response L-81, all of the detailed discussion of impacts in the General Plan EIR are a discussion of the growth inducing impacts of the General Plan, which, as a policy document, does not itself create any direct physical impacts, except through the growth it induces. Chapter 3.0 of the General Plan provides strict growth management policies that are incorporated to provide for the City’s fair share of the region’s population increase. The Chapter also provides performance standards for the construction of infrastructure to support this increase. The Growth Management Element also provides for logical development based on. Among other things, the availability of adequate public services and facilities.

The assertion in the General Plan and EIR regarding the beneficial effects of new development near transit is based on the provisions of the regional air quality management plan (see Comment Letter E and related responses).

The comment is incorrect in stating that the development within areas that are now open space will not be near transit. As stated on page 4-64 and 4-69 of the proposed General Plan (Section 4.4.6.7 of the Land Use Element):

- c. The Sand Creek Focus Area is intended to be “transit-friendly,” including appropriate provisions for public transit and non-motorized forms of transportation.
- d. With implementation of smart growth principles and the introduction of a rail transit stop in the vicinity of the Focus Area, the Commercial/Employment area located adjacent to the transit stop, may be developed as a mixed-use area, incorporating high intensity, residential, commercial, and office uses. Such development could occur at densities as high as an FAR of 1.0 for non-residential uses and mixed-use buildings, up to 20 units per acre for residential areas. Residential development should incorporate residential village themes, providing identifiable neighborhood areas within the Focus Area. The identity of individual neighborhoods should be reinforced with differing architectural styles and location within the community.

L-84 Each of the cities surrounding Antioch (Pittsburg, Brentwood, and Oakley) have recently completed updates of their General Plans, setting forth their long-term growth plans. There is no evidence that the provisions of the Antioch General Plan would cause any of these cities to modify their General Plans to accommodate additional growth. As pointed out in numerous comments by EBRPD, areas to the south and southeast of the City are located outside of the County’s ULL. Further, as stated in Response F-2, the only lands outside of the existing ULL where the Antioch General Plan proposes urban development are lands that were included *within* the ULL when it was approved by the voters. As stated in Response F-1, the General Plan intends that development of those lands currently outside of the Urban Limit Line not occur until approximately 2020. That is 10 years *after* the current expiration date for Measure C.

L-85 It is impossible to list all of the projects that might occur through 2030. To attempt to do this would be speculative. As stated in the CEQA Guidelines in Section 15145, “If, after a thorough investigation, a lead agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate the discussion of the impact.” As stated on page 5-4 of the Draft EIR:

“Due to the broad project objectives associated with the implementation of the proposed General Plan, the cumulative analysis presented in this Program EIR does not evaluate the site-specific impacts of individual projects. Project-level analysis will be prepared on a project-by-project basis. The proposed General Plan addresses cumulative growth anticipated to occur in Antioch and its General Plan study area resulting from build out of the proposed General Plan in combination with growth throughout Contra Costa County.

The cumulative impact analysis is based on the anticipated population growth within Contra Costa County. Population growth is a major factor contributing to direct impacts on habitat,

housing, job markets, transportation, and development. Additionally, these direct impacts can cause secondary impacts to biological resources, air quality, density, and the overall quality of life within Antioch. For this reason, using population growth as a measure to determine cumulative impacts is applicable when examining a large-scale policy action such as a General Plan.”

L-86 Please refer to Response L-85.

L-87 Please refer to Response L-85. The comment presents the opinion of the comment writer, with which the City does not concur. The Draft EIR notes in Section 4.3 that a draft HCP is being prepared for eastern Contra Costa County, and that Contra Costa County, Brentwood, Clayton, Oakley, Pittsburg, Contra Costa Water District, and the East Bay Regional Park District are participating in that effort. The Draft EIR acknowledges that the HCP will address the conservation of threatened and endangered animal and plant species, such as vernal pool fairy shrimp (*Branchinecta lynchei*), San Joaquin kit fox, California red-legged frog, Alameda whipsnake, soft bird’s beak (*Cordylanthus mollis* ssp. *mollis*), and Contra Costa wallflower (*Erysimum capitatum* var. *angustatum*). Because the Draft EIR already identified in the East County HCP process and the HCP is a mitigation program, not a cumulative impact, it was unnecessary to include a second discussion of the HCP in the Draft EIR.

L-88 Pursuant to the California Resources Code Section 21104(c), a “responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation.” The requirements of California General Plan law are not within the District’s area of expertise. Thus, under CEQA, the City is arguably not obligated to provide a response to this comment. Nevertheless, the City provides the following response.

The comment raises no substantive issues regarding the adequacy of the Draft EIR. Moreover, Comment L-88 is incorrect. The land use classifications shown in Figure 4.1 (Proposed General Plan Land Use) are the same as those reflected in Tables 4.B through 4.D (included below). This Figure and Table identify 10 focused policy areas, described in the General Plan as “Focus Areas.” Policies specific to each Focus Area are set forth in Section 4.4.6 of the General Plan. For each Focus Area, a general description of size and location is provided, along with a summary of the purpose and primary issues facing the area. Focus Area policies also provide a clear policy direction for each area, along with a land use map providing a delineation of land uses. Focus Area policies set forth descriptions of permitted land use types and building density/intensity requirements. In many cases, these Focus Area policies refer to designations shown in Figure 4.1 (General Plan Land Use Map) and Table 4.A (Appropriate Land Use Types). General Plan policies set forth standards for permitted building intensity or population density for all land use categories included in Figure 4.1 and Table 4.A. These standards are set forth in Section 4.4.1.1 (Residential Land Use Designations), 4.4.1.2, (Commercial Land Use Designations), 4.4.1.3 (Employment-Generating Land Use Designations) and 4.4.1.4 (Community and Public Land Use Designations). Please refer to Response L-90 for a discussion of land use categories within Focus Areas.

Table 4.B – Anticipated General Plan Build Out in the City of Antioch

Land Uses	Single-Family (Dwelling Units)	Multi-Family (Dwelling Units)	Commercial/ Office (sq.ft.)	Business Park/ Industrial (sq.ft.)
Residential				
Estate Residential	905	--	--	--
Low Density Residential	4,100	--	--	--
Med Low Density Residential	14,884	--	--	--
Medium Density Residential	6,490	4,330	--	--
High Density Residential		5,310	--	--
Subtotal	26,379	9,640		
Commercial				
Convenience Commercial	--	--	277,900	--
Neighborhood Commercial	--	--	1,781,100	--
Service Commercial	--	--	776,680	--
Commercial Office	--	--	1,482,650	--
Subtotal	--	--	4,318,330	--
Industrial				
Business Park	--	--	--	3,353,210
Special				
Mixed Use	--	325	--	324,950
Public Institutional	--	--	--	5,968,350
Open Space	--	--	--	--
Subtotal	--	325	--	9,646,510
Focus Areas¹				
"A" Street Interchange	120	--	894,960	--
East Lone Tree Specific Plan	980	250	1,135,000	2,152,300
Eastern Employment Areas	12	248	25,000	5,926,125
Ginochio Property	--	--	--	--
Rivertown/Urban Waterfront	1,755	2,225	1,028,325	3,489,100
Roddy Ranch	--	--	--	--
SR-4 Frontage	109	--	--	5,878,900
Sand Creek Specific Plan	3,537	433	1,240,000	2,600,000
Somersville Road Corridor	--	360	2,045,530	--
Western Gateway	--	340	560,350	--
Subtotal	6,513	3,856	6,929,165	20,046,425
TOTAL	32,892	13,821	11,247,495	29,692,935
Population	127,756	¹ Figures indicated represent the maximum permitted development intensity. The actual yield of future development is not guaranteed by the General Plan, but is dependent upon appropriate responses to General Plan policies. The ultimate development yield may be less than the maximums stated in this table.		
Employed Population	71,540			
Total Jobs	67,100			
Retail Jobs	14,995			
Non-Retail Jobs	52,105			
Jobs/Population Ratio	0.94			

Table 4.C – Anticipated General Plan Build Out in the Unincorporated Area

Land Uses	Single-Family (Dwelling Unit)	Multi-Family (Dwelling Unit)	Commercial/ Office (sq.ft.)	Business Park/ Industrial (sq.ft.)
<i>Residential</i>				
Estate Residential	15	--	--	--
Low Density Residential	--	--	--	--
Med Low Density Residential	250	--	--	--
Medium Density Residential	30	--	--	--
High Density Residential	--	--	--	--
<i>Subtotal</i>	295	--	--	--
<i>Commercial</i>				
Convenience Commercial	--	--	--	--
Neighborhood Commercial	--	--	--	--
Service Commercial	--	--	--	--
Commercial Office	--	--	--	--
<i>Subtotal</i>	--	--	--	--
<i>Industrial</i>				
Business Park	--	--	--	--
<i>Special</i>				
Mixed Use	--	--	--	--
Public Institutional	--	--	--	--
Open Space	--	--	--	--
<i>Subtotal</i>	--	--	--	--
<i>Focus Areas¹</i>				
"A" Street Interchange	--	--	--	--
East Lone Tree Specific Plan	--	--	--	--
Eastern Employment Areas	--	--	--	7,137,875
Ginochio Property ²	1,215	135	175,000	--
Rivertown/Urban Waterfront	--	--	--	--
Roddy Ranch ²	1,500	200	425,000	--
SR-4 Frontage	--	--	--	--
Sand Creek Specific Plan	--	--	--	--
Somersville Road Corridor	--	240	--	1,581,690
Western Gateway	--	--	--	--
<i>Subtotal</i>	2,715	575	600,000	8,719,565
<i>TOTAL</i>	3,010	575	600,000	8,719,565

Population 9,815
Employed Population 5,495
Total Jobs 8,155
Retail Jobs 310
Non-Retail Jobs 7,845
Jobs/Population Ratio 1.51

¹ Figures indicated represent the maximum permitted development intensity. The actual yield of future development is not guaranteed by the General Plan, but is dependent upon appropriate responses to General Plan policies. The ultimate development yield may be less than the maximums stated in this table.

² Urban development is dependent upon future revisions to the Urban Limit Line (see Policy 4.3.2F).

Table 4.D – Anticipated General Plan Build Out in the General Plan Study Area

Land Uses	Single-Family (Dwelling Units)	Multi-Family (Dwelling Units)	Commercial/ Office (sq.ft.)	Business Park/ Industrial (sq.ft.)
Residential				
Estate Residential	920	--	--	--
Low Density Residential	4,100	--	--	--
Med Low Density Residential	15,134	--	--	--
Medium Density Residential	6,520	4,330	--	--
High Density Residential	--	5,310	--	--
Subtotal	26,674	9,640	-	--
Commercial				
Convenience Commercial	--	--	277,900	--
Neighborhood Commercial	--	--	1,781,100	--
Service Commercial	--	--	776,680	--
Commercial Office	--	--	1,482,650	--
Subtotal	--	--	4,318,330	--
Industrial				
Business Park	--	--	--	3,353,210
Special				
Mixed Use	--	325	--	324,950
Public Institutional	--	--	--	5,968,350
Open Space	--	--	--	--
Subtotal	--	325	--	9,646,510
Focus Areas¹				
"A" Street Interchange	120	--	894,960	--
East Lone Tree Specific Plan	980	250	1,135,000	2,152,300
Eastern Employment Areas	12	248	25,000	13,064,000
Ginochio Property ²	1,215	135	175,000	--
Rivertown/Urban Waterfront	1,755	2,225	1,028,325	3,489,100
Roddy Ranch ²	1,500	200	425,000	--
SR-4 Frontage	109	--	--	5,878,900
Sand Creek Specific Plan	3,537	500	1,240,000	2,600,000
Somersville Road Corridor	--	--	2,045,530	1,581,690
Western Gateway	--	340	--	560,350
Subtotal	9,228	4,431	7,529,165	29,326,340
TOTAL	35,902	14,396	11,847,495	38,972,850
Population	137,571	¹ Figures indicated represent the maximum permitted development intensity. The actual yield of future development is not guaranteed by the General Plan, but is dependent upon appropriate responses to General Plan policies. The ultimate development yield may be less than the maximums stated in this table.		
Employed Population	77,035			
Total Jobs	75,255			
Retail Jobs	15,160			
Non-Retail Jobs	60,095			
Jobs/Population Ratio	0.98	² Urban development is dependent upon future revisions to the Urban Limit Line (see Policy 4.3.2F).		

- L-89 The issues raised in this comment (adequacy of General Plan land use designations) are outside of the area of expertise of the agency providing the comment (see Response L-88). Comment L-89 indicates a minor error on the General Plan Land Use Map and Tables 4.B-4.D. The Service Commercial and Neighborhood Commercial land use designations were intended to be combined into a single Neighborhood Commercial designation in the tables and discussion of permitted land uses and building intensity.
- L-90 The issues raised in this comment (adequacy of General Plan land use designations) are outside of the area of expertise of the agency providing the comment (see Response L-88). The purpose of identifying land use designations specific to individual Focus Areas is to provide for mixes of land uses that are appropriate to different settings throughout the General Plan study area. An analysis of each land use type described for each Focus Area map indicates the following regarding permitted land uses, population density, and/or building intensity.

Rivertown Focus Area

- Dow Wetlands Preserve. Policy “a” for the Rivertown Focus Area states that the Dow Wetlands Preserve “is intended to protect existing wetland resources, and is to remain in open space use.” Thus, no building is permitted, and building intensity/population density standards are unnecessary. This is specified in Section 4.4.1.4 of the General Plan.
- Business Park. Policy “b” for the Rivertown Focus Area states that areas designated Business Park “shall comply with the provisions of the Business Park land use category.” The Business Park land use designation is described in Section 4.4.1.3, including purpose and maximum allowable development intensity. Permitted uses for Business Park areas are described in Table 4.A
- Marina. Policy “c” for the Rivertown Focus Area states that areas designated Marina “shall comply with the provisions of the Marina/Support Services land use designation.” The Marina/Support Services land use designation is described in Section 4.4.1.2, including purpose and maximum allowable development intensity. Permitted uses for Marina/Support Services areas are described in Table 4.A
- Commercial. Policy “d” for the Rivertown Focus Area requires that areas designated Commercial “comply with the provisions of the Neighborhood/Community Commercial land use designation.” The Neighborhood/Community Commercial land use designation is described in Section 4.4.1.2, including purpose and maximum allowable development intensity. Permitted uses for Neighborhood/Community Commercial Services areas are described in Table 4.A.
- Medium Density Residential. Policy “e” for the Rivertown Focus Area states that areas designated Medium Density Residential “shall comply with the provisions of the Medium Density Residential land use category.” The Medium Density Residential land use designation is described in Section 4.4.1.1, including purpose and maximum allowable density, including building and population standards. Permitted uses for Medium Density Residential areas are described in Table 4.A
- High Density Residential. Policy “f” for the Rivertown Focus Area states that areas designated High Density Residential “shall comply with the provisions of the High

Density Residential land use category.” The High Density Residential land use designation is described in Section 4.4.1.1, including purpose and maximum allowable density, including building and population standards. Permitted uses for High Density Residential areas are described in Table 4.A

- Mixed-Use Residential/Commercial. Policy “g” for the Rivertown Focus Area states that areas designated Mixed-Use Residential/Commercial “may consist of a mix of the uses identified as appropriate for the High Density Residential designation (see Section 4.4.1.1) and the Convenience Commercial designation (see Section 4.4.1.2).” Thus, requirements for development intensity and population density for the residential development within this land use category are set forth in Section 4.4.1.1, while requirements for development intensity for the commercial development within this land use category are set forth in Section 4.4.1.2. Permitted land uses for both residential development (High Density Residential) and commercial development (Convenience Commercial) are set forth in Table 4.A.
- Open Space. Policy “h” for the Rivertown Focus Area states that areas designated Open Space “shall comply with the provisions of the Open Space land use designation.” The Open Space land use designation is described in Section 4.4.1.4, including purpose and maximum allowable density. Permitted uses for Open Space areas are described in Table 4.A
- Industrial. This land use designation is intended to reflect the General Industrial land use designation set forth in Section 4.4.1.3 of the Land Use Element. To clarify this intent, the General Plan has been modified to include a new Policy “i” for the Rivertown Focus Area to read as follows:
 - i. The “Industrial” area identified in Figure 4.2 shall comply with the provisions of the General Industrial land use category described in Section 4.4.1.3 of the Land Use Element.
- Water-Oriented Commercial/Industrial. This land use designation is also intended to reflect the General Industrial land use designation set forth in Section 4.4.1.3 of the Land Use Element, and provide for opportunities for uses related to the adjacent San Joaquin River. To clarify this intent, the General Plan has been modified to include a new Policy “j” for the Rivertown Focus Area to read as follows:
 - j. The “Water-Oriented Commercial/Industrial” area identified in Figure 4.2 is intended to facilitate the revitalization of Rodgers Point. Development within this land use category may comply with either the provisions of the General Industrial land use category described in Section 4.4.1.3 of the Land Use Element or the provisions of the Marina/Support Services land use category described in Section 4.4.1.2.
- Flood Control/Wetlands Mitigation Area, Park, Recreation. These designations are intended to reflect existing open space uses within the Rivertown Focus Area. No change in the existing use of these sites is anticipated by the General Plan. To clarify this intent, the General Plan has been modified to include a new Policy “k” for the Rivertown Focus Area to read as follows:
 - k. The “Flood/Control/Wetlands Mitigation Area,” “Park,” and “Recreation” designations identified in Figure 4.2 are intended to identify existing open

space uses that are not anticipated to change. Uses within these areas shall comply with the provisions of the Open Space land use category described in Section 4.4.1.4 of the Land Use Element.

Somersville Road Focus Area

- Commercial. Policy “a” for the Somersville Road Focus Area requires that areas designated Commercial “comply with the provisions of the Somersville Road Commercial land use category.” The Somersville Road Commercial land use designation is described in Section 4.4.1.2, including purpose and maximum allowable development intensity. Permitted uses for Somersville Road Commercial areas are described in Table 4.A.
- Regional Commercial. Policy “b” for the Somersville Road Focus Area requires that areas designated Regional Commercial “comply with the provisions of the Regional Commercial land use category.” The Regional Commercial land use designation is described in Section 4.4.1.2, including purpose and maximum allowable development intensity. Permitted uses for Regional Commercial areas are described in Table 4.A.
- High Density Residential. Policy “c” for the Somersville Road Focus Area states that areas designated High Density Residential “shall comply with the provisions of the Medium Density Residential land use category.” The High Density Residential land use designation is described in Section 4.4.1.1, including purpose and maximum allowable density, including building and population standards. Permitted uses for High Density Residential areas are described in Table 4.A
- Business Park and Residential. Figure 4.3 of the General Plan identifies proposed land uses for the “Chevron Parcel” as Business Park east of the future extension of Century Boulevard, and Residential to the west. Policy “f” for the Somersville Road Focus Area states that the division between business park and residential uses “shall be determined through approval of a planned development for the site. A minimum of 40 percent of the site is to be devoted to business park and related commercial and open space uses.” The policy further states that residential development is to consist of “medium density housing products, consisting of a “combination of small lot single family detached and multi-family development.” To better describe permitted land uses and development intensity, Figure 4.3 of the General Plan has been modified to show the boundaries of the Chevron property, and Policy “f” for the Somersville Road Focus Area has been modified to read as follows:
 - f. The development of the “Chevron property,” located on the west side of Somersville Road, south of Buchanan Road, shall comply with the following provisions ~~of the Somersville Road Mixed Use Office/Residential land use category (see Table 4.A).~~
 - The primary land use intent for this site is a mix of low-rise ~~offices~~ business park and medium density residential housing products.
 - For illustrative purposes, Figure 4.3 shows the property divided into ~~office~~ business park and residential portions. The specific development design of the site shall be determined through approval of a planned development for the site.

A minimum of 40 percent of the site is to be devoted to business park and related commercial and open space uses.

- Business Park and related commercial uses shall front along the entire length of Somersville. Although it would be desirable to have business park and related commercial uses fronting along Buchanan Road at least as far west as the flood control channel, residential uses may front along Buchanan Road. The Business park areas shall comply with the provisions of the Business Park land use category.
- Development of the site should be heavily landscaped. Business park and related commercial uses should be one or two stories, and clustered in a park-like setting.
- A common design theme for business park and residential uses within the 193-acre site is to be provided, including compatible architectural, landscaping, and signage.
- Residential uses within the Chevron site may consist of a combination of small lot single family detached and multi-family development, and shall be consistent with the provisions of the Medium Density Residential land use category.
- Adequate separation shall be maintained between new office and multi-family uses and existing residential neighborhoods. If parking areas are located along the residential edge, sufficient noise mitigation shall be provided.
- As part of site development, a community gateway monument shall be provided, including distinctive signage and landscaping at the northwest corner of the site, expressing the theme of Antioch as "Gateway to the Delta." Such signage and monumentation must portray a high quality design image for the City.
- The City should work with the owner of the Chevron property to annex it into Antioch.

Eastern Waterfront Focus Area

- Business Park (Eastern Waterfront Business Park). Policy "a" for the Eastern Waterfront Focus Area states that areas designated Business Park specify the maximum allowable development intensity for areas designated Business Park within the Eastern Waterfront Focus Area as a Floor Area Ratio of 0.55¹. Permitted uses for Eastern Waterfront Business Park areas are described in Table 4.A
- Commercial. Policy "b" for the Eastern Waterfront Focus Area requires that areas designated Commercial "comply with the provisions of the Neighborhood Commercial land use designation." The Neighborhood Commercial land use designation is described in Section 4.4.1.2 of the General Plan, including purpose and maximum allowable

¹ Floor Area Ratio (FAR) represents the ratio between allowable floor area on a site and the size of the site. For example, an FAR of 1.0 permits one square foot of building floor area (excluding garages and parking) for each square foot of land within the development site, while an FAR of 0.5 represents ½ square foot of building area for each square foot of land within the development site. Thus, if the maximum allowable density for a site is an FAR of 0.55, the maximum allowable square footage of building square would be determined by multiplying the total square footage of the development site by 0.55.

development intensity. Permitted uses for Neighborhood Commercial areas are described in Table 4.A.

- Multi-Family Residential. Policy “c” for the Eastern Waterfront Focus Area requires that areas designated Multi-Family Residential “comply with the provisions of the High Density Residential land use category.” The High Density Residential land use designation is described in Section 4.4.1.1, including purpose and maximum allowable development intensity/population standards. Permitted uses for High Density Residential areas are described in Table 4.A. To clarify the land use map for the Eastern Waterfront Focus Area, Figure 4.4 has been revised to identify the single residential area within the Eastern Waterfront Focus Area as “High Density Residential,” rather than “Residential.”
- General Industrial. The General Industrial land use designation is described in Section 4.4.1.3 of the General Plan, including purpose and maximum allowable development intensity. Permitted uses for General Industrial areas are described in Table 4.A. To simplify finding this information, the General Plan has been revised to add a new Policy “d” to the Eastern Waterfront Focus Area as follows:
 - d. The “General Industrial” area identified in Figure 4.4 shall comply with the provisions of the General Industrial land use category described in Section 4.4.1.3 of the Land Use Element.
- Rail-Served Industrial. The Rail-Served Industrial land use designation is described in Section 4.4.1.3 of the General Plan, including purpose and maximum allowable development intensity. Permitted uses for Rail-Served Industrial areas are described in Table 4.A. To simplify finding this information, the General Plan has been revised to add a new Policy “e” to the Eastern Waterfront Focus Area as follows:
 - e. The “Rail-Served Industrial” area identified in Figure 4.4 shall comply with the provisions of the Rail-Served Industrial land use category described in Section 4.4.1.3 of the Land Use Element.
- Light Industrial. The Light Industrial land use designation is described in Section 4.4.1.3 of the General Plan, including purpose and maximum allowable development intensity. Permitted uses for Rail-Served Industrial areas are described in Table 4.A. To simplify finding this information, the General Plan has been revised to add a new Policy “f” to the Eastern Waterfront Focus Area as follows:
 - f. The “Light Industrial” area identified in Figure 4.4 shall comply with the provisions of the Light Industrial land use category described in Section 4.4.1.3 of the Land Use Element.
- Regional Commercial. The Regional Commercial land use designation is described in Section 4.4.1.2 of the General Plan, including purpose and maximum allowable development intensity. Permitted uses for Regional Commercial areas are described in Table 4.A. To simplify finding this information, the General Plan has been revised to add a new Policy “g” to the Eastern Waterfront Focus Area as follows:
 - g. The “Regional Commercial” area identified in Figure 4.4 shall comply with the provisions of the Regional Commercial land use category described in Section 4.4.1.2 of the Land Use Element.

- Marina/Supporting Uses. The Marina/Supporting Uses land use designation is described in Section 4.4.1.2 of the General Plan, including purpose and maximum allowable development intensity. Permitted uses for Marina/Supporting Uses areas are described in Table 4.A. To simplify finding this information, the General Plan has been revised to add a new Policy “h” to the Eastern Waterfront Focus Area as follows:
 - h. The “Marina/Supporting Uses” area identified in Figure 4.4 shall comply with the provisions of the Marina/Supporting Uses land use category described in Section 4.4.1.2 of the Land Use Element.
- Open Space. The Open Space land use designation is described in Section 4.4.1.4 of the General Plan, including purpose and maximum allowable development intensity. Permitted uses for Open Space areas are described in Table 4.A. To simplify finding this information, the General Plan has been revised to add a new Policy “i” to the Eastern Waterfront Focus Area as follows:
 - i. The “Open Space” area identified in Figure 4.4 shall comply with the provisions of the Open Space land use category described in Section 4.4.1.4 of the Land Use Element.

SR-4/160 Frontage Focus Area

- Transit-Oriented Development. Policy “a” for the SR-4/160 Frontage Focus Area defines the purpose of Transit-Oriented Development within this area. The uses permitted within Transit-Oriented Development land use designations are delineated in Table 4.A. The Transit-Oriented Development land use designation is described in Section 4.4.1.2 of the General Plan, including purpose and maximum allowable development intensity and population standards. To simplify finding this information, General Plan Policy “a” for the SR-4/160 Frontage Focus Area has been revised to read as follows:
 - a. Areas designated “*Transit-Oriented Development*” in Figure 4.5 are intended to provide a cohesive, mixed-use community within walking distance of a proposed rail transit station east of Hillcrest Avenue. Commercial and employment-generating uses within the transit-oriented development area will also serve adjacent residential areas. Appropriate land use types within this area are specified for Transit-Oriented Development in Table 4.A ~~Section 4.4.1.2~~ of the Land Use Element, and include a mix of multi-family residential, office, retail, restaurants, commercial services, business park, and light industrial uses. Development within this shall comply with the policies for Transit-Oriented Development set forth in Section 4.4.1.2. The size and intensity of transit-oriented development within the SR-4/160 Frontage Focus Area will be proportional to the level of transit service being offered.
- Commercial. Policy “b” for the SR-4/160 Frontage Focus Area defines the purpose of areas designated Commercial. As set forth in Policy “b,” appropriate land use types and maximum development intensity within this area are as specified for Neighborhood Commercial in Section 4.4.1.2 of the Land Use Element.

- Business Park. Policy “c” for the SR-4/160 Frontage Focus Area defines the purpose of areas designated Business Park. As set forth in Policy “c,” the maximum allowable development intensity for areas designated Business Park within the SR-4/160 Frontage Focus Area is an FAR of 0.4. Appropriate use types are set forth in Table 4.A. to simplify determining appropriate land uses within this land use category, Policy “c” for the SR-4/160 Frontage Focus Area has been revised to read as follows:
- Business Park/Public Institutional. Two small areas of Business Park/Public Institutional were recommended by the Planning Commission to be added to the SR-4/160 Frontage Focus Area in recognition of their ownership by church groups interested in building church facilities for their congregations. The Commission recommended retaining the proposed Business Park designation, while also applying the existing “Public/Institutional” designation to the sites as an overlay. This would retain the ability of each congregation or subsequent owners to develop a church on the sites, while also permitting development of business park uses should the property owners not pursue development of church facilities. The Planning Commission intended to apply the same Public/Institutional designation as is described in Section 4.4.1.4 of the Land Use Element, including a description of the designation’s purpose and maximum allowable building intensity. To clarify the Commission’s recommendation, a new Policy “d” has been added to the SR-4/160 Frontage Focus Area to read as follows:
 - d. The “*Business Park/Public Institutional*” area identified in Figure 4.5 may comply with either the provisions of the Business Park land use category described in Section 4.4.1.3 of the Land Use Element or the Public Institutional land use category described in Section 4.4.1.4.
- Medium Low Density Residential. A small area of Medium-Low Density Residential was recommended by the Planning Commission to be added to the SR-4/160 Frontage Focus Area in recognition of the residential growth allocations approved by the City Council for that property. The Commission recommended applying the same Medium-Low Density Residential designation described in Section 4.4.1.1 of the Land Use Element, including a description of the designation’s purpose, building intensity, and population density standards. An identification of appropriate land use types for this designation is presented in Table 4.A. To clarify the Commission’s recommendation, a new Policy “e” has been added to the SR-4/160 Frontage Focus Area to read as follows:
 - e. The “*Medium/Low Density Residential*” area identified in Figure 4.5 shall comply with the provisions of the Medium Low Density Residential land use category described in Section 4.4.1.1 of the Land Use Element.

“A” Street Interchange Focus Area

- Commercial. Policy “a” for the “A” Street Interchange Focus Area defines the purpose of areas designated Commercial. As set forth in Policy “a,” appropriate land use types and maximum development intensity within this area are as specified for Neighborhood Commercial in Section 4.4.1.2 of the Land Use Element.

- Commercial/Office. Policy “b” for the “A” Street Interchange Focus Area defines the purpose of areas designated Commercial/Office. As set forth in Policy “b,” appropriate land use types and maximum development intensity within this area are as specified for Neighborhood Commercial in Section 4.4.1.2 of the Land Use Element.
- Office. Policy “c” for the “A” Street Interchange Focus Area defines the purpose of areas designated Office. As set forth in Policy “c,” appropriate land use types and maximum development intensity within this area are as specified for Office in Section 4.4.1.3 of the Land Use Element.
- Residential. Policy “d” for the “A” Street Interchange Focus Area defines the purpose of areas designated Residential. As set forth in Policy “d,” appropriate land use types and maximum development intensity within this area are as specified for Low Medium Density Residential in Section 4.4.1.1 of the Land Use Element.

Western Gateway Focus Area

- Mixed Use Residential/Commercial. Policy “b” for the Western Gateway Focus Area states that areas with this designation may be developed with a mix of the uses identified as appropriate for the High Density Residential and Convenience Commercial land use designations. Policy “b” for the Western Gateway Focus Area refers to the discussion of High Density Residential in Section 4.4.1.1 of the Land Use Element and to the discussion of Convenience Commercial in Section 4.4.1.2. To clarify that this reference includes both development standards and maximum allowable development intensity, Policy “b” of the Western Gateway Focus Area has been modified to read as follows:
 - b. Areas designated “*Mixed Use Residential/Commercial*” in Figure 4.7 may consist of a mix of the uses identified as appropriate for the High Density Residential designation (see Section 4.4.1.1 for maximum allowable development intensity and appropriate land use types) and the Convenience Commercial designation (see Section 4.4.1.2 for maximum allowable development intensity and appropriate land use types).
- Office. Policy “c” for the Western Gateway Focus Area defines the purpose of areas designated Office. As set forth in Policy “c,” development within this category is to comply with the provisions of the Office designation in Section 4.4.1.3 of the Land Use Element.

Sand Creek Focus Area

- Policies “b” through “d” for the Sand Creek Focus Area require that development within this Focus Area “make a substantial commitment to employment-generating uses. Up to 100 acres are to be devoted to employment-generating uses.” Policy “b” identifies the appropriate primary land use types, while Policy “c” identifies appropriate secondary uses of lands to be devoted to employment-generating uses, and requires that up to 100 acres are to be devoted to these employment-generating uses. Policy “d” defines the maximum allowable development intensity for employment-generating lands within the Sand Creek Focus Area. These employment-generating uses are intended to be developed

within the areas shown for Mixed Use Medical Facility, Business Park, and Commercial/Open Space in Figure 4.8. To clarify that these are the intended locations for employment-generating development, and the relationship of the approved medical facility to the 100 acres, Policy “b” for the Sand Creek Focus Area has been modified to read as follows:

- b. Sand Creek Focus Area development shall make a substantial commitment to employment-generating uses. Up to 100 acres are to be devoted to employment-generating uses within the areas shown for Business Park and Commercial/Open Space, in addition to the area shown as Mixed Use Medical Facility. Appropriate primary land uses within employment-generating areas include:
 - Administrative and Professional Offices
 - Research and Development
 - Light Manufacturing and Assembly
 - Hospital and related medical uses
- Policy “e” for the Sand Creek Focus Area states that a “maximum of 95 acres of retail commercial uses designed to service the local community may be developed,” and sets a maximum overall development intensity of 0.3 FAR. This development is intended to occur within the areas shown as Commercial/Open Space on figure 4.8. Policy “f” permits office development within this area to be developed at a higher development intensity (FAR of 0.50). To clarify the locations intended for retail development, Policies “e” and “f” for the Sand Creek Focus Area have been modified to read as follows:
 - e. A maximum of 95 acres of retail commercial uses designed to service the local community may be developed within the areas shown for Commercial/Open Space, with a maximum overall development intensity of a 0.3 FAR.
 - f. Up to 1.24 million square feet of retail commercial uses may be constructed. Within areas designated for retail use (areas shown for Commercial/Open Space), office development may be developed at a maximum FAR of 0.5.
- Hillside and Estate Residential/Open Space. Policy “m” defines the maximum number of dwelling units per acre for Hillside Estate Housing. This category is intended to reflect the provisions of the Estate Residential designation described in Section 4.4.1.1 of the Land Use Element. To clarify this intent, Policy “m” for the Sand Creek Focus Area has been modified to read as follows:

Hillside Estate Housing consists of residential development within the hilly portions of the Focus Area that are designated for residential development. Appropriate land use types include Large Lot Residential. Within these areas, typical flat land roadway standards may be modified (e.g., narrower street sections, slower design speeds) to minimize required grading. Mass grading would not be permitted within this residential type. Rough grading would be limited to streets and building pad areas. Residential densities within Hillside Estate Areas are to be limited to one dwelling unit per gross developable acre (1

du/ac), with typical lot sizes ranging upward from 20,000 square feet. The anticipated population density for this land use type is up to four persons per developed acre. Included in this category is custom home development, wherein semi-improved lots are sold to individuals for construction of custom homes. Approximately 20 percent of Hillside Estate Housing should be devoted to custom home sites.

- Executive and Estate Residential/Open Space. Policy “m” defines the maximum number of dwelling units per acre for Executive Estate Housing. This category is intended to reflect the provisions of the Estate Residential designation described in Section 4.4.1.1 of the Land Use Element. To clarify this intent, Policy “m” for the Sand Creek Focus Area has been modified to read as follows:

Executive Estate Housing consists of large lot suburban subdivisions within the flatter portions of the Focus Area. Appropriate land use types include Large Lot Residential. Densities of Executive Housing areas would typically be 2 du/ac, with lot sizes ranging upward from 12,000 square feet. The anticipated population density for this land use type is up to four persons per developed acre.

- Golf Course-Oriented Housing. Policy “m” defines the maximum number of dwelling units per acre for Golf Course-Oriented housing to be developed within the area shown as Golf Course/Senior Housing/Open Space in Figure 4.8. To clarify this intent and the population density correlated to the building intensity standard set forth in the General Plan, Policy “m” for the Sand Creek Focus Area has been modified to read as follows:

Golf Course-Oriented Housing consists of residential dwelling units fronting on a golf course to be constructed within the portion of the Focus Area identified as Golf Course/Senior Housing/Open Space in Figure 4.8. Appropriate land use types include Single Family Detached and Small Lot Single Family detached for lots fronting on the golf course. Maximum densities for golf course-oriented housing would typically be 4 du/ac, with lot sizes as small as 5,000 square feet for lots actually fronting on the golf course. The anticipated population density for this land use type is up to eight to twelve persons per acre developed with residential uses.

- Single Family Detached Housing. Policy “n” defines the maximum number of dwelling units per acre for single-family detached housing to be developed within areas shown as Golf Course/Senior Housing/Open Space, Residential, and Low Density Residential in Figure 4.8. To clarify this intent and the population density correlated to the building intensity standard set forth in the General Plan, Policy “n” for the Sand Creek Focus Area has been modified to read as follows:

Single-Family Detached housing within suburban-style subdivisions with lot sizes ranging from 7,000 square feet to 10,000 square feet may also be developed within the Sand Creek Focus Area within areas shown as Golf Course/Senior Housing/Open Space, Residential, and Low Density Residential in Figure 4.8.

The anticipated population density for this land use type is up to eight to twelve persons per acre developed with residential uses.

- Multi-Family Housing. Policy “o” for the Sand Creek Focus Area defines the maximum acreage and maximum number of dwelling units per acre for multi-family detached housing to be developed within areas shown as shown for residential development that are “located adjacent to the main transportation routes within the Focus Area, and in close proximity to retail commercial areas.” To clarify the population density correlated to the building intensity standard set forth in the General Plan, Policy “o” for the Sand Creek Focus Area has been modified to read as follows:

A total of 25 to 35 acres is to be reserved for multi-family housing to a maximum density of 20 du/ac. Areas devoted to multi-family housing should be located adjacent to the main transportation routes within the Focus Area, and in close proximity to retail commercial areas. The anticipated population density for this land use type is up to forty persons per acre developed with residential uses.

- Policy “p” for the Sand Creek Focus Area calls for the development of “age-restricted senior housing... as a means of expanding the range of housing choice within Antioch, while reducing the Focus Area’s overall traffic and school impacts.” Such senior housing may consist of Single Family Detached, Small Lot Single Family Detached, of Multi-Family Attached Housing, each of which is defined in Table 4.A of the General Plan. Policy “p” states that age-restricted senior housing may be developed in any of the residential areas of the Sand Creek Focus Area.
- With the exception of the northeasternmost portions of the Sand Creek Focus Area, the land uses identified in Figure 4.8 for Sand Creek Focus Area Option A have a “/Open Space” designation in addition to an urban land use. This “/Open Space” designation is intended to indicate that portions of these designations are anticipated to be placed in permanent natural open space to implement the biological resource policies of the General Plan, including policies specifically set forth for the Sand Creek Focus Area. The specific delineation of open space and development areas will be undertaken as part of the Specific Plan that is required to be prepared for the Sand Creek Focus Area. Thus, the land use map set forth in Figure 4.8 (referred to in EBRDP comments as the “Option A” map) allows for the implementation of the performance standards contained in General Plan policies and for the precise delineation of open space lands consistent with those policies and performance standards as part of the site-specific land use planning and the City’s development and environmental review process that will occur following General Plan adoption. The development prepared as part of the Sand Creek Specific Plan will be required to provide greater detail to Figure 4.8 by undertaking a precise delineation of lands for development and lands for open space within those areas designated “/Open Space” pursuant to the policies of the General Plan.

The “Option B” map considered by the Planning Commission provides a baseline delineation between open space and development areas based on the Framework Plan included in Appendix D of the Draft EIR. As is the case for the “Option A” map, a more precise delineation of the boundaries between development and open space consistent

with General Plan policies and performance standards would occur as part of the site-specific land use planning and the City's development and environmental review process that will occur following General Plan adoption. To clarify this intent, General Plan Implementation Measure 12.4d has been modified as follows:

Interpretation of the General Plan Land Use Map. In any case where uncertainty exists regarding the location of boundaries of any land use category, proposed public facility symbol, circulation alignment, or other symbol or line found on the official maps, the following procedures will be used to resolve such uncertainty.

- Boundaries shown as approximately following lot lines shall be construed to be following such lot lines.
- Where a land use category applied to a parcel is not mapped to include an adjacent street or alley, the category shall be considered to extend to the centerline of the right-of-way.
- Boundaries shown as following or approximately following the limits of any municipal corporation shall be construed as following such limits.
- Boundaries shown as following or approximately following section lines, half-section lines, or quarter-section lines shall be construed as following such lines.
- Boundaries shown as following or approximately following railroad lines shall be construed to lie midway between the main tracks of such railroad lines.
- Boundaries shown as following or approximately following high water lines shall be construed to follow the mean high water lines of such water bodies, and, in the event of change in the mean high water line, shall be construed as moving with the actual mean high water line.
- Boundaries shown as following or approximately following the centerlines of streams, creeks, rivers, or other continuously flowing water courses shall be construed as following the channel centerline of such water courses taken at mean low water, and, in the event of a natural change in the location of such streams, rivers, or other water courses, the zone boundary shall be construed as moving with the channel centerline.
- Boundaries shown as separated from, and parallel or approximately parallel to, any of the features listed above shall be construed to be parallel to such features and at such distances therefrom as are shown on the map.
- Symbols that indicate appropriate locations for proposed public facilities are not property specific. They indicate only the general area within which a specific facility should be established.

Within Focus Areas, boundaries on land use maps will generally follow the above rules, but may be modified consistent with General Plan policies to reflect site-specific conditions and analysis.

- Public/Quasi Public, School. These designations in Figure 4.8 identify the anticipation locations for public uses within the Focus Area. Development within these areas is intended to be consistent with the Public/Institutional land use category described in Section 4.4.1.4 of the Land Use Element. To clarify this intent, a new Policy “q” has been added to the General Plan to read as follows:

q. Areas identified as Public/Quasi Public and School in Figure 4.8 are intended to identify locations for new public and institutional uses to serve the future development of the Sand Creek Focus Area. Development within these areas is to be consistent with the provisions of the Public/Institutional land use category described in Section 4.4.1.4 of the Land Use Element.

East Lone Tree Focus Area

- Policy “a” sets the maximum development intensity for the East Lone Tree Specific Plan area in terms of number of single- and multi-family dwelling units, and maximum square footage for commercial/office and Business Park/Industrial uses. The intent of the General Plan is that single-family residential development reflect the City’s Low Density Residential designation, commercial/office development reflect a mix of the City’s Regional Retail and Office designations, and business park/industrial uses reflect a mix of the City’s Business Park and Light Industrial designations, as set forth in the adopted East Lone Tree Specific Plan. To clarify the intent of the General Plan, Policy “a” for the East Lone Tree Specific Plan Focus Area has been modified as follows:

- a. The maximum development intensity for the East Lone Tree Specific Plan area shall be as follows:

Single-Family Residential: 1,100 dwelling units, developed within the areas shown as “Residential/Open Space in Figure 4.9, subject to the provisions of the Low Density Residential land use category described in Section 4.4.1.1 of the Land Use Element.

Multi-Family Residential: 250 dwelling units, developed within the areas shown as “Residential/Open Space in Figure 4.9, subject to the provisions of the High Density Residential land use category described in Section 4.4.1.1 of the Land Use Element.

Commercial/Office: 1,135,000 square feet, developed within the areas shown as “Office/Retail,” “Regional Retail,” or “Regional Retail/Employment Generating Lands in Figure 4.9. Such development may include a mix of uses that comply with the provisions of the Regional Retail land use category described in Section 4.4.1.2 or the Office land use category described in Section 4.4.1.3 of the Land Use Element.

Business Park/Industrial: 2,152,300 square feet, developed within the areas shown as “Regional Retail/Employment Generating Lands” in Figure 4.9. Such development may include a mix of uses that comply with the provisions

of the Business Park or Light Industrial land use categories described in Section 4.4.1.3 of the Land Use Element.

- Open Space/Public. Uses within this area shown in Figure 4.9 are intended to include a mix of uses permitted within the City's Open Space and Public/Institutional land use categories. To clarify this intent, a new Policy "b" for the East Lone Tree Specific Plan Focus Area has been added to the General Plan as follows.

b. Land uses within the area shown as Open Space/Public in Figure 4.9 may include a mix of uses that comply with the provisions of the Open Space or Public/Institutional land use category described in Section 4.4.1.4 of the Land Use Element.

Roddy Ranch Focus Area

- Residential Development. Policy "a" defines the allowable building intensity for residential development within the Roddy Ranch Focus Area, and describes the specific residential land use types that would be appropriate within the areas to be devoted to residential use. As discussed in Response F-1, areas appropriate for development would be limited to the area included within the ULL as it was originally approved by the voters in 1990 (approximately 750 acres). Population density has generally been estimated at 3.0 persons per unit for single-family development and 2.0 persons per unit for multi-family units. To clarify population standards, Policy "a" for the Roddy Ranch Focus Area has been modified as follows.
 - a. Residential development within Roddy Ranch shall not exceed a maximum of 2-3 dwelling units per developable acre (6-9 persons per developable acre) with the permitted development area set forth in Policy 4.3.2f (approximately 750 acres), and shall include a range of Estate Residential, Single-Family Detached and Multi-Family Attached residential product types (as defined in Table 4.A) in a resort-style setting. Senior, age-restricted residential development is appropriate, but is not to be the dominant focus of Roddy Ranch residential development. For purposes of determining density within the Roddy Ranch focus area, a "developable acre" shall be defined as lands not committed to open space and having steep slopes. These lands will be mapped in the Final Development Plan.
- Commercial Development. Policies "d" and "e" define the maximum amount of commercial development permitted within the Roddy Ranch Focus Area. Policy "d" limits neighborhood-serving retail commercial uses to 10-20 acres and 100,000 to 225,000 square feet, thus establishing building intensity standards. Policy "e" defines permitted visitor-serving uses. As discussed in Response F-1, areas appropriate for development would be limited to the area included within ULL as it was originally approved by the voters in 1990 (approximately 750 acres). To clarify development intensity standards for visitor-serving uses, Policy "e" for the Roddy Ranch Focus Area has been modified as follows.

- e. Visitor-serving commercial uses (e.g., hotel and restaurants) may also be developed within Roddy Ranch. Such visitor-serving uses would be oriented toward the golf course. The hotel may include a maximum of 250 rooms with ancillary retail, conference, restaurant, and recreational uses. Visitor-serving commercial uses may occupy a total of 20 acres at a maximum building intensity of 0.50.

Ginochio Property Focus Area

- Residential Development. Policy “c” defines the allowable building intensity for residential development within the Ginochio Property Focus Area, and describes the specific residential land use types that would be appropriate within the areas to be devoted to residential use. As discussed in Response F-1, areas appropriate for development would be limited to the area included within the ULL as it was originally approved by the voters in 1990 (approximately 250 acres). Population density has generally been estimated at 3.0 persons per unit for single-family development and 2.0 persons per unit for multi-family units. To clarify population standards, Policy “c” for the Ginochio Property Focus Area has been modified as follows:
 - c. Residential development within the Ginochio Property shall not exceed a maximum of 2.0 dwelling units per developable acre (6 persons per developable acre) with the permitted development area set forth in Policy 4.3.2f (approximately 250 acres), and shall include a range of Single-Family Detached and Multi-Family Attached residential product types (as defined in Table 4.A) in a resort-style development within the northern portion of the site. Large Lot Residential development consisting of custom home sites on five and ten acre parcels is appropriate, provided that the maximum density is not exceeded. Senior, age-restricted residential development is anticipated to be an important component of the Ginochio Property’s residential development. For purposes of determining density within the Ginochio Property focus area, a “developable acre” shall be defined as lands not committed to open space and having steep slopes. These lands will be mapped in the Final Development Plan. Development may occur on lands with steep slopes at a maximum density of one dwelling unit per 10 acres (1 du/10ac). The mapping of such lands will occur as part of the Final Development Plan.
- Commercial Development. Policy “f” defines the maximum amount of commercial development permitted within the Ginochio Property Focus Area. Policy “d” limits neighborhood-serving retail commercial uses to 10-15 acres and 100,000 to 175,000 square feet, thus establishing building intensity standards.

L-91 The issues raised in this comment (adequacy of General Plan land use designations) are outside of the area of expertise of the agency providing the comment (see Response L-88). Please refer to the discussion of the Sand Creek Focus Area in Response L-90.

L-92 The issues raised in this comment (adequacy of General Plan land use designations) are outside of the area of expertise of the agency providing the comment (see Response L-88).

- Table 4.A identifies that public and private schools are permitted uses within all areas designated Estate Residential, Low Density Residential, Medium Low Density Residential, and High Density Residential subject to the provisions of Land Use Element Policy 4.4.2.2b. Table 4.A also identifies that public and private schools are permitted uses within all areas designated Public Institutional. Together, these are the areas designated in the General Plan for schools. Sites for liquid and solid waste disposal facilities would fall within the Public Institutional land use designation.
- L-93 The issues raised in this comment (adequacy of General Plan land use designations) are outside of the area of expertise of the agency providing the comment (see Response L-88). While the General Plan Open Space Element is required to designate lands for open space use, there is no requirement that such designation be done through a map identifying specific parcels. Some lands are specifically mapped for open space in Figure 4.1 and land use maps for individual focus areas. In addition, the Resource Management Element and Environmental Hazards Element of the General Plan contain performance standards for the designation of open space lands to be set aside for preservation in open space when applying General Plan performance standards during the City's development and environmental review process.
- L-94 The issues raised in this comment (adequacy of General Plan implementation programs) are outside of the area of expertise of the agency providing the comment (see Response L-88). Implementation Action 12.2 b describes the City's development and environmental review process. As stated in Response L-93, the performance standards contained in General Plan policies will be applied to individual development projects during the City's development and environmental review process. Lands required to be preserved in open space pursuant to the policies of the General Plan will be so preserved.
- L-95 The issues raised in this comment (adequacy of the General Plan Conservation Element) are outside of the area of expertise of the agency providing the comment (see Response L-88). While the General Plan needs to consider the effect that proposed development would have on natural resources, and to provide for the management and wise use of resources, the General Plan is not required to include discussion of the anticipated effects of such development. Discussion of the effects of proposed development is the purpose of the environmental documentation prepared for the General Plan pursuant to the provisions of CEQA.
- L-96 The issues raised in this comment (adequacy of the General Plan Noise Element) are outside of the area of expertise of the agency providing the comment (see Response L-88). Information on existing and projected noise within Antioch is provided in Section 4.9 of the General Plan EIR. While EBRPD provided extensive comments on many issues addressed in the General Plan EIR, it did not provide any comments on the EIR's noise analysis. Preparation of the General Plan Noise Element was based on the analysis and findings set forth in Section 4.9 of the EIR. To clarify the manner in which the City has intended to use the noise information of Section 4.9 of the EIR, a new Policy 11.6.2a has been added to the General Plan as follows.

a. Implementation of the noise objective contained in Section 11.6.1 and the policies contained in Section 11.6.2 of the Environmental Hazards Element shall be based on noise data contained in Section 4.9 of the General Plan EIR, unless a noise analysis conducted pursuant to the City's development and environmental review process provides more up-to-date and accurate noise projections, as determined by the City.

L-97 The issues raised in this comment (adequacy of the General Plan Circulation Element) are outside of the area of expertise of the agency providing the comment (see Response L-88). Comment L-97 is incorrect. The circulation map set forth in Figure 7.1 was prepared based on the provisions of the Land Use Element, and was designed to meet the performance standards set forth in the Growth Management Element. The correlation of land use, circulation, and roadway performance standards is demonstrated in the analysis presented in Section 4.13 of the General Plan EIR. While EBRPD provided extensive comments on many issues addressed in the General Plan EIR, it did not provide any comments on the EIR's traffic analysis.

L-98 This comment does not raise any substantive environmental issues regarding the adequacy of the Draft EIR. In addition, the issues raised in this Comment (adequacy of the General Plan) are outside of the area of expertise of the agency providing the comment (see also Response L-88). Although the "Option A" map does not delineate boundaries between development areas and lands to be preserved in open space, the policies of "Option B" provide clear performance standards for such delineation to occur as part of the development and environmental review process for the Sand Creek Specific Plan. Such delineation is to be based on site-specific biological analysis beyond that which can reasonably be accomplished in a Citywide General Plan.

The designations in the General Plan identify appropriate land use, but do not guarantee that maximum allowable density can be achieved or that every inch of ground will be developable. The General Plan represents a broad policy statement. It is not the purpose of the General Plan, nor is it appropriate for the plan to provide site-specific land use planning for all properties, or to provide mapping of all lands that need to be retained in open space to mitigate the impacts of new development and to implement the policies contained in the General Plan. It is the purpose of the General Plan to, among other things, establish performance standards for the development of lands and management of the environment within the General Plan study area. These performance standards may then be applied to properties as part of the City's project-level development and environmental review process, and it is at that time that precise delineation of the lands needed to be set aside in open space pursuant to the policies of the Antioch General Plan can and should occur. Both General Plan law and CEQA recognize and permit such a system of defining citywide policy and performance standards, and implementing them with individual developments.

L-99 This comment does not raise any substantive environmental issues regarding the adequacy of the Draft EIR. In addition, the issues raised in this comment (adequacy of the General Plan) are outside of the area of expertise of the agency providing the comment (see also Response L-88). As noted in Response L-98, the proposed General Plan provides an overall framework and policy direction for the development of this area. Further discussion as to how the land

use designations for the Sand Creek Focus Area fit with policies for that Focus Area is presented in Response L-90. Whether EBRPD's "Option C" map is the *only* land use map that would be consistent with the policies proposed for the General Plan is an opinion of the comment writer with which the City does not concur for the reasons set forth in Responses L-90 and L-98.

- L-100 This comment does not raise any substantive issues regarding the adequacy of the General Plan EIR. As such, no response is required; however, a response is provided for informational purposes. The City is very much aware of and carefully considered the advantages and disadvantages of participating in the East County HCP/NCCP. Based on that consideration, Antioch has to date respectfully declined to participate in the HCP/NCCP process. In taking that action, the City understands that special-status species must still be protected per the provisions of State and Federal law, as well as local policies (such as those contained in the Antioch General Plan) and ordinances, and intends to comply with all applicable laws and regulations.
- L-101 Additional EBRPD comments regarding the proposed General Plan are included as Document M. The comments are also responded to accordingly.
- L-102 As discussed in Responses to the Comments of EBRPD in Comment Letter L, the City of Antioch does not concur with EBRPD's assertions regarding the adequacy of the General Plan EIR. The City believes that the General Plan EIR complies with the provisions of CEQA.

Exhibit 25**Antioch General Plan Update Comments**

Prepared by EBRPD Staff: Brad Olson, Linda Chavez and Larry Tong

September 4, 2003

Please find attached redline/strikeout documents showing specific changes to the General Plan proposed by EBRPD staff. Additionally, please note the following comments.

Page 1-5: The General Plan is not internally consistent. Housing goals conflict with open space goals. The City cannot reasonably expect to be able to develop housing and other urban uses that the high rate proposed while also preserving open space effectively. The General Plan should be revised to explain how these two conflicting goals will be harmonized. Proposed developments within Sand Creek Valley (Option A and to a lesser extent Option B) and at Roddy Ranch appear to be in conflict with a number of proposed open space policies. This includes policies b, d, e and g.

1

Page 1-9: The General Plan has not explained why the City believed that it needs to plan for and permit development of 3,500 high-end homes on Roddy Ranch and the Ginochio Property. There is, for example, no evidence to support the conclusion that this number of homes is necessary to attract executives and their businesses to relocate to Antioch. The housing mix seems inappropriately weighted to high end housing, when the likely growth in demand will be for middle and low income housing. This is especially important because most of the high-end housing would be located in the prime open space areas.

2

Page 1-10: The General Plan does not identify the growing need for recreation and open space for City residents.

3

Pages 1-11 thru 1-13: The General Plan arguments for increasing home prices prompting the need for higher end homes make no sense. As prices increase, lower priced homes will become more desirable, not less desirable.

4

Page 1-22: The General Plan discussion of parks and recreation provides no information on the types of trail users, which will include equestrians, plus there is no mention of the regional trails existing and planned for the area. The General Plan should include regional facilities (parks and trails), not just local city and private facilities. Increased population would mean increased recreational demand of all kinds. Water facilities (Contra Loma and City Community Pool) will in particular be impacted by the increase in population.

5

Page 2-1: Public and Private hillsides and open space located to the South of the City of Antioch (the "Mt. Diablo foothills") serves as the backdrop to the City and are among the City's most valued and dominant features. As such, it would make sense for the City's vision of a beautiful community to include preservation of open space. This vision should be clearly articulated in the policies of the General Plan.

6

Page 2-2: Growth in property tax base seems to be a major incentive for the City of Antioch to want to grow has proposed in the General Plan Date; yet it does not appear to be discussed in that document.

7

Pages 2-3 thru 2-5: Annexation of the Ginochio and Roddy Branch properties in order to build low-density, high-end housing on the edge of town does not in any way lend itself to non-motorized transportation to employment centers. These developments will instead result in more single passenger vehicle trips. Infill, densification and transit-oriented development in the downtown area, by contrast, will support these goals. The General Plan should be modified to emphasize transit oriented development and move away from sprawl-type development.

8

Page 2-5: Refers to an equitable solution to regional traffic congestion, yet Antioch alone is proposing huge annexations of about 3,000 acres of open space to build nearly 9,000 units of primarily low-density development that will be dependent on automobile transportation. As such, the General Plan works against rather than contributing to a regional solution.

9

Pages 3-4 thru 3-7: The discussion of "equitable mitigation" fails to acknowledge Antioch's lack of participation in, or opposition to, numerous regional planning and mitigation efforts that strive to achieve this equality. This includes the East Contra Costa Habitat Conservation Plan and the Shaping our Future planning processes.

10

Page 3-12: The General Plan needs a performance standard for regional parks that meet the City's need for open space, hiking, swimming, quiet enjoyment, etc.

11

Page 3-15: References a need for a "system" to mitigate for project-related impacts to other jurisdictions, yet the General Plan and DEIR fail to acknowledge EBRPD as one of the "jurisdictions" that would be impacted by Antioch's growth.

12

Page 3-16: The Regional Cooperation Policies 3.7.2 should include maintaining ongoing communications with the EBRPD.

13

Tables on Pages 4-15 through 4-17: These three tables are not consistent. Each table uses different figures for growth in housing units, yet there is no explanation of the purpose of the tables or these discrepancies. For example, Roddy Ranch is 2,625 units in Table 4.C and 1,700 units in Table 4.D. Sand Creek is 4,970 units in Table 4.B and 5,037 in Table 4.D.

14

Pages 4-2 thru 4-76: The General Plan Figure 4.10 shows the entire 2,100 acre Roddy Ranch area as proposed development. The actual developable area is considerably less because the map does not show the existing conservation easement and golf course. This leaves about 1080 acres of potential development area when all of these constraints are placed within the Roddy Ranch.

15

Even with this reduced footprint and establishment of the proposed "Antioch Corridor" under Sand Creek Option B, it appears that development of Roddy Ranch would sever the two northern kit fox corridors identified in the draft East Contra Costa Habitat Conservation Plan by placing up to 2,625 housing units in these two areas which presently separate Black Diamond Mines

16

from Cowell Ranch. There is no discussion of this impact in the General Plan or DEIR. Such analysis is inappropriately deferred to a future Specific Plan and EIR

Page 4-23: The Open Space designation under Community and Public Land Use Designations 4.4.1.4 should clarify that it includes other areas to be preserved or protected as open space, not just: (1) lands owned by public agencies, or (2) lands which are already programmed for acquisition.

Pages 5-20 thru 5-21: The discussion of transitions and buffering policies should also provide for policies to protect public open space, conservation easement areas and land set aside as mitigation from the effects of development. This should include buffers for aesthetics, light and glare, noise, fire safety, habitat management, special-status species occurrences and the public's quiet enjoyment of protected areas.

Pages 5-20 thru 5-21: The General Plan needs to provide for an open space transition/buffer overlay zone. The overlay zone would be applied to parcels adjacent or near to significant open space areas. It would be used in conjunction with the base zoning that would allow for development of the parcel. The overlay zone would require the development to provide buffers and transitions to the open space areas. The overlay zone needs to be included in the open space action program.

Page 7-0: Section 7.0 Circulation should include a map of all the existing and proposed trails (both local and regional) indicating class level.

Page 7-4: Proposed Delta De Anza Trail extension to Neroly Road is a Class I trail.

Page 7-9: Figure 7.1 shows Empire Mine Road continuing to function as a major collector road with the development of the Sand Creek Valley. Previous Antioch documents have stated that this road would be abandoned when the Sand Creek Valley is developed. If this road is to be retained, it will greatly affect the viability of the proposed Antioch Corridor shown under Option B. The subject corridor would cross Empire Mine Road at least twice, which will greatly increase the potential for road kill of kit fox and other species, and it will serve to fragment the corridor.

Page 7-9: Figure 7.1 shows Empire Mine Road as an Arterial. This needs to be either deleted or the impacts from the proposed arterial fully addressed in the GP and EIR.

Pages 7-11 thru 7-13: Retention of Empire Mine Road through the Sand Creek Valley following its potential development would appear to be inconsistent with a number of the traffic and circulation policies in Section 7.3.2. This includes b, u and w.

Page 8-8: The General Plan states that regional parks are "generally provided by County and State agencies", however in this case, the East Bay Regional Park District provides such parks. The General Plan needs to evaluate consistency with the District's 1997 Master Plan policies.

Page 8-9: The General Plan policies regarding fire protection should include the need for fuel breaks between proposed development and public open space, it should address consistency with

existing open space fuel management practices, including livestock grazing, prescribed fire, mowing, pest management, and it should provide for appropriate buffers between these existing uses and proposed developments. For example, the City historically has required a minimum of a 300-foot buffer between lands, which are grazed and residential areas. Development on the Zeka/Higgins property needs to provide such a buffer between proposed residential areas and existing EBRPD parklands, which are currently grazed.

26

Page 8-9: The Fire Protection Policies should include additional policies to provide for firebreaks and buffers, and to include a Fire Management Plan policy particular for development of the City that is expanding into the urban wildland interface areas or developments adjacent to open space, which is either landscaped or with natural vegetation.

27

Page 9-23: Table 9.U provides for up to 1,710.72 acres of development on the Roddy Ranch, yet page 4-72 of the General Plan acknowledges that considerably less acreage within Roddy Ranch is actually developable. If such figures are used to address housing needs and housing projections, then these figures need to be revised to reflect actual conditions and constraints on this property.

28

Page 10-3: Black Diamond Mines Regional Preserve is presently 5,984 acres in size. One of the significant activities at this park not listed in this section is camping. The District currently operates two group camps in this park, including the Star Mine Group Camp, which is within 1,500 feet of proposed development in the Sand Creek Valley under Option A.

29

Page 10-4: Section 10.3.2 d. Should be modified to drop "incorporate" and change to shall preserve and protect natural open space areas in the project design.

30

Page 10-5: The discussion of grassland values fails to mention a number of special-status species that are known to inhabit this habitat type within the Antioch Planning Area, including San Joaquin kit fox, California tiger salamander (aestivation habitat), American badger, western burrowing owl and golden eagle.

31

Page 11-6: Fire Hazards policy "a." is too vague. Fuel modifications and buffers need to address existing land management practices on District lands.

32

The General Plan policies for the entire City's General Plan, and specifically, the Sand Creek Area (Option A) are inadequate. They fail to adequately do the following:

- Contain the state-mandated Open Space Element detailing the programs for preserving open space for natural resource protection, the managed production of resources, outdoor recreation, and protection of public health and safety. [Govt Code Sec 65302.c and 65560]
- Address open space for preservation of natural resources, such as areas required for preservation of habitat for wildlife. [Govt Code Sec 65560.b.1]

33

- Address open space for managed production of resources, such as agricultural lands. [Govt Code Sec 65560.b.2]
- Address open space for outdoor recreation, such as areas of outstanding scenic beauty, areas particularly suited for open space purposes, areas which serve as links between open space reservations, including wildlife corridors. [Govt Code Sec 65560.b.3]
- Assess present and future demand for regional parks and recreational facilities in areas particularly suited for such open space usage. [Govt Code Sec 65560.b.3]
- Address open space for public health and safety, such as areas that require special management because of underground mines and the unstable soil and water quality hazards related to them. [Govt Code Sec 65560.b.4]
- Address open space for public health and safety, such as open space zoning regulations that implement fuel breaks and fuel reduction to address wildfire hazards. [Govt Code Sec 65560.b.4]
- Provide for regional parklands and trails in the open space action program, including but not limited to the adoption of an open space zoning ordinance that facilitates open space uses in a manner consistent with the GP open space goals and policies. [Govt Code Sec 65564 and 65910]

33

PAE\BRPD\Antioch\Exhibit 25 (GP Comments).doc

10.0 Resource Management

10.1 INTRODUCTION

The Resource Management section does include some open space objectives and policies. However, it needs to be expanded. As mandated by the State (Government Code Article 10.5 sections 65560 - 65563), an open space element is required as a part of the General Plan and must include an open space action program (Government Code Section 65564).

The focus of the Resource Management Element is on conservation and use of environmental resources and open space issues throughout the General Plan Planning Area. While the majority of the privately owned land within the present City limits has been developed or committed to development of urban uses, significant environmental and open space resources remain. The portion of the Planning Area outside of Antioch's present city boundaries is largely undeveloped, and also contains significant environmental and open space resources. As Antioch expands to the south and its population grows, as future industrial and employment-generating development occurs in the northern portion of the Planning Area, as Rodgers Point and a shoreline trail are developed along the San Joaquin River, the need to wisely manage natural resources will become more acute. This will entail balancing such competing objectives as the need for:

- Conservation of resources;
- Open space preservation;
- Adequate water and energy resources to support future populations;
- Providing public access to open space areas;
- Expanding existing roadway and highway systems;
- Ensuring housing for all economic segments of the community; and
- Ensuring economic development in a manner that protects Antioch's beautiful setting and enhances the quality of life of its residents.

The Resource Management Element addresses the use, management, and protection of environmental resources, including open space, biological resources, air quality, water resources, cultural resources, and energy resources. Combined, these topics cover all major aspects of Antioch's natural setting, and encompass state

requirements for preparation of General Plan Open Space and Conservation Elements. In many cases, there are overlaps in the issues addressed here with other elements of the General Plan. For example, hillside open space issues are addressed in the Community Image and Design Element (Section 5.4.14). Achieving a local balance between jobs and housing, as discussed in the Land Use and Economic Development Elements, and eliminating traffic congestion in the community are key components of maintaining good local air quality. Open space for the protection of public health and safety is addressed in the Hazards Element, while open space for public recreation is addressed in the Public Services and Facilities Element.

10.2 GOALS OF THE RESOURCE MANAGEMENT ELEMENT

To provide for a sustained high quality of life, it is the goal of the Resource Management Element to accomplish the following:

- *Conserve and enhance the unique natural beauty of Antioch's physical setting, and control the expansion of urban development by protecting open space where it is important to preserve natural environmental processes and areas of cultural and historical value.*

Open space provides a variety of community benefits, including recreation use, visual enjoyment, protection of habitat areas, and hazard protection. In Antioch, this means protecting the San Joaquin and natural creeks, as well as their adjoining natural beaches and shorelines. It also means opening up views of the River, and preserving views of Mt. Diablo and its foothills to protect the beauty of the physical setting of the City. Inherent in Antioch's open space goal is provision of a wide range of recreational lands and facilities, including parks for active and passive recreation, special purpose and multi-use trails, and

preservation of the natural environment for the enjoyment of area residents.

Protection of certain types of open space is required by law. The provisions of the state and federal endangered species acts, the federal Clean Water Act, and state requirements for stream alteration agreements all require mitigation of impacts on natural habitats. The provisions of the California Environmental Quality Act also require analysis and provision of mitigation for physical impacts on habitats and cultural resources. The City of Antioch recognizes its responsibility to act as a responsible steward for the natural environment, and to strike an appropriate balance between preserving that environment and providing lands for the housing, employment, and shopping needs of an expanding population.

• Minimize the use of water and energy resources so as to ensure a sustainable long-term supply.

The history of settlement in California – from prehistoric native villages to modern urban development – is largely tied to the availability of water. Throughout the state, groundwater resources are being overdrawn, while demands on large-scale water projects to continue supplying urban growth increase. Presently, every major urban area of the state requires the importation of water from distant sources. Without major statewide investment in costly water transport facilities, growth in some urban areas may eventually need to be curtailed for lack of dependable water supplies. During major droughts in the past, public awareness of the need for water conservation grew. This awareness slackened off during wet periods. Water resource projects for the state indicate that the need for significant, permanent water conservation will affect large areas of the State by 2020. Although the Contra Costa Water District indicates that it has sufficient water supplies committed through 2040, the City's desire to achieve a balance between local jobs and housing means that local employment growth must

occur in the future at a faster rate than has previously been projected. Thus, water conservation will need to become part of Antioch's overall vision and its economic development program.

The availability of reliable, cheap electrical and natural gas supplies was routinely taken for granted until the summer of 2000, when costs soared and rolling blackouts hit portions of the state. Crisis was averted with the construction of new power generating facilities and higher energy costs. As the immediacy of energy shortages fades, so has the public's willingness to reduce its energy consumption. However, electricity and natural gas demands of a growing statewide population will eventually outstrip the capacity of existing energy generating facilities, and could plunge the state into another energy crisis. Thus, energy conservation also needs to become part of Antioch's overall vision.

10.3 OPEN SPACE OBJECTIVE AND POLICIES

As discussed in the Land Use Element, a great deal of open land remains in the Antioch Planning Area. Approximately 38 percent of the land within the City (6,383 acres) and nearly 46 percent of the land within the unincorporated portion of the General Plan Planning Area (2,240 acres) are undeveloped in open space use. Additional land (928 acres in the City and 381 acres in unincorporated areas) is in agricultural use. Overall, open space uses, including agriculture, open water, recreational lands, and vacant lands account for approximately half of the land within the City, and over 60 percent of the unincorporated land within the General Plan Study Area. Major open space areas include Black Diamond Mines and Contra Loma regional parks, Antioch Dunes National Wildlife Refuge, and municipal parklands.

Active Recreation Lands. City residents have access to a variety of local parks, recreational facilities, regional parks, and open space areas. The City oversees the

local parks and recreational facilities, while the East Bay Regional Park District (EBRPD) oversees the regional facilities. The following description of open space and recreation facilities within the City of Antioch is divided into four sections: parks and recreation facilities; recreation programs; special use facilities; and regional facilities and trails.

The City owns and administers 28 parks, varying in size and amenities from the 2-acre Deerfield Park to the 99-acre Prewett Family Water Park. Over 400 acres of parks and open space areas are located within the City, 200 acres of which are developed. The remaining 200 acres consist of acreage awaiting development or are areas managed exclusively as open space.

The East Bay Regional Park District operates three facilities in the Antioch area, the largest of which is Black Diamond Mines Regional Preserve, a 5,984 5,396-acre open space area accessed by multiple use trails (i.e., pedestrian, bike, and equestrian trails). The Preserve offers naturalist programs, and visitors can tour the underground mining museum and a historic cemetery. Picnic areas and horse staging areas are also available. Two wilderness group camps are located in the southern portion of the park. Additional open space preserves are located to the southeast of Antioch adjacent to the Los Vaqueros reservoir and within the Cowell Ranch.

Contra Loma Regional Park, adjacent to the Lone Tree Golf Course on the southern edge of the City, is 775 acres in size. The park surrounds the Contra Loma Reservoir, and offers multiple use trails for hiking, biking, and horseback riding. The reservoir is available for fishing, boating, sailboarding, and swimming. The Park also provides picnic areas, horseshoe pits, and a food concession stand. EBRPD also maintains the Antioch Regional Shoreline, which consists of 7 acres fronting the San Joaquin River, north of downtown Antioch. The Shoreline has a 550-foot long fishing pier, a small beach, picnic tables and barbecues, and a 4.5-acre meadow. Swimming is not allowed at the Antioch Regional Shoreline Park. The EBRPD also oversees the Delta DeAnza Regional Trail, which originates at

Bay Point in the West Pittsburg area, and runs east to a connection with the Marsh Creek Trail in Oakley. The Trail crosses Antioch from its western boundary with Pittsburg at approximately Somersville Road, and parallels the Contra Costa Canal to Wild Horse Road at Hillcrest Avenue.

Agriculture. Antioch is located in an area of Contra Costa County that has traditionally contained areas of land used for grazing, orchards, field and row crops. The City has approximately 5,600 acres of grazing and former agricultural lands.

Passive Open Space. Passive open space in and near the City of Antioch consists of hillsides, vacant lands, and the San Joaquin River. Views of natural features both within the City and of the surrounding topography are a valuable resource for many of the City's residents. Natural features that can be viewed from the City include Mt. Diablo, the surrounding ridgelines, and the San Joaquin River. These views contribute a feeling of community identity, as well as visual enjoyment.

The City is located on the southern bank of the San Joaquin River, near its confluence with the Sacramento River. The confluence of these rivers is located in the Sacramento-San Joaquin Delta, an area that is largely level, with views to the north and east. To preserve open space and views along the River, and to attract residents down to the area, the City has developed projects such as the Municipal Public Marina (built in 1988) and the Antioch Riverfront Promenade.

In 1981, the City enacted the Hillside Planned Development (HPD) Ordinance to protect hillsides, ridges, and ridgelines within the City. The Ordinance was revised and adopted in 1994 as part of the Zoning Ordinance and applies to those hillside areas in which one or more of the following apply:

- A predominant portion of the area has slopes in excess of 10 percent;
- A significant area of slopes of 25 percent or greater; or
- A significant ridgeline, hilltop, or exposed

slope is located in the area.

The purpose of the Ordinance is to promote a more harmonious visual and functional relationship between the natural and built environments. The HPD Districts are reserved for residential uses that are clustered in a manner that will preserve significant features of hillside areas, such as drainage swales, streams, steep slopes, ridgelines, rock outcroppings, and native vegetation.

As of 1998, the City had three HPD Districts located in the south and southwest portions of the City. This land could be developed or redeveloped at any time with uses as specified in the General Plan or Zoning Ordinance. Areas designated, currently or in the future, as HPD Districts will be developed and should not be considered permanent passive open space. However, these areas will be developed in a manner which preserves valued open space characteristics.

10.3.1 Open Space Objective

Maintain, preserve and acquire open space and its associated natural resources by providing parks for active and passive recreation, trails, and by preserving natural, scenic, and other open space resources.

10.3.2 Open Space Policies

a. Establish a comprehensive system of public open space, facilities for organized recreation; active informal play; recreational travel along formal, natural, and riverfront trails; passive recreation; and enjoyment of the natural environment.

b. Implement the design standards of the Community Image and Design Element so as to maintain views of the San Joaquin River, Mount Diablo, Black Diamond Mines Regional Preserve, and its foothills, and other scenic features, and protect the natural character of Antioch's hillside areas.

c. Maintain the shoreline of the San Joaquin River as an integrated system of natural (wetlands) and recreational (trails and

viewpoints) open space as set forth in the Land Use Element and Public Services and Facilities Element.

d. Where significant natural features are present (e.g., scenic valleys and ridgelines, natural creeks, rock outcrops, and other significant or unusual landscape features), require new development to incorporate natural open space areas into project design. Require dedication to a public agency or dedication of a conservation easement, preparation of maintenance plans, and provision of appropriate maintenance and management funding, in perpetuity, of such open space areas.

e. Require proposed development projects containing significant natural resources (e.g. sensitive or unusual habitats, special-status species, habitat linkages, steep slopes, cultural resources, wildland fire hazards, etc.) to prepare Resource Management Plans to define appropriate responses to General Plan policies calling provide for their protection or preservation. The purpose of the Resource Management Plan is to look beyond the legal status of species at the time the plan is prepared, and provide a long-term plan for conservation and management of the natural communities found onsite.

Resource Management Plans shall accomplish the following.

- Determine the significance of the resources that are found onsite and their relationship to resources in the surrounding area, including public open space, habitat linkages and wildlife movement corridors;
- ~~Define areas that are to be~~ Ensure that the most significant resources will be maintained in long-term open space, and
- Establish mechanisms and adequate funding to ensure the long-term protection and management of lands retained in open space in perpetuity.

f. Encourage public access to creek corridors through the establishment of

trails adjacent to riparian resources. Provide adequate buffers between creeks and trails to protect sensitive habitats, special-status species and water quality.

g. Where feasible, incorporate Preserve and protect significant existing natural features as part of the design of new development projects rather than removing them. Where preservation of natural features is not feasible, encourage the re-introduction of introduced natural features into project design. Significant natural features that cannot be preserved or introduced into the project design on-site shall be mitigated off-site by preservation and re-location of similar natural features within or adjacent to the Antioch Planning Area.

10.4 BIOLOGICAL RESOURCES OBJECTIVE AND POLICIES

Although it is largely urbanized, portions of remaining undeveloped lands contain vegetation and habitat types the California Department of Fish and Game considers rare and worthy of consideration in the California Natural Diversity Database:

- Native grasslands
- Vernal pools
- Stabilized interior dunes
- Seasonal wetlands
- Freshwater seeps
- Freshwater marshes
- Coastal brackish marshes
- Alkaline floodplains
- Alkali seeps
- Valley oak woodlands
- Riparian woodland

Grassland. Native grasslands have been reduced to 90 percent of their former area in California. Native grassland in the Antioch Planning Area would be dominated by purple needlegrass (*Nassella puchra*). A variety of spring wildflowers are also found in native grasslands. Because of the rarity of this once abundant vegetation type, the California Department of Fish and Game may request mitigation for projects that impact native grasslands. Additionally, special-status plants are more likely to be found in undisturbed native vegetation. Native grasslands are most likely to be found scattered in the southern part of the

Antioch Planning Area. A number of special-status species are known to inhabit both native and non-native grassland habitats, including San Joaquin kit fox, California tiger salamander, American badger, western burrowing owl and golden eagle.

Vernal Pools. Vernal pools are seasonal wetlands typically occurring in depressions in grasslands. These depressions collect water during the winter and spring rains, and dry once the rains cease. As the ponds dry in the spring, a succession of different plant species bloom around the edges of the pool. A high quality vernal pool will display concentric rings of different colors of flowers in bloom in mid-spring. Because vernal pools tend to be isolated from each other, they may possess a unique flora that includes special-status, federally protected plants and special-status animals. Vernal pools are most likely to be found in the southern portion of the Antioch Planning Area. A number of special-status plants and invertebrates are known to make use of this unusual habitat type.

Stabilized Interior Dunes. The Antioch

Dunes along the banks of the San Joaquin River contain a unique assemblage of plant and animal species, several of which are found nowhere else in the world. Scattered grasses and forbs, some of which reach shrub size, form the ground cover. The federally endangered Antioch Dunes evening-primrose (*Oenothera deltoides* ssp. *howellii*) and Contra Costa wallflower (*Erysimum capitatum* ssp. *angustatum*) are found here amongst more common species. A number of special-status animals occur in this habitat, the most sensitive of which are the insects, including the federally endangered Lange's metatmark butterfly.

Wetlands. Seasonal wetlands and ponds hold water for only part of the year, and can be found in any part of the Antioch Planning Area, but are more common along the San Joaquin River and seasonal streams in the southern portion of the Planning Area. Coastal brackish marshes are wet year round and are found along the banks of the San Joaquin River. If pickleweed (*Sarcocornia* sp.) is present, coastal brackish

marshes may contain suitable habitat for the State and Federally endangered salt marsh harvest mouse. Other listed species associated with the coastal brackish marsh in the Antioch Planning Area include California clapper rail (*Rallus longirostris obsoletus*), California black rail (*Laterallus jamaicensis coturniculus*).

Alkaline floodplains exist along the banks of the San Joaquin River. These may appear barren because of the difficulty of growing in highly alkaline, frequently disturbed soil. If unprotected, such barren lands tend to attract people seeking recreation in four-wheel drive vehicles, which reduces the vegetation ever further. Stands of pickleweed and saltgrass growing within alkaline floodplains can be habitat for the State and federally endangered salt marsh harvest mouse (*Reithrodontomys raviventris*).

Open Water. This category includes the San Joaquin River and permanent waterbodies, such as natural or man-made lakes, ponds, and reservoirs. Although open water does not provide habitat for many plant species, it is important for wildlife and fish. The San Joaquin River is used as a movement corridor, foraging, and breeding habitat for a variety of native and non-native fish including steelhead (*Oncorhynchus mykiss*), Chinook salmon (*Oncorhynchus tshawytscha*), delta smelt (*Hypomesus transpacificus*), striped bass (*Morone saxatilis*), and many others. Water birds and waterfowls use the lakes and rivers for foraging and breeding and stopovers during migration.

Oak Woodland. Oak woodlands are important habitat for numerous common and specialstatus wildlife species. Blue oak woodland is found on north-facing slopes and in shady ravines in the Mt. Diablo foothills. Valley oak woodlands once dominated the edges of the Central Valley in vast park-like stands. Valley oaks are the largest and longest-lived of the California oaks. This habitat type has been much reduced by conversion of land to agriculture and because modern grazing patterns prevent the regeneration of young oaks. Valley oak stands are still found in

Antioch in Contra Loma Regional Park and other southern portions of the Antioch Planning Area.

Riparian. Riparian vegetation refers to the native scrub or forest occurring along streams and riverbanks. In riparian areas, the roots of trees and other vegetation can easily reach the water table. Such areas are prone to frequent flooding. Riparian vegetation used to be found along most perennial and intermittent streams in the Antioch Planning Area and along the San Joaquin River. This vegetation type has become rare due to disturbance by cattle, riverfront development, and the filling or channelizing of small streams in urban areas.

Riparian areas provide important breeding and foraging habitat for many species of birds, mammals, reptiles, and amphibians. The federally-listed California red-legged frog (*Rana aurora draytonii*) occurs along creeks in the Planning Area and the state-listed Swainson's hawk will nest in large trees such as cottonwoods that grow along creeks.

Special-Status Species. Special-status species are defined as:

- Species that are listed, or designated as candidates for listing, as threatened or endangered under the Federal Endangered Species Act;
- Species that are listed, or designated as candidates for listing as rare (plants), threatened, or endangered under the California Endangered Species Act;
- Plant species on List 1A, List 1B, List 2, and List 3 in the California Native Plant Society's *Inventory of Rare and Endangered Vascular Plants of California*;
- Wildlife species listed by the California Department of Fish and Game as species of special concern or fully protected species;
- Species that meet the definition of rare or

endangered under the California Environmental Quality Act (under Section 15380 of CEQA); and

- Considered to be a taxon of special concern by local agencies.

10.4.1 Biological Resources Objective

Preserve natural streams and habitats supporting rare and endangered species of plants and animals.

10.4.2 Biological Resources Policies

a. Comply with the federal policy of no net loss of wetlands through avoidance and . This Section of CEQA guidelines states that any species not included on any formal list, can nevertheless be considered rare or endangered if the species can be shown to meet the criteria for listing. Clustered development. Where preservation in place is found not to be feasible (such as where a road crossing cannot be avoided, or where shore stabilization or creation of shoreline trails must encroach into riparian habitats), require 1) on-site replacement of wetland areas, 2) off-site replacement, or 3) restoration of degraded wetland areas at a minimum ratio of one acre of replacement/restoration for each acre of impacted onsite habitat, such that the value of impacted habitat is replaced.

b. Preserve in place and restore existing wetlands and riparian resources along the San Joaquin River and other natural streams in the Planning Area, except where a need for structural flood protection is unavoidable.

c. Require appropriate setbacks adjacent to natural streams to provide adequate buffer areas ensuring the protection of biological resources, including sensitive natural habitat, special-status species habitats and water quality protection.

d. Through the project approval and design review processes, require new development projects to protect sensitive habitat areas, including, but not limited to,

oak woodlands, chaparral, scrub riparian woodland, ponds, vernal pools, and native grasslands. Ensure the preservation in place of habitat areas found to be occupied by state and federally protected species. Where preserved habitat areas occupy areas that would otherwise be graded as part of a development project, facilitate the transfer of allowable density to other, non-sensitive portions of the site.

e. Limit uses within preserve and wilderness areas to passive recreation, public trails, and resource-dependent activities compatible with the protection of natural habitats.

f. Through the project review process, review, and where necessary, permit the proposed removal of oak trees and other trees of historic or local importance. Permit removal of such trees only on a case-by-case basis where removal is shown to be necessary.

g. Preserve heritage trees throughout the Planning Area.

Need to define "heritage tree".

h. Within areas adjacent to preserve habitats, require the incorporation of native vegetation and avoid prohibit the introduction of invasive species in the landscape plans for new development.

5.4.12 Development Transitions and Buffering Policies

These policies are focused on protecting existing and planned residential uses from the effects of adjacent land uses. These policies do not acknowledge the need to provide similar buffers between existing and proposed developments and existing open space and agricultural areas.

The discussion of transitions and buffering policies should also provide for policies to protect public open space, conservation easement areas and land set aside as mitigation from the effects of development. This should include buffers for aesthetics, light and glare, noise, fire safety, habitat management, special-status species occurrences and the public's quiet enjoyment of protected areas.

The General Plan needs to provide for an open space transition/buffer overlay zone. The overlay zone would be applied to parcels adjacent or near to significant open space areas. It would be used in conjunction with the base zoning that would allow for development of the parcel. The overlay zone would require the development to provide buffers and transitions to the open space areas. The overlay zone needs to be included in the open space action program.

a. Minimize the number and extent of locations where non-residential land use designations abut residential land use designations. Where such land use relationships cannot be avoided, strive to use roadways to separate the residential and non-residential uses.

b. Ensure that the design of new development proposed along a boundary between residential and non-residential uses provides sufficient protection and

buffering for the residential use, while maintaining the development feasibility of the non-residential use. The burden to provide buffers and transitions to achieve compatibility should generally be on the second use to be developed. Where there is bare ground to start from, both uses should participate in providing buffers along the boundary between them.

c. Provide appropriate buffering to separate residential and non-residential uses, using one or more of the following techniques as appropriate.

- Increase setbacks along roadways and common property lines between residential/non-residential uses.

- Provide a heavily landscaped screen along the roadway or common property line separating residential and non-residential use.

- Locate noise-generating activities such as parking areas, loading docks, and service, outdoor storage, and trash collection areas as far from residential uses as possible.

- Where a multifamily residential use is located adjacent along a common outdoor storage, and trash collection areas) along the common property line.

It is recognized that residential and nonresidential properties will sometimes abut along a common property line (such as between neighborhood shopping centers and adjacent neighborhoods).

- Design the residential area with cul-de-sacs running perpendicular to and ending at the non-residential use, facilitating greater separation of residential and non-residential structures than would be possible if residential streets ran parallel to the boundary of the non-residential use.

d. Where a difference in residential density is indicated on the General Plan land use map, the size of parcels and character of development facing each other across a

street or along a common property line should be similar, creating a transition between the densities in each area.

e. Where multi-family development is located adjacent to a single-family neighborhood, appropriate buffering is to be provided.

- Increase setbacks for multi-family development along common property lines with single family development.

- Provide a heavy landscaped screen along the property line of the multifamily use.

- Locate noise-generating activities such as parking and trash collection areas as far from the single family neighborhood area as possible.

f. The transition from lower to higher residential density should occur within the higher density area.

g. Uninterrupted fences and walls are to be avoided, unless they are needed for a specific screening, safety, or sound attenuation purpose.

h. Where they are needed, fences or walls should relate to both the site being developed and surrounding developments, open spaces, streets, and pedestrian ways.

i. Fencing and walls should respect existing view corridors to the greatest extent possible.

j. Fencing and walls should incorporate landscape elements or changes in materials, color, or texture in order to prevent graffiti, undue glare, heat, or reflecting, or aesthetic inconsistencies.

5.4.13 Open Space and Agricultural Transition and Buffering Policies

The recommended policies could be combined with the above policies under 5.4.13. The topic areas and questions that follow in this section are not proposed as discrete policies, only

questions that should be addressed through additional policy statements.

a. Minimize the number and extent of locations where residential, commercial, industrial and transportation land use designations abut existing open space and agricultural areas, or lands designated for such purposes. Where such land use relationships cannot be avoided, use buffers and compatible recreational land use designations to buffer and protect open space and agriculture from the adverse effects of residential, commercial, industrial and transportation development.

b. Ensure that the design of development proposed along a boundary with open space or agriculture provides sufficient protection and buffering for existing open space and agricultural uses. The burden to provide buffers and transitions to achieve compatibility shall be on the proposed development land use.

In designing buffer areas, the following criteria shall be considered and provided for, (when applicable) within the buffer areas established through development approvals.

- Aesthetics: How will development affect views from adjacent open space areas? What are the sensitive land uses within open space areas and how might they be affected by changes in the visual environment?

- Light and Glare: Will a proposed development result in increased light or glare in open space areas? Will increased nighttime lighting affect open space uses or wildlife habitats within that open space?

- Noise: How will proposed developments affect the public's quiet enjoyment of public open space? What are the sensitive noise receptors in open space areas and how can proposed

development relocate noise generating land uses away from noise sensitive areas? How will noise generated by agricultural uses affect noise levels within proposed development areas? How can proposed noise sensitive uses be relocated away from noise generating agricultural areas?

open space or agricultural areas? Potential funding mechanisms including endowments, Zones of Benefit or Landscaping and Lighting Assessment District, Home Owners Association dues or other permanent funding sources.

- Fire Safety: How will development affect the risk of fire on adjacent open space and agricultural areas? How would development affect or be affected by existing fire abatement practices on adjacent open space and agricultural lands, including livestock grazing, prescribed fire, plant pest management, mowing, disking, ecological restoration and other practices?

- Public Safety: How will development adjacent to open space or agricultural areas increase the risk of vandalism, trespass and theft in adjacent open space and agricultural areas?

- Habitat Management: How will proposed development affect habitat values on adjacent open space areas? How will developments prevent the spread of introduced animals and plant pests into adjacent open space and agricultural areas? How will proposed developments affect wildlife migration corridors between or within open space and/or agricultural areas?

- Public Access Management: How will development adjacent to public open space areas affect the maintenance of existing public facilities, such as roads, trails, fences, gates and restrooms? How will development adjacent to open space or agricultural areas facilitate illegal public access?

- Buffer Management/Funding: Will proposed development provide a mechanism to ensure necessary and adequate funding for the perpetual management for lands that are set aside as buffers between development and

Suggested changes in General Plan policies included in this section regarding Option B are also relevant to Option A and C. In general, the goal of the suggested changes is to make the provisions of the policies more specific so that they can be used by the City to implement the General Plan's goals. We have made a number of comments under transition and buffering policies in a new Section 5.4.13 and Open Space and Biological Resource Policies in Sections 10.3.2 and 10.4.2, respectively, that should also be applied to the following specific policies for the Sand Creek Focus Area.

4.4.6.78 Sand Creek (Option B). The Sand Creek Focus Area encompasses approximately 2,712 acres in the southern portion of the City of Antioch (Figure 4.8b).

This Focus Area is bounded by existing residential neighborhoods to the north, Black Diamond Mines Regional Preserve to the west, the city limits to the south, and the City of Brentwood to the east. Empire Mine Road and Deer Valley Road run in a general north-south direction through the Focus Area, dividing it roughly into thirds.

a. Purpose and Primary Issues. The City's

previous General Plan identified the Sand Creek Focus Area as a combination of two existing policy and planning areas identified in the previous General Plan: the southern portion of "Focused Policy Area 1B" (and the entirety of Future Urban Area 1). Previous General Plan policy tied the timing of development within this Focus Area to progressive build out of the land immediately to the north (the area generally known as Southeast Antioch), and to agreement on an alignment for the SR-4 bypass.

Through the 1990s, build out of Southeast Antioch was largely completed, an alignment

for the SR-4 bypass was selected, and financing for construction of the bypass was put in place. As a result, the City initiated stepped up its planning efforts for the Sand Creek Focus Area with area landowners. Because of the multiple ownerships within the Sand Creek Focus Area, detailed coordination of access and infrastructure, along with the establishment of workable financing mechanisms was necessary in addition to land use planning.

Sand Creek, as well as natural hillsides and canyons within the Sand Creek Focus Area, contain habitats for sensitive plant and animal species, as well as habitat linkages and movement corridors. Overall, the western portion of the Focus Area is more environmentally sensitive than the eastern portion in terms of steep topography, biological habitats and linkages, and the existence of abandoned coal mines, and proximity to public open space at Black Diamond Mines Regional Preserve. The west end of the Sand Creek Focus Area serves as a linkage between two regionally significant blocks of grassland. Decades of urban and agricultural use have greatly reduced the width of this linkage, substantially increasing the ecological importance of the remaining linkage within the Sand Creek Focus Area. Land has been preserved in regional parks and permanent open space, primarily in extensive grassland to the immediate west and northwest, as well as south of the Sand Creek Focus Area. These preserves represent a significant investment of public resources, and are a valued public asset.

Stream and riparian communities occupy a small portion of the Focus Area, but are widely distributed. Because of their high biotic value, stream and riparian communities within the Focus Area are considered to be a sensitive resource. The Focus Area also includes an oak woodland and /savanna and chaparral/acorn communities community, which, because of their high wildlife value, are considered to be a sensitive resource.

b. Policy Direction. The environmental sensitivity of portions of the Sand Creek Focus Area was recognized in the City's previous General Plan; however, policy

direction was very general. As an example, the previous General Plan did not provide any indication of the maximum allowable development intensity for Future Urban Area 1. The previous General Plan also stated that while the area between Contra Loma Boulevard and Empire Mine Road was designated Estate Residential, "the actual density should be based on a development plan that ensures that the special characteristics of the area, including steep slopes, riparian habitat, and other environmental constraints, are accommodated. The following policy discussion and policies for the Sand Creek Focus Area are intended to provide clear direction for the future development and environmental management of the area.

The Sand Creek Focus Area is intended to function as a large-scale planned community, providing needed housing and employment opportunities. This Focus Area is also intended to provide substantial employment opportunities. Up to approximately 280 acres are to be devoted to retail and employment generating uses, which will result in the creation of up to 6,500 jobs at build out. Residential development within the Sand Creek Focus Area will provide for a range of housing types, including upper income housing, golf course-oriented age-restricted housing for seniors, suburban single-family detached housing, and multifamily development.

The following policies apply to development within the Sand Creek Focus Area.

a. Prior to or concurrent with approvals of any development applications other than major employment-generating uses (including, but not limited to a medical facility on the Kaiser property), a Specific Plan for the Sand Creek Focus Area is to be prepared and approved. Such Specific Plan shall provide detailed guidance for identify project for project-related land use, provision and financing of required public services and facilities, open space preservation, community design, recreational amenities, and community improvements within the area proposed for development.

b. Sand Creek Focus Area development shall make a substantial commitment to employment-generating uses. Up to 100 acres are to be devoted to employment generating uses. Appropriate primary land uses within employment-generating areas include:

- Administrative and Professional Offices
- Research and Development
- Light Manufacturing and Assembly
- Hospital and related medical uses

c. Secondary, support and ancillary uses within employment-generating areas include:

- Banks and Financial Services
- Business Support Services
- Eating and Drinking Establishments
- Health Clubs and Spas
- Lodging and Visitor Services
- Storage and Distribution – Light
- Civic Administration
- Cultural Facilities
- Day Care Centers

d. The maximum development intensity for employment-generating lands shall be an overall FAR of 0.5.

e. A maximum of 95 acres of retail commercial uses designed to service the local community may be developed, with a maximum overall development intensity of a 0.3 FAR.

f. Up to 1.24 million square feet of retail commercial uses may be constructed. Within areas designated for retail use, office development may be developed at a maximum FAR of 0.5.

g. Appropriate uses within the retail portions of this Focus Area include:

- Administrative and Professional Offices
- Automotive Uses
- Banks and Financial Services
- Business Support Services
- Eating and Drinking Establishments
- Food and Beverage Sales
- General Merchandise
- Health Clubs and Spas

- Personal Services
- Personal Instruction
- Theaters
- Civic Administration
- Cultural Facilities
- Day Care Centers
- Residential development as part of a mixed-use medical facility

h. Commercial areas shall be designed as cohesive centers, and not in narrow corridors or commercial strips.

i. Each commercial center shall establish an identifiable architectural theme, including buildings, signage and landscaping.

j. Commercial and employment-generating developments shall be designed to accommodate public transit and non-motorized forms of transportation.

k. A maximum of 4,000 dwelling units may be constructed within the Sand Creek Focus Area, including appropriate density bonuses may be granted for development of age-restricted housing for seniors; however, such density bonuses may not exceed the total maximum of 4,000 dwelling units for the Sand Creek Focus Area.

l. It is recognized that although the ultimate development yield for the Focus Area may be no higher than the 4,000 dwelling unit maximum, the actual development yield is not guaranteed by the General Plan, and could be substantially lower. The actual residential development yield of the Sand Creek Focus Area will depend on the nature and severity of biological, geologic, and other environmental constraints present within the Focus Area, including, but not limited to constraints posed by slopes and abandoned mines present within portions of the Focus Area and proximity to public open space at Black Diamond Mines Regional Preserve; on appropriate design responses to such constraints, and on General Plan policies. Such policies include, and but are not limited to, identification of appropriate residential development types, public services and facilities performance standards, environmental policies aimed at protection

of natural topography and environmental resources, policies intended to protect public health and safety, and implementation of the Resource Management Plan called for in Policy "r," below.

m. As a means of expanding the range of housing choices available within Antioch, three types of "upscale" housing are to be provided, including Hillside Estate Housing, Executive Estate Housing, and Golf Course-Oriented Housing.

Hillside Estate Housing consists of residential development within the hilly portions on slopes of less than 20% in of the Focus Area that are designated for residential development. Appropriate land use types include Large Lot Residential. Within these areas, typical flat land roadway standards may be modified (e.g., narrower street sections, slower design speeds) to minimize required grading. Mass grading would not be permitted within this residential type. Rough grading would be limited to streets and building pad areas. Residential densities within Hillside Estate Areas are to be limited to one dwelling unit per gross developable acre (1 du/ac), with typical lot sizes ranging upward from 20,000 square feet. Included in this category is custom home development, wherein semi-improved lots are sold to individuals for construction of custom homes. Approximately 20 percent of Hillside Estate Housing should be devoted to custom home sites.

Executive Estate Housing consists of large lot suburban subdivisions within the flatter portions of the Focus Area. Appropriate land use types include Large Lot Residential. Densities of Executive Housing areas would typically be 2 du/ac, with lot sizes ranging upward from 12,000 square feet.

Golf Course-Oriented Housing consists of residential dwelling units fronting on a golf course to be constructed within the Focus Area. Appropriate land use types include Single Family Detached and Small Lot Single Family detached for lots fronting on the golf course. Maximum densities for golf course-oriented housing would

typically be 4 du/ac, with lot sizes as small as 5,000 square feet for lots actually fronting on the golf course.

n. Single-Family Detached housing within suburban-style subdivisions with lot sizes ranging from 7,000 square feet to 10,000 square feet may also be developed within the Sand Creek Focus Area.

o. A minimum total of 25 to 35 acres are to be reserved for multi-family housing to a maximum density of 20 du/ac. Areas devoted to multi-family housing should be located adjacent to the main transportation routes within the Focus Area, and in close proximity to retail commercial areas.

p. Age-restricted senior housing should be developed within the Focus Area as a means of expanding the range of housing choice within Antioch, while reducing the Focus Area's overall traffic and school impacts. Such senior housing may consist of Single Family Detached, Small Lot Single Family Detached, of Multi-Family Attached Housing, and may be developed in any of the residential areas of the Sand Creek Focus Area.

q. Sand Creek, ridgelines, hilltops, hillsides greater than 20% slope, stands of oak trees, and significant landforms shall be preserved in their natural condition. Overall, a minimum of 25 percent of the Sand Creek Focus Area shall be preserved in open space, exclusive of lands developed for golf course use. Adequate buffer areas adjacent to the top of banks along Sand Creek to protect sensitive plant and amphibian habitats and water quality, and to existing protected existing areas of permanently preserved open space adjacent to the Sand Creek Focus Area, including but not limited to the Black Diamond Mines Regional Park Preserve, shall be provided. Buffers established adjacent to existing open space areas shall be consistent with the Open Space and Agricultural Transition and Buffering Policies under Section 5.4.13 of the General Plan and of an adequate width to avoid significant aesthetic, light and glare, noise, fire safety,

public safety, habitat management, public access management, and biological resource impacts within the existing open space areas.

r. Because of the potential sensitivity of the habitat areas within the Sand Creek Focus Area, preparation and approval of a Resource Management Plan to provide for mitigation of biological resources impacts on lands preserved in natural open space, management of natural open space, shall be required prior to development of the Sand Creek Focus Area. A permanent funding mechanism, such as an interest bearing endowment, Zone of Benefit, Landscape and Lighting Assessment District, or Home Owners Association dues, shall be provided to fund the perpetual management of open space areas set aside through the to mitigate for the impacts of development in the Sand Creek Specific Plan Focus Area.

s. A viable grassland linkage of a ½ mile minimum width shall be retained using linkages in Horse Valley and the ridge between Horse Valley and the Sand Creek drainage at the western end of the Focus Area. The goal of preserving such a corridor will be to provide a permanently protected wildlife movement corridor through the Sand Creek Valley to connect open space and habitat at Black Diamond Mines Regional Preserve with Cowell Ranch State Park. Completion of such a corridor will require cooperation with the City of Brentwood and Contra Costa County, who may have land use jurisdiction over portions of this corridor.

t. To mitigate impacts, for each acre of grassland that will be lost to future development within the Focus Area, an appropriate and equal or greater amount of grassland shall be preserved on- or off-site in the South Antioch Planning Area.

u. Ponds, wetlands, and alkali grassland associated with upper Horse Creek shall be retained in natural open space, along with an appropriate buffer area to protect sensitive plant and amphibian habitats and water quality. If impacts on the Horse Creek stream and riparian

downstream are unavoidable to accommodate infrastructure, appropriate compensatory mitigation shall be required off-site. In the South Antioch Planning Area,

v. Chaparral, scrub, and rock outcrop community within the western portion of the Focus Area (west of Empire Mine Road), as well as adjacent grassland community that is suitable habitat for the Alameda whipsnake (*masticophis lateralis euryxanthus*) shall be retained in natural open space. Within other portions of the Focus Area, the chaparral, scrub, and rock outcrop shall be retained in natural open space contiguous to the required grassland linkage to protect the grassland linkage south of the chaparral, scrub, and outcrop community, but not the portion north of it. What does this mean?

w. Within the western portion of the Focus Area (west of Empire Mine Road), the oak woodland and savanna community shall be preserved in natural open space. Within other portions of the Focus Area, the oak woodland and savanna community shall be preserved in natural open space where it overlaps the rock outcrop community.

x. As appropriate and necessary to protect public health and safety, abandoned mines shall be included within required natural open space areas, along with appropriate buffer areas and measures to prevent unauthorized entry.

A Geological Hazard Abatement District shall be permanently established over all former mining areas in the Sand Creek Focus Area and funding from this District shall be used to close existing mine openings, to maintain closure of existing and new openings to protect public health and safety, and to abate mine runoff water quality which does not meet current State and Federal water quality standards for protection of both public and ecological health standards.

y. Mass grading within the steeper portions of the Focus Area (generally exceeding 25 percent slopes) is to be avoided prohibited.

z. Impacts of residential development on the Antioch Unified School District and Brentwood school districts will be mitigated pursuant to a developer agreement with the District.

aa. Project entry, streetscape, and landscape design elements are to be designed to create and maintain a strong identification of the Sand Creek Focus Area as an identifiable "community" distinct from Southeast Antioch.

bb. The Sand Creek Focus Area is intended to be designed to be "transit-friendly," including appropriate provisions for public transit and non-motorized forms of transportation.

cc. A golf course shall be provided within the Focus Area, designed in such a way as to maximize frontage for residential dwellings and it can serve as a buffer between development areas and open space areas set aside as mitigation for development in the Sand Creek Study Area.

The golf course shall be designed to retain the existing trail within Sand Creek.

The golf course and Sand Creek corridor shall function as a visual amenity from the primary access road within the Focus Area (Dallas Ranch Road/Sand Creek Road). As part of the golf course clubhouse, banquet and conference facilities shall be provided.

dd. A park program, providing active and passive recreational opportunities is to be provided. In addition to a golf course and preservation of natural open space within Sand Creek and the steeper portions of the Focus Area, the development shall meet the City's established park standards. A sports complex is to be developed.

The sports complex is intended to be located within the Flood Control District's detention basin.

Neighborhood park facilities may be privately maintained for the exclusive use of project residents. The sports complex

within the Sand Creek Detention Basin will be maintained by the City.

ee. Development of an appropriate level of pedestrian and bicycle circulation throughout the community is to be provided, including pathways connecting the residential neighborhoods, as well as non-residential and recreational components of the community. Sand Creek Focus Area development should also provide recreational trail systems for jogging and bicycling, including areas for hiking and mountain biking. Trails along Sand Creek and Horse Valley Creek shall include buffers between the creek and the trail to protect sensitive plant and amphibian habitats, and to protect water quality.

ff. Empire Mine Road, between Mesa Ridge Drive and the entrance to the Reddy Ranch Golf Course in Horse Valley, shall be abandoned as a condition of development approval on the Zekahlogius property in the Sand Creek Valley, contingent upon completion of the necessary arterial road replacement connections. The existing right of way for Empire Road shall be reused, as appropriate, for emergency vehicle access, for open space and habitat management, and for a public trail for non-vehicular access to open space areas.

Open Space. These land uses are of a basically open space nature, and include parks, as well as other open space areas. Certain open space areas, such as those that exist to protect sensitive environmental resources, might not be open to public use, while other lands may be owned and managed by private entities, and therefore not open to the general public. The most prevalent public open space uses are City and regional parks, as well as private open space areas within residential developments. It is intended that this designation be applied only to lands owned by public agencies, private properties with conservation easements or other deed restrictions, lands set aside as mitigation for development impacts, or lands which are already programmed for acquisition.

The locations of existing and programmed neighborhood and community parks are in most cases specifically defined on the Land Use Map. In the case of a park whose acquisition has been programmed, the ultimate configuration of the park may be different from that which is shown on the General Plan land use map. In addition to public parks and open spaces, this category designates certain privately owned lands used for recreation and low-intensity, open space activities. Appropriate private sector uses in this category include cemeteries and land that is restricted to agricultural use. This designation also includes a higher intensity of uses that are of open space character. The range of allowable uses includes, but is not limited to, country clubs, golf courses, tennis clubs, driving ranges, equestrian centers, marinas, and other privately owned areas reserved for active recreational use.

- *Appropriate Land Use Types:* See Table 4.A
- *Maximum Allowable Development Intensity:* No FAR standard required.

Response to Letter M: EBRPD Exhibit 25, Shute, Mihaly & Weinberger LLP

- M-1 The issues raised in this comment (adequacy of the General Plan) are outside of the area of expertise of the agency providing the comment (see Response L-88). The Introduction to the General Plan states on Page 1-9:

“It is also important that all parties using the General Plan recognize that resources are not unlimited, and that not all community objectives can be achieved concurrently. In addition, there are often trade-offs between community objectives. As a result, the blind pursuit of one objective may, in some cases, inhibit the achievement of other community objectives. For example, the Antioch General Plan recognizes the need to increase local employment opportunities. However, to permit an “anything goes,” unmanaged expansion of employment-generating uses could result in significant traffic and air quality impacts, and inhibit achievement of objectives related to waterfront and Rivertown revitalization. Thus, the General Plan strikes a balance between competing objectives, and provides statements of community priorities.”

The General Plan is itself an explanation as to how the City intends to address competing objectives of housing for all economic segments of the community and preservation of significant environmental features. Thus, the General Plan land use map identifies areas for the development of new housing opportunities to meet the needs of all economic segments of the community, while General Plan policies provide for the protection of significant environmental features within those lands. General Plan policies also provide for the clustering of development within areas planned for development onto the least sensitive portions of a development site, permitting land to be set aside for the preservation of open space without losing appropriate development opportunities.

- M-2 The issues raised in this comment (adequacy of the General Plan) are outside of the area of expertise of the agency providing the comment (see Response L-88). The comment presents an opinion beyond the expertise of the EBRPD regarding the types of housing that might be needed in Antioch to support its economic development program. See Response L-67 for a discussion of the City’s economic development program and the role that executive housing is expected to play.
- M-3 The comment is incorrect. Both the Growth Management Element and the Resource Management Element address the need for expanding park facilities within Antioch to serve an expanding population.
- M-4 The issues raised in this comment (adequacy of the General Plan) are outside of the area of expertise of the agency providing the comment (see Response L-88). The comment presents an opinion beyond the expertise of the EBRPD regarding the types of housing that might be needed in Antioch to support its economic development program. The General Plan provides for housing for all economic segments of the community, including new housing for very low, low, moderate, and above moderate income households.
- M-5 The comment refers to a discussion in the Introduction of the General Plan that looks at emerging trends and changes in recreation in the future. Discussion of the types of recreational facilities needed for the future and policies for the provision of such facilities is

- presented in the Public Services and Facilities Element. Because the General Plan is a statement of City policy, it directly addresses the types of recreational facilities that the City provides. In addition, the General Plan includes policies for coordinating its activities with those of other agencies. To clarify the intent of the General Plan relative to coordination with agencies providing regional recreational facilities, Policy 3.7.2c of the General Plan has been revised as set forth in Response I-7.
- M-6 The issues raised in this comment (adequacy of the General Plan) are outside of the area of expertise of the agency providing the comment (see Response L-88). Antioch's vision regarding preservation of view and visual resources is clearly set forth in the Community Image and Design Element of the General Plan.
- M-7 The issues raised in this comment (adequacy of the General Plan) are outside of the area of expertise of the agency providing the comment (see Response L-88). The comment is incorrect. Growth in property tax base is not a major incentive for the growth initiatives in the General Plan. The reasons for the General Plan's growth proposals are set forth in the Community Vision Chapter of the General Plan (2.0) and the goals and objectives set forth in each Element of the General Plan.
- M-8 The issues raised in this comment (adequacy of the General Plan) are outside of the area of expertise of the agency providing the comment (see Response L-88). The General Plan does, in fact, provide for transit-oriented development in the vicinity of existing and planned rail transit stations. As a result, the General Plan provides for a range of development types in the community, including high-density transit-oriented development, traditional suburban style residential and non-residential development, and resort-oriented development in a more open, rural setting.
- M-9 The issues raised in this comment (adequacy of the General Plan) are outside of the area of expertise of the agency providing the comment (see Response L-88). Table 4.C of the General Plan identifies a projected build out of existing unincorporated areas within the General Plan study area at 3,010 dwelling units (2,715 units within the Roddy Ranch and Ginochio Property), not 9,000 units as stated in the comment. Based on the revisions to Policy 4.3.2f set forth in Comment F-1, the anticipated yield of residential development within the Roddy Ranch and Ginochio Property would be reduced by 715 units in the Ginochio Property Focus Area. The General Plan text referred to in the comment addresses an inequity in the funding of regional roadway infrastructure between communities who are creating jobs in central and western Contra Costa County without concurrent increases in housing for those workers, and communities providing the housing for those workers. Although a home-to-work trip is caused equally by the location of housing *and* employment, the current funding formula used in the County places a greater burden on communities' response for only ½ of the trip (the location of housing). General Plan policy calls for communities that increase their employment base without providing housing for new workers to pay their fair share for the transportation facilities required by these new workers in their home-to-work trips. To a greater degree, the City of Antioch is also addressing this issue through programs to increase local employment opportunities and create a balance between local housing and employment.

- M-10 The issues raised in this comment (adequacy of the General Plan) are outside of the area of expertise of the agency providing the comment (see Response L-88). See also Response A-16 for a discussion of the City decision not to participate in the HCP/NCCP process. The policy cited in the comment calls for mitigation of impacts that development in one community causes in another community, but does not obligate the City to participate in every regional planning and mitigation process. The City is participating in the Shaping Our Future process.
- M-11 Provision of regional parks is the responsibility of parties other than the City of Antioch, and performance standards for the provision of such facilities are not required by General Plan law. It is unlikely that such facilities would be provided within the General Plan study area. Should agencies providing regional parks propose performance standards for regional parks to be applied in communities throughout their service area, the City of Antioch will consider such standards pursuant to the provisions of Policy 3.7.2c of the General Plan.
- M-12 See Response M-11 for a discussion of working with the EBRPD. The “jurisdictions” in Objective 3.7.1c refers to “surrounding jurisdictions,” and is intended to address Contra County and the Cities of Pittsburg, Oakley, and Brentwood.
- M-13 Policy 3.7.2c has been revised to include the EBRPD. See Response I-7.
- M-14 The tables have been corrected. See Response L-88.
- M-15 The issues raised in this comment (adequacy of the General Plan) are outside of the area of expertise of the agency providing the comment (see Response L-88). See Responses F-1 and L-90 for a discussion of what level of development might be permitted within the Roddy Ranch Focus Area.
- M-16 See Response A-8 for a discussion of the grassland linkage. As stated in that response, General Plan Policy “t” for the Sand Creek Focus Area requires the preservation of a “viable grassland linkage.” Placing 2,000 or more dwelling units within such a corridor would be inconsistent with the Policy.
- M-17 It is not the policy of the City to designate lands for open space and no other use, unless such lands are already committed to open space use. See Response L-93 for a discussion of using performance standards for the designation of open space. As stated in General Response 3, State law requires that zoning and development approvals be consistent with the General Plan. This includes consistency with General Plan policies.
- M-18 Based on input from EBRPD, the Planning Commission recommended adding the buffering and transition policies recommended by the District. These policies are included in the Planning Commission’s recommended General Plan being reviewed by the City Council.
- M-19 To implement the buffering and transition policies added to the General Plan based on input from EBRPD, General Plan implementation program 12.2 a3 has been modified as follows.
2. Revise the text of the zoning ordinance to reflect the provisions of the adopted General Plan in relation to the following issues.

- Modify permitted uses within zoning designations to reflect the delineation of appropriate uses set forth in the Land Use Element.
- Establish development standards for mixed-use buildings within the downtown area and within transit-oriented development nodes. Typically, a mixed-use building would consist of residential dwelling units placed on the upper floors of buildings having commercial or office uses on the ground floor.
- Modify zoning standards to reflect appropriate locations for churches and schools as set forth in the Land Use Element.
- Add requirements for the provision of charging stations for electric vehicles in major commercial and employment-generating developments.
- Establish standards for boat storage yards, including standards for stackable storage.
- Establish density bonuses for senior housing projects.
- Establish standards for the development of residential care facilities.
- Modify zoning standards to incorporate standards for open space transitions and buffers.

M-20 Existing and proposed City trails and bicycle routes are described in Table 7.B, which has been renamed Existing and Proposed Bicycle Facilities and Trails.

M-21 Table 7.B has been revised to reflect the proposed De Anza trail as a Class I facility.

M-22 The City Council has, as a matter of policy, agreed to abandon Empire Mine Road from its current terminus at the southern edge of existing development, approximately Mesa Ridge Drive, southerly into the Zeka/Higgins property. Legal access into the Zeka/Higgins property must be maintained. This proposed abandonment will be reflected on the General Plan Circulation map.

M-23 See Response M-22.

M-24 See Response M-22.

M-25 See Response L-68 for a discussion regarding analysis of EBRPD's plans.

M-26 Requirements for the design of fuel breaks falls under the responsibility of the Contra Costa County Fire Protection District. Policy 11.5.2a has been modified to read as follows:

- a. Where new development borders wildland areas, require appropriate fuel modification and use of fire retardant building materials per the requirements of the Contra Costa County Fire Protection District. Fuel modification may be permitted to extend beyond the boundaries of the site for which wildland fire protection is being provided only if the adjacent owner provides written permission, the proposed fuel modification is consistent with the management practices of the agency controlling

such land (if it is in permanent open space), and the off-site fuel modification activity will not significantly impact sensitive habitat areas.

M-27 See Response M-26.

M-28 See Response F-1 for a discussion of developable acres within Roddy Ranch. As stated in that response, the potential development area would be limited to the approximately 750 acres that were included within the ULL at the time it was originally approved by voters in 1990. The figure cited in the comment reflects the size of the Roddy Ranch Focus Area within which development might occur pursuant to the policies and provisions of the General Plan. Table 9.V shows no anticipated development within Roddy Ranch in the present Housing Element period through 2006, consistent with City policy for Roddy Ranch.

M-29 Based on EBRPD's presentation to the Planning Commission, this information was included in the Commission's General Plan recommendation to the City Council.

M-30 This request had previously been made to the City by EBRPD. There is no substantive difference between the present wording of the policy and EBRPD's proposed wording. As part of its deliberations on the General Plan, the City Council will consider EBRPD's request.

M-31 Based on EBRPD's presentation to the Planning Commission, this information was included in the Commission's General Plan recommendation to the City Council.

M-32 See Response M-26.

M-33 The issues raised in this comment (adequacy of the General Plan) are outside of the area of expertise of the agency providing the comment (see Response L-88). See Responses L-93 and L-94.

TRANSPLAN COMMITTEE

EAST COUNTY TRANSPORTATION PLANNING

Antioch • Brentwood • Oakley • Pittsburg • Contra Costa County
651 Pine Street -- North Wing 4TH Floor, Martinez, CA 94553-0095

August 6, 2003

Alexis Morris, Assistant Planner
Antioch Department of Community Development
P.O. Box 5007
Antioch, CA 94531-5007

RECEIVED

AUG 18 2003

CITY OF ANTIOCH
COMMUNITY DEVELOPMENT

Dear Ms. Morris:

Thank you for the opportunity to review the Draft Environmental Impact Report on the City's General Plan Update.

I have reviewed the Traffic and Circulation Section of the environmental document, in keeping with TRANSPLAN procedures under the Measure C Transportation Improvement and Growth Management program. Based on my review, I offer the following comments.

1. Analysis of project impacts on traffic service objectives. The DEIR doesn't appear to include analysis of the project's impacts on East County traffic service objectives, as required by Measure C and by TRANSPLAN procedures. The East County Action Plan developed by TRANSPLAN sets three types of traffic service objectives for designated East County roadways – *level-of-service* for roadways and intersections, *delay index* for roadways, and *peak-period vehicle occupancy* on designated roads. These traffic service objectives serve as performance standards for regional routes in East County. TRANSPLAN procedures call for this review for general plan amendments and for any project, public or private, which has the potential to significantly impact regional transportation routes. The DEIR traffic analysis for the City's General Plan Update includes level-of-service forecasts, but doesn't compare them to the East County Action Plan traffic service objectives. Nor does the DEIR contain any analysis of delay index or peak-period vehicle occupancy. It would be advisable to perform these analyses, as they are a required element of the Measure C process and TRANSPLAN procedures.

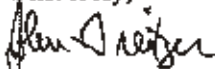
I can provide you with a copy of the East County Action Plan if you need it to refer to the specific traffic service objectives for each regional route that would be impacted by the General Plan Update. The regional routes potentially impacted by the General Plan Update include State Route 4, Lone Tree Way, Deer Valley Road, Hillcrest Avenue, Vasco Road and Balfour Road.

2. Forecasts for State Route 4 freeway. The level-of-service forecasts for the State Route 4 freeway are given as "D" and "E," depending on the segment. This differs from the Contra Costa Transportation Authority's forecasts of level-of-service "F" for the State Route 4 freeway, even with all of the planned improvements to that facility. Additional discussion of these forecasts is suggested, to determine why the City's forecasts are more optimistic.

TRANSPLAN in June sent a letter offering comments on the Draft General Plan Update. I believe that letter was sent to Jeff Rogers of City staff.

If you have questions either about the June letter on the Draft General Plan Update, or on the above comments regarding the DEIR, please contact me at your convenience.

Sincerely,



John Greitzer

TRANSPLAN staff

G:\Transportation\Committees\Transplan\Letters\Antioch DEIR comments aug 03.doc

c: TRANSPLAN Committee
TRANSPLAN Technical Advisory Committee

Response to Letter N: Transplan Committee

N-1 The proposed Antioch General Plan incorporates traffic service standards into the Growth Management Element as required by Measure C in terms of level of service for roadways and intersections. As discussed in Response C-1, average daily traffic on roadway links and freeway mainlines is the appropriate measure of analysis for a citywide General Plan, and is consistent with the approach taken by other jurisdictions for their General Plan in Contra Costa County (e.g., Oakley). Delay index and peak period vehicle occupancy are appropriate measures of the effectiveness of General Plan policies as monitored over time and use in subsequent analysis of individual development projects, but are not appropriate analysis tools for a citywide General Plan. The General Plan analysis utilized CCTA's East County regional traffic model, which includes assumptions on use of transit and vehicle occupancy. The City concurs that all development will be consistent with the East County Action Plan. To clarify the relationship between General Plan policies and the East County Action Plan, Policy 3.4.4a have been revised to read as follows.

- a. Place ultimate responsibility for mitigating the impacts of future growth and development, including construction of new and widened roadways to meet the performance standards set forth in the General Plan for Routes of Regional Significance and Basic Routes, with individual development projects. The City's Capital Improvements Program will be used primarily to address the impacts of existing development, and to facilitate adopted economic development programs.

N-2 The socioeconomic projections upon which current traffic modeling is based, assumes a continuing severe imbalance between local employment and housing opportunities in eastern Contra Costa County, assuming a continuation and expansion of the existing commute pattern that Antioch and surrounding communities suffer from. The projected jobs housing balance is not supported by the Antioch General Plan, nor is it supported by the General Plans of the cities of Pittsburg, Oakley, and Brentwood. The difference in the traffic modeling and analysis prepared for the Antioch General Plan Draft EIR and CCTA's analyses is that the Antioch General Plan traffic analysis is based on buildout of the Antioch, Pittsburg, Oakley, and Brentwood General Plans and implementation of the cities' economic development plans, leading to a balance between local employment and housing opportunities. In addition, as discussion in Response F-8, because the Draft EIR is analyzing General Plan buildout, it does not assume a financially constrained roadway system would support buildout of General Plan land uses.



CONTRA COSTA COUNTY LOCAL AGENCY FORMATION COMMISSION
651 Pine Street, Eighth Floor • Martinez, CA 94553-1229

(925) 646-4090 • FAX (925) 646-2240

COMMISSIONERS

ALTERNATE COMMISSIONERS

EXECUTIVE OFFICER
ANNAMARIA PERRELLA

Federal Glover
Supervisor Member
Millie Greenberg
City Member
David Jamison
Special District Member

David Kurrent
Public Member
Dwight Meadows
Special District Member
Rob Schroder
City Member

Richard Bartke
Public Member
George H. Schmidt
Special District Member
Don Tatzin
City Member

Gayle B. Vilkema
Supervisor Member

September 3, 2003

Victor Carniglia, Deputy Director
of Community Development
City of Antioch
P. O. Box 5007
Antioch, CA 94531-5007

RECEIVED

SEP 03 2003

CITY OF ANTIOCH
COMMUNITY DEVELOPMENT

Re: Draft General Plan Update – EIR

Dear Mr. Carniglia:

Thank you for submitting the subject document for LAFCO's review and comments. In reviewing the document, I note that my April 29, 2003 letter to Patrick Roche, County Community Development, with a copy forwarded to Nina Oshinsky is not included with those of other responders. Since a copy of the Initial Study/Notice of Preparation (NOP) for the Draft EIR was not forwarded to LAFCO, it was my hope that by forwarding a copy of the letter to Ms. Oshinsky, it would be included in the Draft General Plan EIR. A copy of my letter is attached; please incorporate it within this response.

According to the Initial Study, "the General Plan provides policy direction and implementation strategies for managing future growth and change within the City over the long term (20-25 years)". Will future implementation strategies include a submittal to LAFCO requesting an expansion of the City's SOI? If so, it is unclear. More specifically, the Roddy Ranch and Ginochio properties are included in the City's planning area but they are both outside the City's sphere of influence boundary and the County's Urban Limit Line (ULL). If a sphere request, in anticipation of annexation, is part of the City's long-range plans for those areas, then it should be clearly stated in the General Plan EIR.

Victor Carniglia

2

This Commission will begin its Countywide Sphere of Influence (SOI)/Municipal Service Review Program (MSR) in 2004. Special districts will be reviewed first, followed by cities. The requirement for LAFCOs to conduct reviews of local municipal services was established with the passage of AB 2838, the Cortese-Knox-Hertzberg Act of 2000 (see Gov.C.Sec. 56430). Service reviews are intended to support SOI updates, amendments, creation of new SOIs, etc. Because of the nature of analysis that may be required when preparing such reviews, this Commission, whenever possible, will integrate service reviews with the CEQA process.

The California Environmental Quality Act (CEQA) encourages the consideration of multiple related actions where appropriate. Whenever possible, LFACO will work to streamline the service review process by (a) integrating SOI proposal processing and related CEQA processes with service reviews; (b) placing a high priority on reviews of services affected by pending or anticipated proposals; (c) working with city and county planners to identify areas where the short-term conduct of service reviews is needed to support orderly growth and development, and (d) *requesting that technical information needed for service reviews be included in the General, Specific and Master Service Plans of land use agencies and special districts.*

As you can see, a city's General Plan EIR will be an important resource for the MSR, so it is imperative that the City of Antioch's document clearly state any proposed actions relating to a change in the city's sphere of influence and/or annexation, including pre-zoning unincorporated areas.

If you have any questions regarding comments raised in this letter, please call me at 925-646-4090; e-mail at aperr@lafco.co.contra costa.ca.us.

Sincerely,



Annamaria Petrella

cc: LAFC Commissioners
Patrick Roche



CONTRA COSTA COUNTY LOCAL AGENCY FORMATION COMMISSION
651 Pine Street, Eighth Floor • Martinez, CA 94553-1229

(925) 646-4090 • FAX (925) 646-2240

COMMISSIONERS

ALTERNATE COMMISSIONERS

EXECUTIVE OFFICER
ANNAMARIA PERRELLA

Federal Glover
Supervisor Member
Millie Greenberg
City Member
David Jameson
Special District Member

David Kurrent
Public Member
Dwight Meadows
Special District Member
Rob Schroder
City Member

Richard Bartke
Public Member
George H. Schmidt
Special District Member
Don Talzin
City Member

Gayle R. Ukkema
Supervisor Member

DATE: April 29, 2003

TO: Patrick Roche, CDD
4th Floor, N. Wing,

Annamaria Perrella
FROM: Annamaria Perrella

SUBJECT: Notice of Preparation, General Plan EIR: City of Antioch

Thank you for including me on the distribution for your letter to Nina Oshinsky, City of Antioch Community Development Department. I don't recall receiving a copy of the subject document from the City. If I had, my response re proposed actions relating to changes in Antioch's sphere of influence (SOI) or annexations would have been the same as yours – although I doubt that I could have said it better. I agree that the City should "clarify its intentions with respect to possible expansion of its sphere of influence boundary and pre-zone of certain unincorporated areas".

Moreover, the City should be aware that prior to submitting an SOI amendment request to LAFCO, it must meet with the County at least 30 days prior to submitting the application in order to reach agreement on the boundaries, development standards and zoning requirements within the sphere to ensure that development occurs in a manner that reflects the concerns of the affected city and is accomplished in a manner that promotes the logical and orderly development of areas within the sphere area.

If no agreement is reached, the application may be submitted, and the Commission will consider the SOI consistent with its adopted policies re SOIs, municipal service reviews, annexations and the County's Urban Limit Line.

With respect to SOIs and municipal service reviews, the Commission will begin its Countywide SOI Update Program/Municipal Service Review Process in 2004. A proposed timeline for each city's review will be considered by LAFCO within the next few months. I expect to recommend that Antioch's (and Pittsburg's) SOI boundary be reviewed in March 2004. That timeline, however, does not

Patrick Roche

2

preclude a city from meeting with the County and submitting an SOI amendment request prior to any such proposed timeline. Enclosed for reference is the Commission's recently-adopted *Municipal Service Review Guidelines*.

Again, thank you for including me on the distribution list re your response to Antioch's General Plan EIR.

Enclosure

cc: LAFC Commissioners
Nina Oshinsky

Response to Letter O: Contra Costa Local Agency Formation Committee (Annamaria Perrella)

- O-1. The comment does not raise any substantive environmental issues regarding the adequacy of the Draft EIR. The City acknowledges receipt of the letter dated April 29, 2003, from the Contra Costa Local Agency Formation Committee (Annamaria Perrella) regarding the Notice of Preparation.
- O-2. General Plan law requires that a city include all of the land within its incorporated boundaries in its General Plan. State law further permits a city to include such other lands as are, in its judgment, related to its planning efforts. An EIR need not specify every action that might be taken from the present through the end of the General Plan time frame, but is required to analyze the effects of changes to the physical environment that will result from the action being considered. The City has not yet determined whether or when it might request an expansion to its sphere of influence.
- O-3. The comment does not raise any substantive environmental issues regarding the adequacy of the Draft EIR. The General Plan includes performance standards for public services and facilities, describes planned land uses, and sets forth discussion regarding projected growth over the next 20-25 years. All of these considerations would be of assistance in the preparation of the service reviews mentioned in the comment. The City of Antioch concurs that the General Plan will be an important resource to be used in the preparation of a municipal service review by LAFCO, and will assist LAFCO by providing needed information. However, as stated in Response O-2, the City does not anticipate development within Roddy Ranch and the Ginochio Property in the immediate future. Pursuant to the provisions of the Cortese-Knox-Hertzberg Act of 2000, the municipal service review being prepared by LAFCO is to be reviewed by LAFCO on a five-year basis. Thus, any potential action regarding the Roddy Ranch or Ginochio Property is not anticipated to occur until long after the effective life of the current municipal service review. As of this writing, the City has not yet determined whether and/or when it might make other requests to expand its sphere of influence, or annex property.

RECEIVED

SEP 08 2003

CITY OF ANTIOCH
COMMUNITY DEVELOPMENT

To: City of Antioch Planning Commission and Antioch City Council
From: Nancy Bachmann, Antioch resident
Re: Public Input on the Environmental Impact Report for the Proposed City Plan
Date: Sept. 8, 2003

I am very concerned about two areas of the environmental impact of the proposed city plan.

First, I feel that the plan inadequately addresses the traffic impact of the future growth that would be allowed by the proposed plan. Heavy traffic is probably the single biggest problem that we have in Antioch now. It effects everyone's daily life on many levels. There are the day to day difficulties of getting to work or school and the resultant loss of family time as commuters need to spend more and more time to cover the same distances. Also significant is the inadequate tax base we have in Antioch because businesses cannot afford to settle in a city with such constant traffic jams.

Second, the air quality is not adequately protected in the proposed plan. Most people move to Antioch to raise their families. Children are particularly vulnerable to air borne pollutants, suffering the results of childhood exposure the rest of their lives. The other most vulnerable group is seniors. As we construct more and more senior housing this growing segment of the population will be exposed to life threatening pollutants. Indeed, all of us are effected with every breath we take. It is inconceivable that the city could approve a general plan that simply gives up on the vital need for clean air.

I think that, although there are many positive aspects of the proposed general plan, the essential elements of traffic and air quality are addressed in such an inadequate way as to make the entire plan unacceptable to the majority of the population of Antioch. I urge the City Council and the Planning Commission to come up with clear plans and achievable goals to solve these to essential problems before the plan is approved.

Nancy Bachmann
4427 Pampas Ct.
Antioch, CA 94531
(925)778-8837

Response to Letter P: Nancy Bachmann

P-1 The City understands the Commentor's concerns with potential traffic impacts of the future growth that would be allowed by the proposed General Plan. A thorough Traffic Analysis was prepared to address traffic impacts with and without adoption of the proposed General Plan. The General Plan provides a program of mitigating traffic impacts through a number of means including:

- Improving the balance of local employment and housing opportunities;
- Implementation of roadway performance standards for all new development;
- Slowing the rate of residential growth through a residential growth management program;
- Establishment of transit-oriented development in the vicinity of existing and future rail transit stations;
- Expanding the use of transit, bicycle, and pedestrian transportation; and
- Transportation demand and systems management programs.

The Draft EIR found that with implementation of General Plan policies, significant impacts on roadway levels of service will be limited to roadways outside of the City that would occur with or without the proposed General Plan or any future development within Antioch.

P-2 The City understands the Commentor's concerns regarding air quality effects on children and senior citizens. Air quality impacts were analyzed using methodologies recommended by the Bay Area Air Quality Management District and assumptions within its air quality impact assessment guidelines. Please refer to Responses E-1 through E-13.

P-3. The City has developed clear plans and goals to address traffic and air quality concerns as a result of both General Plan Policies and environmental mitigation measures that specifically address both issues. These are found in the Growth Management, Transportation, and Environmental Resources Elements of the General Plan.

8/14/03

Don Freitas,

I am writing to request that more time be given for the public to look over the general plan. Perhaps as much as sixty days.

All of Antioch's current residents will be affected by this plan, and we need adequate time to digest the environmental, traffic issues as well as citizen displacement.

Sincerely,

Jill Chadwick

RECEIVED

AUG 20 2003

CITY OF ANTIOCH
COMMUNITY DEVELOPMENT

RECEIVED

AUG 18 2003

CITY OF ANTIOCH
CITY MANAGER

Response to Letter Q: Bill Chadwick

- Q-1. The comment does not raise any substantive environmental issues regarding the adequacy of the Draft EIR, but requests additional time for review of the General Plan. The letter requests that the time frame for comment on the General Plan be extended from August 27 to September 27.¹ The August 27 date refers to the date that the Planning Commission made its recommendation on the General Plan to the City Council. The City Council conducted a workshop on the General Plan on September 23, and will hold public hearings in October.

¹ The deadline for EIR comments was September 8.

RECEIVED

AUG 15 2003

CITY OF ANTIOCH
COMMUNITY DEVELOPMENT

To: . . .
Donald Freitas, Mayor
City of Antioch
PO Box 5007
Antioch, CA 94531-5007

From:
Paul Cooney
3204 Gentrytown Drive
Antioch, CA 94509

Subject: Comments for General Plan public review

Please add the following comments to the official record:

The City of Antioch has introduced a new General Plan document together with an EIR document for the same. The city has allowed 45 day for review and comments of the documents. We all agree that this is a very important document which will guide city planning actions for the next 10 to 20 years. It will continue to have a lasting legacy long after its demise.

I ask for a 90 day extension of the review period to allow an adequate period for review after the documents are really made available for serious review.

The documents have not been available for the following reasons:

- 1) While the City of Antioch is to be commended for its recent efforts to upgrade its web site, it failed to publish the subject documents on that site.
- 2) I cannot afford to spend \$50.00 on a paper copy.
- 3) The \$3.00 CDs in PDF format have not, in fact, been readily available.
- 4) The one copy at the public library is in heavy demand during their somewhat limited hours of business.
- 5) As I discovered the last time I attempted to review a document at the city office counter, there are too many distractions in that place of business to review and digest a large document.

Having talked with people who work for the city, I was surprised that they were not well aware of the city's plans to roll out this document to the public using web and CD media.

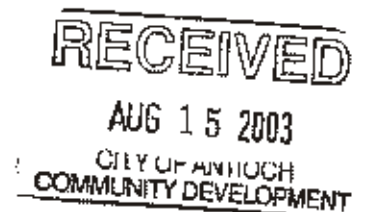
Regards,


Paul Cooney

Response to Letter R: Paul Cooney

- R-1. The comment does not raise any substantive environmental issues regarding the adequacy of the Draft EIR, but requests additional time for review of the General Plan and EIR. The letter requests that the time frame for comment on the General Plan be extended from August 27 to September 27.¹ The August 27 date refers to the date that the Planning Commission made its recommendation on the General Plan to the City Council. The City Council conducted a workshop on the General Plan on September 23, and will hold public hearings in October.

¹ The deadline for EIR comments was September 8.



August 14th, 2003

Mayor Donald Freitas

Dear sir,

I would like to ask you, to please postpone the deadline on the General plan for 30 days, from August 27th, to September 27th. This is to allow the citizens of Antioch to comment and for the City Officials to make an informed and intelligent decision on the General Plan.

As an Antioch long time resident, and a registered voter, I urge you to please, give us the time to get better informed on such an important issue.

Thank you.

A handwritten signature in cursive script that reads "Sonya L. Cooney".

Sonya L. Cooney
3204 Gentrytown Dr.
Antioch, Ca. 04509

Response to Letter S: Sonya L. Cooney

- S-1. The comment does not raise any substantive environmental issues regarding the adequacy of the Draft EIR, but requests additional time for review of the General Plan. The letter requests that the time frame for comment on the General Plan be extended from August 27 to September 27.¹ The August 27 date refers to the date that the Planning Commission made its recommendation on the General Plan to the City Council. The City Council conducted a workshop on the General Plan on September 23, and will hold public hearings in October.

¹ The deadline for EIR comments was September 8.

HCPA East Contra Costa County Habitat Conservation Plan Association

August 22, 2003

Victor Carniglia
Planning Director
City of Antioch
P O Box 5007
Antioch, CA 94531-5007

RECEIVED
AUG 27 2003
CITY OF ANTIOCH
COMMUNITY DEVELOPMENT

Re: Comments of the East Contra Costa County Habitat Conservation Plan Association (HCPA) on the Draft EIR for the Antioch General Plan Update

Dear Mr. ^{Victor}Carniglia:

Thank you for the opportunity to comment on the Draft Environmental Impact Report for the City of Antioch's General Plan Update. The HCPA offers the following comment:

Page 20 of Draft Framework for a Resource Management Plan (RMP), Appendix D to the Draft EIR, contains the following statement:

CONSISTENCY WITH DRAFT HABITAT CONSERVATION PLAN

While this Plan and the RMP are being developed independent of the Draft Habitat Conservation Plan that is currently being prepared by Contra Costa County (HCP), the general direction and approach of this Plan and the RMP is expected to be consistent with HCP. Therefore, these documents and the HCP will complement each other and provide measures that will aid in protecting the region's biodiversity.

The HCPA shares the hope that the two separate planning efforts will be consistent and complementary. In some ways, the two emerging plans do have significant complementary features. Both plans recognize the importance of San Joaquin kit fox and Alameda whipsnake to the design of effective conservation strategies to the region generally, and to the Antioch area specifically. Both plans are also partially complementary with respect to conservation objectives within the Sand Creek Valley area of Antioch.

However, there appears to be a significant difference between the HCP and the RMP in the area south of the City of Antioch, at least in terms of how these priorities are presented in the figures¹. The HCP proposes a series of coordinated conservation actions for that region to protect important resources, connect existing public lands in the area, and protect movement routes for kit fox and other species. The figures in the RMP identify no conservation priorities in that area and give the impression that the proposed corridor of conservation in the Sand Creek area has no

¹ the figures appear to be inconsistent with the text

Mr. Victor Carniglia
August 22, 2003
Page 2 of 2

connection to the south. I suggest we arrange a meeting in the future to discuss this matter and seek consistency in our respective planning.

Should you have any questions or to schedule a meeting, please contact John Kopchik of the Contra Costa County Community Development Department at (925) 335-1227.

Sincerely,



John Kopchik, Principal Planner
Contra Costa County Community Development Department, Coordinating Agency
East Contra Costa County Habitat Conservation Plan Association

Cc: HCPA Member Agency Staff

**Response to Letter T: East Contra Costa County Habitat Conservation Plan
Association**

T-1. Please refer to Response A-8.

LAW OFFICES OF
GAGEN, McCOY, McMAHON & ARMSTRONG
 A PROFESSIONAL CORPORATION

WILLIAM GAGEN, JR.
 GREGORY L. MCCOY
 PATRICK J. McMAHON
 MARK L. ARMSTRONG
 CHARLES A. KORS
 MICHAEL J. MARKOWITZ
 RICHARD C. RAINEB
 VICTOR J. CONTI
 BARBARA DUVAL JEWELL
 ROBERT M. FANUCCE
 ALLAN C. MOORE
 STEPHEN T. BUSH
 AMANDA BRYNS
 MARTIN LYONS
 CELIA M. KIM
 JANICE L. FITZSIMMONS
 PAUL S. GOODMAN
 TABA B. NELSON
 KATHERINE S. ZIGAGNY
 ANA C. MOON
 ERIC S. QUANET

RECEIVED
SEP 08 2003
CITY OF ANTIOCH
COMMUNITY DEVELOPMENT

September 8, 2003

DANVILLE OFFICE
 279 FRONT STREET
 P.O. BOX 218
 DANVILLE, CALIFORNIA 94526-0218
 TELEPHONE: (925) 837-0583
 FAX: (925) 838-5985

NAPA VALLEY OFFICE
 THE OFFICES AT SOUTHBRIDGE
 1030 MAIN STREET, SUITE 212
 ST. HELENA, CALIFORNIA 94574
 TELEPHONE: (707) 963-0909
 FAX: (707) 963-5527

Please reply to:

Danville

By Hand-Delivery

Attn: Alexis Morris
 Assistant Planner
 Community Development Department
 City of Antioch
 P.O. Box 5007
 Antioch, CA 94531-5007

*Re: City of Antioch General Plan Update
 Draft Environmental Impact Report
 Comments of The Zeka Group, Inc. Owner
 Zeka/Higgins Ranch Property*

Dear City of Antioch:

Our offices represent The Zeka Group Inc. (Zeka) with regard to the Zeka/Higgins Ranch property. The Zeka/Higgins Ranch property is located at the western end of the Sand Creek Focus Area and Future Urban Area 1 (FUA #1) as such areas are identified in the City's current General Plan and related documents. By this letter, Zeka submits written comments on the City's Draft Environmental Impact Report (DEIR), prepared by the City of Antioch (City) for the City's General Plan Update.¹ Zeka's comments are set forth herein in two parts: (1) General Comments, confirming the general validity of the DEIR under the California Environmental Quality Act (CEQA) as a Program EIR, for the purpose of identifying the impacts of the General Plan Update at a program level; and (2) Specific Comments on specific portions of the text of the DEIR.

¹ These comments are submitted in response to the Notice of Availability of the Draft Environmental Impact Report (DEIR) for the City of Antioch General Plan Update, issued by the City and requesting all written comments by September 8, 2003.

Attn: Alexis Morris
Assistant Planner
Community Development Department
September 8, 2003
Page 2

I. General Comments

Background

The proposed General Plan is a long-range document, proposing a comprehensive strategy for managing the City's future. Under state law, the General Plan establishes a "constitution" for development, the foundation upon which future specific land use decisions are to be based.

The DEIR in turn describes the environmental consequences and impacts that may result from the update of the City's General Plan. The DEIR assumes impacts of the proposed General Plan and its implementing policies through the year 2030.

The subject DEIR is expressly stated to be a "Program EIR." A Program EIR under CEQA is prepared for an agency program or series of actions that can be characterized as one, large project, like the subject General Plan. The DEIR thus evaluates the *broad-scale* impacts of the proposed General Plan.

The subject DEIR is not intended to evaluate the Zeka/Higgins Ranch project, (or any future development project) on a specific, "project level" basis. The DEIR properly confirms as follows:

A General Plan EIR, addressing the impacts of countywide and local policy decisions, can be thought of as a "first tier" document, evaluating the large-scale impacts on the environment that can be expected to result from adoption of the General Plan, but does not necessarily address the site-specific impacts that each subsequent development may have. CEQA requires each of those subsequent development projects be evaluated for their particular site-specific impacts. These impacts are typically encompassed in "second-tier documents," such as Project EIRs, Focused EIRs, or (Mitigated) Negative Declarations, which typically evaluate the impacts of a single activity undertaken to implement the overall plan. (See DEIR at p. 2-2, first full paragraph).

Thus, it is anticipated that the Zeka/Higgins Ranch project will be further evaluated as part of an upcoming Specific Plan, and later project level applications (e.g., applications for rezoning, vesting tentative map, development plan) consistent with the General Plan and Specific Plan. These project level applications will necessarily be required to have their own subsequent, "project level" environmental review as mandated by CEQA.

Attn: Alexis Morris
 Assistant Planner
 Community Development Department
 September 8, 2003
 Page 3

Validity of DEIR

Zeka believes, subject to the Specific Comments made herein, that the DEIR is a thorough and complete environmental review document, and is legally sufficient as a Program EIR under CEQA and all related laws and guidelines to describe the broad-scale impacts of the proposed General Plan Update.

2

Current and Proposed Zeka/Higgins Ranch General Plan Designations

Currently (prior to adoption by the City Council of the General Plan Update), the Zeka/Higgins Ranch property carries a *residential* designation, allowing up to *two units per acre*.

The proposed General Plan update sets forth two options for the Sand Creek Focus Area. At Sections 4.4.6.7A and 4.4.6.7B the General Plan update proposes "Option A" and in the alternative "Option B."

The Option A land use map (see Figure 4.8A) provides a designation of the Zeka/Higgins Ranch property of "Hillside and Estate Residential/Open Space." This designation recognizes that the upcoming Specific Plan and project applications will narrow and/or specifically identify the areas on the project site which will be "open space" and the areas that can be safely and sensitively developed. The Option B land use map (see Figure 4.8B) instead prematurely attempts to define the specific areas of project open space and development as part of this General Plan process, by designating only the north east corner of the Zeka/Higgins Ranch property as "Hillside and Estate Residential."

3

As stated in previous correspondence to the City, the Option B *land use map* is not supported by the DEIR and is inconsistent with the broad purposes of the General Plan Update. The *text* of Option B, however, sets forth certain protective policies which help to address issues regarding protection of grassland linkages, preservation of oak woodland and savannah communities, protection of whipsnake habitat, and which provide for safe development near abandoned mines. (As set forth under Specific Comments below, Zeka generally supports these Option B policies, provided they are narrowed to allow for future protocol and project-level studies that will more specifically identify areas of open space and development.)

4

At time of this writing, the Planning Commission has formally recommended to the City Council that the Option A *land use map* be adopted by the City Council, together with the *text and protective policies* set forth under Option B. Zeka has generally supported that recommendation. That recommendation is consistent with identifying the DEIR as a Program DEIR, and with the fact that the

5

Attn: Alexis Morris
 Assistant Planner
 Community Development Department
 September 8, 2003
 Page 4

Specific Plan and later development applications will address specific environmental impacts of future development on the site.

Zeka believes that the DEIR is legally sufficient, as a Program DEIR, to address the broad-scale impacts of the proposed General Plan update, provided that the General Plan update consists of a Land Use map and designation consistent with the Option A land use map and with the *Specific Comments* set forth below. As set forth more clearly under *Specific Comments*, Zeka does not believe that the DEIR would be legally sufficient to justify the designation of the Zeka/Higgins property under the Option B land use map.

II. Specific Comments

As set forth below, our Specific Comments address three areas: Geologic and Seismic Hazards; Biological Resources; and Land Use.

A. Geologic and Seismic Hazards.

The DEIR at p. 4.6-11 sets forth Impact 4.6.4, as follows:

“Collapse of historic coal mine tunnels could result in subsidence of lands located above the mines, potentially causing damage to foundations or other improvements.”

Comments:

Please reference the report prepared by Zeka’s mining consultant, Marc E. Orman, P.E., G.E., of Sierra Geotechnical, dated July 1, 2003 (“Orman Report”). A copy of the Orman Report was submitted to the City on July 3, 2003, and is attached hereto as Att. “A” for the City’s reference. The Orman Report confirms that the General Plan should not prematurely designate the southern, Hillside Estate areas of the Zeka/Higgins Ranch property as “open space,” based upon current knowledge of the potential impacts of underground coal mining activities.

Instead, the Orman Report sets forth a “*Recommended Study and Mitigation Plan*,” that would be performed in areas around underground coal mining openings on the Zeka/Higgins Ranch property as part of future development activity. Such mitigation measures include: aerial surveying, detailed mapping, surface monitoring, a drilling program, and potential downhole testing and monitoring.

Attn: Alexis Morris
 Assistant Planner
 Community Development Department
 September 8, 2003
 Page 5

Zeka would agree to the specific, strict mitigation measures found in such *Recommended Study and Mitigation Plan*, and has no objection to such mitigation measures being added as part of future development approvals on the Zeka/Higgins Ranch.

6

We note here that the DEIR at proposed policy "x" at p. 4-66, states:

As appropriate and necessary to protect public health and safety, abandoned mines shall be included within required natural open space areas, along with appropriate buffer areas and measures to prevent unauthorized entry.

7

We believe the Orman Report mitigation measures can replace this proposed policy. Alternatively, this policy should be revised to confirm that limited development can take place in areas of underground mines, provided that the mitigation measures identified in the Orman Report (or otherwise identified and adopted as part of the DEIR) are implemented.

B. Biological Resources

The DEIR at p. 4.3-26 references proposed General Plan policies that are intended to address impacts on wildlife movement and habitat linkage. The General Plan under Section 4.4.6.7B Sand Creek (Option B) proposes policies "s" through "w" to address these impacts.

Comments

As set forth herein, Zeka has indicated general acceptance of the Option B policies, subject to ensuring that they are not utilized to prematurely designate large areas of any property as "open space." All such policies should be interpreted flexibly to allow for the future project-level studies that will be performed, and which will identify specific areas which will be designated for permanent open space, utilized as mitigation lands, or developed in a sensitive manner.

8

Thus, for example, policy "v" currently states that "chaparral, scrub and rock outcrop community... that is suitable habitat for the Alameda whipsnake...shall be retained in open space." This policy would be overbroad if interpreted to prohibit any future development in areas merely shown to be potential "habitat" for whipsnakes. This policy should be amended to provide for future project-level studies, which may identify habitat areas where no snakes have ever existed, and where limited development is acceptable.

Attn: Alexis Morris
 Assistant Planner
 Community Development Department
 September 8, 2003
 Page 6

For further example, policy "w" states that, within certain broad geographical areas, "the oak woodland and savannah community shall be preserved in natural open space." This policy is overbroad, and not supported by data in the DEIR or supporting documents. Some of these areas may be areas where limited development will have the *least* impacts on the environment. Some of these types of areas have traditionally been the areas where residential development has been allowed in the County. The policy should be narrowed to provide for recognition of the sensitivity of these areas, and the need for identified protective or mitigation measures and/or avoidance as may be necessary, based upon review of project development plans.

C. Land Use

The DEIR at Chapter 4.8 evaluates Land Use impacts. Section 4.8.1 sets forth the existing land use setting, and provides a discussion of the Contra Costa County 65/35 Land Preservation Plan (Urban Limit Line).

Comment:

Zeka agrees with the DEIR's discussion of the Urban Limit Line (ULL). The ULL was approved by the voters of the County through Measure C in 1990, and confirms that urban development within the County is to be limited to no more than 35% of the lands within the County, while open space uses (including agriculture, wetlands, and parks) shall account for at least 65% of such lands. To ensure compliance with the "65/35" rule, the County drew and enforced the current ULL.

The Zeka/Higgins Ranch is within the City of Antioch, and is consistent with the ULL, and with the spirit and intent of the County's General Plan and the ULL.

The DEIR, at p. 4.8-9, sets forth Impact 4.8.1 as follows:

Implementation of the proposed General Plan would alter the amount of land designated for various types of urban, rural, and open space uses. Changes in the pattern of land uses would result in the development of structures or facilities within areas that are currently undeveloped. Relative to adjacent land uses, this intensification of development may contribute to create significant land use impacts.

It is important to note here that the Zeka/Higgins Ranch property has been reviewed and considered for development for over a decade. Unlike other properties within FUA #1, the

Attn: Alexis Morris
 Assistant Planner
 Community Development Department
 September 8, 2003
 Page 7

Zeka/Higgins ranch property *currently* holds a General Plan designation for residential use, up to two units per acre. In determining the impacts on adjacent land uses, *such current General Plan designation should be the baseline when looking at the Zeka/Higgins Ranch property.* 9

The DEIR further sets forth proposed "General Plan Policies" at p. 4.8-15 and 4.8-16 (see General Plan policies labeled Sections 4.3.2, 4.3.3, 5.4.12), to address impacts of new development.

Comments:

While Zeka is does not generally object to the DEIR analysis here, we strongly believe that the General Plan, when considered and adopted by the City Council, will need to allow for some flexibility with regard to land planning, land design, and lot size. That flexibility will help to implement these policies and related policies. Examples of General Plan text amendments that are necessary to ensure such implementation are as follows: 10

A. General Plan Proposed Land Use Table 4.A. This table appears to limit certain "Estate Residential" lots and "Large Lot Residential" lots to ½ acre in size. The proposed Land Use Table appears to be inconsistent with the City's approach to allow "clustering" where appropriate to better preserve open space. We strongly recommend that Land Use Table 4.A be modified to allow clustering lots down to a minimum of 7,000 square feet in all areas. This does not necessarily dictate that higher density will be approved in hillside areas; it instead allows for a more sensitively designed land plan. The City can retain strict control over density by limiting placement and percentages of such lots. 11

B. General Plan at p. 4-19: The General Plan states that no development should occur on slopes exceeding 20%. Again, we believe such a strict, "no-exception" requirement should be amended to provide for limited, sensitive hillside development, consistent with hillside design guidelines. 12

C. The General Plan at p. 4-65, subsection "k" under "Option B" limits the area to a maximum of 4,000 dwelling units. The "Option A" maximum of 5,000 dwelling units should be retained. These are merely "maximum" numbers. The actual lot count will of course be determined through the Specific Plan process and later development applications. 13

D. The General Plan at p. 4-66, subsection "s," under "Option B" discusses the inclusion of "vital grassland linkages." Again, we simply comment that these policies should not be 14

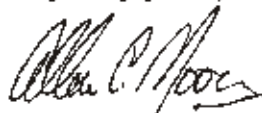
Attn: Alexis Morris
Assistant Planner
Community Development Department
September 8, 2003
Page 8

drafted or interpreted so strictly as to specifically define at the General Plan stage the open space areas of lands and individual properties within FUA #1. We note, for example, that potential grassland linkage areas include linkages to the Roddy Ranch area. The General Plan, however, further proposes that such Roddy Ranch area be developed as a master planned enclave, with certain suburban densities. (See General Plan at pp.4-75, 4-76.) It would seem inconsistent to require open space linkages to areas planned for development. We would further note that we do not believe the DEIR, the General Plan, nor the current Resource Management Plan has set forth sufficient data to show that preservation of grasslands and providing the proposed "linkages" will protect species such as the Tiger Salamander, Kit fox, Burrowing Owl, and/or Alameda Whipsnake.

14

We greatly appreciate the City's review of these comments on the DEIR.

Very truly yours,



Allan C. Moore

Enc. (*Orman Report dated July 1, 2003*)

cc: Vic Carniglia, Deputy Director, Community Development Department

Louisa Kao
The Zeka Group, Inc.

Michael Milani
Milani & Associates

Doug Dahlin
Dahlin Group

Mark Orman
Sierra Geotechnical

Joel Keller



SIERRA GEOTECHNICAL

P.O. Box 236 • Chicago Park, CA 95712 • Phone (530) 346-9560

July 1, 2003

City of Antioch
P.O. Box 5007
Antioch, CA 94531-5007

Attn: Joseph G. Brandt – Director of Community Development
Victor Carniglia – Deputy Director of Community Development and Planning

**RE: City Update of General Plan, Planning Commission Hearing July 9, 2003,
Zeka Group/ Higgins Ranch Property.**

Dear Mr. Carniglia and Mr. Brandt,

This summary report has been prepared by Marc E. Oman, P.E., G.E., of Sierra Geotechnical, who has been retained by The Zeka Group to perform an initial assessment of potential impacts to development from historic underground coal mining activities on the southern portion of a parcel of land known as the Zeka Ranch which used to be referred to as the Higgins Ranch. The site is located within the City of Antioch, California.

Introduction

I am a registered Civil and Geotechnical Engineer in the State of California. My education includes Bachelor of Science degrees in Geophysics, and Civil Engineering, and a Masters of Science degree in Geotechnical Engineering. The first degree was awarded in 1981 and since that time I have worked on over 50 mining and quarry projects, including underground coal mines, underground precious metal mines and open pit mines. These mines have been located in Pennsylvania, the western United States, Chile, Peru, Costa Rica, and West Africa. I have performed other types of geologic and geotechnical services for landfills and civil facilities, however, the main focus of my career has been related to the earth sciences and the mining industry.

I have provided a list of some of the mining and quarry projects, that I have been involved with, attached to this letter. Copies of my diplomas, transcripts, registration certificates, and references are available upon request.

Scope of this Assessment

As part of this scope of work I have reviewed historical reports and studies concerning the site, reviewed preliminary development plans, performed a site visit, and prepared a work plan to identify potential impacts and a mitigation plans to address concerns about the abandoned underground coal mines which are located on the property. I also attended meetings with Michael Milani of Milani & Associates and Doug Dahlin of the Dahlin Group, who has been involved with this project for many years.

Reports and Studies which were reviewed as part of this assessment included the following:

1. U.S. Department of the Interior, office of Surface Mining (OSM) and East Bay Regional Park District (EBRPD), Various correspondence, memos, and reports concerning the closure of portals, air shafts and drainage adits within the Black Diamond Mines Regional Preserve and Higgins Ranch. Including:
 - 1a.) Bate #746 through #989
 - 1b.) Letter of Transmittal dated March 18, 1998
From: John Waters, Director of Mining Operations Black Diamond Mines
To: Kevin O'Dea of Baseline Environmental Consulting in Petaluma, CA **Attachment of Ron Crane Geo. Map, USGS Antioch South Quadrant.**
Bate #431 through #436.
 - 1c.) Features found on Empire and West Hartley Mine
(Per above described attached Map by OSM)
Bate #421 through #430.
 - 1d.) Inter-Departmental Correspondence of East Bay Regional Park District Letter from John Waters to Richard Trudeau dated January 19, 1981.
Bate #990 through #992.
 - 1e.) Nortonville-West Hartley Mine Shaft Closure Antioch, California **Final Report** prepared by Marline Van Dyke, Civil Engineer of Office of Surface Mining, Western Technical Center dated March 24, 1983.
Bate #1013 through #1032.
2. Department of Geologic Sciences, California State University, Hayward, October 2-4, 1987, "Field Trip Guidebook to the Black Diamond Mines Regional Preserve and The Hayward Fault in Hayward and San Leandro",

Fall Conference of the Far Western Section of the National Association of Teachers.

3. Raymond Sullivan, undated article, "The Early Tertiary Successions in the Black Diamond Mines Regional Preserve, Contra Costa County", Department of Geosciences, San Francisco State University.
4. Raymond Sullivan and Jacque Duvall, undated article, "Field Trip; The Geology of the Black Diamond Mines Regional Preserve, Contra Costa County, California", Department of Geosciences, San Francisco State University.
5. ENGIO, Inc., March 29, 2002, "Zeka Ranch Parcels D and E Antioch California, Preliminary Geotechnical Assessment", unpublished report.
6. Purcell, Roades & Associates, November 24, 1993, "Phase I Environmental Site Assessment, Limited Soil and Creek Water Testing, Higgins Ranch, Antioch, California for Zeka International, Inc.", unpublished report.
7. Blymyer Engineers, Inc, March 27, 2002, "Water Quality Evaluation Report Former Old Empire Mine – Dewatering Shaft Higgins Ranch Antioch, California", unpublished Report.
8. Blymyer Engineers, Inc, March 26, 2002, "File Review Summary Water Quality Study – Former Old Empire Mine Higgins Ranch – Sand Creek Antioch, California", unpublished Report.
9. Blymyer Engineers, Inc., March 27, 2002, "Acid Mine Drainage Treatment Technology Summary and Discharge Alternative Assessment Former Old Empire Mine – Dewater Shaft Higgins Ranch, Antioch CA", unpublished report.
10. Gasch & Associates, April 2002, "Geophysical and Geological Investigation for Evidence of Historic Coal Mine Workings on the Northern Portion of the Higgins Ranch, Antioch, Contra Costa County, California", unpublished report.

Site Visit

A site visit was performed on June 24, 2003. During this visit I toured the south area of Zeka Ranch and observed several of the closed portals, dewatering shaft, and ventilation shafts. I also observed many of the rock outcrops within this area which potentially overlie the old mine workings. These included portions of the Markley Sandstone, Nortonville Shale, and Domingine Sandstone.

July 1, 2003

Preliminary Conclusions

1. Based upon the information which I have been provided, it is my opinion that the south area of Zeka Ranch (much of which has been designated as area for potential Hillside Estate lots in the City's Specific Plan Subcommittee Land Use Map) should not be designated as "open space" in your updated General Plan based on concerns regarding the effects of underground coal mining. As set forth below in this document under the heading "Recommended Study and Mitigation Plan", detailed study and engineering analyses of the site, and mitigation measures and other safe safeguards, can be performed at the time the landowner submits a specific land use application (a project level application) for the site. Many of the near surface features which have posed a hazard in the past have been mitigated by the OSM and EBRPD. If underground mine openings are found to be located below the proposed development areas they can be mitigated at that time to provide safe and stable areas which could be developed as planned by the Zeka Group.
2. It is likely that portions of the proposed development are located above the old underground coal mine workings of the West Hartley, Empire, and Star Mines. At the present time the workings are flooded to a level of approximately the Old Empire mine drainage shaft which is at an elevation of about 365 feet above mean sea level.
3. Based on the locations of the portals, ventilation shafts, and the proposed development, mining probably occurred several hundreds of feet below the proposed future development area.
4. Flooding of the workings would prevent air slaking from degrading the rock which supports the mine roofs. In addition, the buoyant forces due to the flooding would lessen the effective stresses at depth and reduce the potential for roof collapse.
5. The rock formations which are located within the proposed development area, and were mined in their coal seams, are sedimentary deposits which were originally lying horizontally and flat. Subsequent faulting has tilted these beds to the north. Several of the rock units contained in the Markley Sandstone, Nortonville Shale, and Domengine Sandstone, which overlie the mine workings, appear to be massive and competent at the surface. These units would act to bridge over any underground mine openings and lessen the potential for collapse and surface subsidence.

6. Coal mining was performed in a systematic manner down along the flat lying coal beds which are now tilted to the north. Mining was performed along strike and down the dip of the coal veins which are located within the Domengine Sandstone formation. "Strike is generally defined as the line of intersection between a horizontal plane and the planar surface being measured. It is found by measuring the compass direction of a horizontal line at the surface. Dip is the slope of the surface at right angles to this line." (Compton, 1962) The formation and coal veins dip at about 25 to 40 degrees to the north. The direction and progression of mining can be predicted with relative accuracy once the geology is understood.

7. Reportedly, the majority of surface effects of the coal mining activities, which ceased over 100 years ago, have been the collapse of near surface features such as ventilation shafts and portals.

Recommended Study and Mitigation Plan

The recommended study and mitigation plan for underground coal mining openings on Zeka Ranch is outlined below. It would be performed in Phases and some of the items may change as information is gathered from the previous phases.

1. Literature Review - All available reports, studies, maps, memos, and letters concerning the Empire, West Hartley, and Star mines operations would be reviewed in detail in an attempt to determine the location of underground mine workings located on the site. Information would be requested from the EBRPD, OSM, California State University of Hayward, San Francisco State University, and other sources.
2. Aerial Survey - High altitude aerial photography with ground control would be used to develop a base map with 2 foot contours. In addition, aerial photo stereo pairs would be ascertained and examined for surfacial geologic features, evidence of subsidence, and mining.
3. Detailed Surface Geologic Mapping - A detailed geologic map would be prepared of the site using the base map prepared as part of Phase 2. The map would include the locations of formational contacts, faults, and structural data. In addition, overlays would be prepared of the proposed development areas, and mine maps acquired in Phase 1.
4. Surface Deformation Monitoring - Monuments would be installed on the surface to monitor ground subsidence. These monuments would be installed in areas of the proposed development and above areas where there are known mine workings below the surface. These monuments would either be manually surveyed on a scheduled interval or monitored with electronic data loggers. They would be constructed out of durable

July 1, 2003

materials and could be monitored even after development had been completed.

5. **Surface Geophysical Surveys** – Surface geophysical surveys would be conducted in the proposed development areas using one or more techniques. These could include reflection seismic, magnetic and electro magnetometry surveys. These would be used to locate subsurface features related to the past mining activities and structural geologic information such as faulting, contacts, and bedding attitudes.
6. **Drilling Program** – A drilling program would be performed to investigate the locations of mine openings or confirm that no mining had taken place in these areas. Angled core holes would be advanced to determine the rock quality in proposed development areas and determine mine opening locations. In addition the core would be oriented such that discontinuities such as joints, shear zones, veins, bedding, contacts, and faults could be measured and plotted within a three dimensional geologic model. In addition samples of the core would be recovered for laboratory testing.

Some holes would be located within the development area even where the information indicates that no mining had taken place. The purpose of these holes would be to confirm our conclusions and clear areas for development without further study. Areas where the coal seams were encountered in the core holes would be cleared for development without further investigation.

7. **Downhole Testing and Monitoring** - If necessary extensometers may be installed in areas above mine openings to monitor stress and strain changes in these rocks over time. Other tools that may be used include downhole geophysics to measure in-place rock properties and tomography or sonar which could be used in the holes that intersected mine openings to map them out.
8. **Laboratory Testing** – Laboratory testing would be performed in a rock mechanics lab to determine the strength of the rock mass and discontinuities above the mine workings.
9. **Detailed Geologic Modeling** – Once the above phases had been completed a detailed three dimensional computer geologic model would be developed for the site. The model would include all geologic information and the location of the mine workings which were discovered below the proposed development areas.
10. **Engineering Analyses** - Once the model had been completed and all of the data reviewed engineering analyses would be performed to determine the risk of surface subsidence due to underground mine collapse. If in some

July 1, 2003

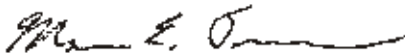
Document U

areas it is determined that surface subsidence is highly unlikely due to mine opening collapse then the area would be cleared for development. Surface and subsurface monitoring would likely continue in these areas for some time into the future.

11. Mitigation – Once the studies and engineering analyses, outlined above, were completed, and if there were indications that surface subsidence may occur in the future a mitigation program would be developed for areas within the proposed development. Most likely these mined areas within the proposed development would be partially backfilled with a grout material which would have the capability to prevent collapse. Grouting would be performed through drill holes which were advanced for this purpose.

I am available before July 8th or after the 23rd to meet and discuss this project further. I can also be contacted by phone at (530) 273-9402 to answer any questions that may arise.

Best Regards,
Sierra Geotechnical



Marc E. Orman, P.E., G.E.
Owner



CC: Louisa Kao – The Zaka Group
Alan Moore
Michael Milani – Milani & Associates
Doug Dahlin – The Dahlin Group

Attached: List of Mining and Quarry Projects

Reference: Compton, R.R., 1962, Manual of Field Geology, John Wiley & Sons, Inc., New York.

MINE AND QUARRY EXPERIENCE

OF

MARC E. ORMAN, P.E., G.E.

Marc Orman has design, permitting, closure, reclamation, construction quality assurance, and forensic experience on dozens of mine and quarry projects located throughout the Western United States, Central and South America, and West Africa. A list of some of the projects that Marc has been involved with are presented below:

- | | |
|---|---|
| <p>1. Zenda Mine,
Kern County, California
Client: Equinox Resources Ltd.</p> | <p>11. Rochester Silver Mine
Lovelock, Nevada
Client: Coeur-Rochester, Inc.</p> |
| <p>2. Marigold Mine,
Valmy, Nevada
Client: Marigold Mining Company</p> | <p>12. Cresson Mine
Cripple Creek, Colorado
Client: NERCO</p> |
| <p>3. Snow Caps Mine
Independence, California
Client: Sunshine Mining Company</p> | <p>13. Victor Mine
Victor, Colorado
Client: NERCO</p> |
| <p>4. Pinson Mine
Golconda, Nevada
Client: Rayrock Mining Company</p> | <p>14. Sanchez Copper Mine
Safford, Arizona
Client: Arizona Copper Company</p> |
| <p>5. DeLamar Silver Mine
Silver City, Idaho
Client: NERCO – Delamar</p> | <p>15. Cerro Colorado
Northern Chile
Client: Bechtel ARA JI.Vent.</p> |
| <p>6. Bell Mountain
Churchill County, Nevada
Client: Bell Mtn. Mining Co.</p> | <p>16. Manto Verde
Antofagasta, Chile
Client: Bechtel Chile</p> |
| <p>7. Basin Creek
Basin Creek, Montana
Client: Pegasus Gold Corp.</p> | <p>17. Florida Canyon Mine
Imlay, Nevada
Client: Pegasus Gold Corp.</p> |
| <p>8. Bema- Refugio Mine
Copiapo, Chile
Client: Mineral Resources</p> | <p>18. Mina Ivan-Zar
Antofagasta, Chile
Client: Minera Rayrock Ltd.</p> |
| <p>9. Andacollo Gold Mine
La Serena, Chile
Client: Bechtel Chile</p> | <p>19. Castle Mountain Project
San Bernardino, California
Client: Viceroy Resources</p> |
| <p>10. Rand Mine
Randsburg, California
Client: Rand Mining Co.</p> | <p>20. Colosseum Mine
Montana
Client: LAC Minerals Ltd.</p> |

Mine and Quarry Experience of Marc E. Orman, P.E., G.E.

- | | |
|---|---|
| <p>21. McLaughlin Mine
Lake County, California
Client: Homestake Mining Co.</p> <p>22. Goldfields
Goldfields, Nevada
Client: American Pacific Minerals</p> <p>23. Rawhide Project
Nevada
Kennecott-Rawhide Mining Co.</p> <p>24. Maqui Maqui
Cayamarca, Peru
Client: Newmont Gold Corp.</p> <p>25. Carachugo Mine
Cayamarca, Peru
Client: Newmont Gold Corp.</p> <p>26. Mina Bellavista
Miramar, Costa Rica
Client: Minera Rayrock Inc.</p> <p>27. Montana Tunnels
Montana
Client: Pegasus Gold Corp.</p> <p>28. Talapoosa
Churchill County, Nevada
Client: Miramar Mining Corp.</p> <p>29. Dee Gold Mine
Beowawe, Nevada
Client: Dee Gold Mining Co.</p> <p>30. Beartrack Mine
Salmon, Idaho
Client: Meridian Gold</p> <p>31. Pierina
Huaraz, Peru
Client: Barrick Gold Corp.</p> <p>32. Tarkwa Gold Mine
Tarkwa, Ghana
Client: Takoradi Gold Ltd.</p> <p>33. Teberebie Gold Mine
Tarkwa, Ghana
Client: Teberebie Goldfields, Ltd.</p> | <p>34. Iduapriem Gold Mine
Tarkwa, Ghana
Client: LTA Process Eng. Ltd.</p> <p>35. Wassa Mine
Akyempim, Ghana
Client: Satellite Goldfields Ltd.</p> <p>36. Proyecto Lomas Bayas
Antofagasta, Chile
Client: Gibraltar Mines Ltd.</p> <p>37. Andacollo Copper mine
Andacollo, Chile
Client: Canada Tungsten Ltd.</p> <p>38. El Abra
Calama, Chile
Client: Bechtel - ARA</p> <p>39. La Libertad
Nicaragua
Client: Greenstone Resources</p> <p>40. White Mesa Copper Project
Page, Arizona
Client: Mesa Mining Inc.</p> <p>41. Radomiro Tomic
Chuquibambilla, Chile
Client: Bechtel Chile</p> <p>42. Ruby Hill Mine
Eureka, Nevada
Client: Homestake Mining Co.</p> <p>43. Collahuasi Copper Project
Northern Chile
Client: Bechtel Chile</p> <p>44. Zaca Mine
Alpine County, California
Client: Western States Minerals Co.</p> <p>45. Lisbon Valley Heap Leach
Southeastern Utah
Client: Summa USA Corp.</p> <p>46. Portland Mine
Kingman, Arizona
Client: Western States Minerals Co.</p> |
|---|---|

Mine and Quarry Experience of Marc E. Orman, P.E., G.E.

47. Robertson Mine
 Lander County, Nevada
 Client: Amax Gold Corp.
48. San Cristobal
 Northern Chile
 Client: Bechtel - ARA
49. Mina Santa Rosa
 Panama
 Client: Greenstone Resources
50. Gray Rocks Quarry
 Shasta County, CA
 Client: Lehigh Southwest Cement
51. Lehigh Southwest Shale Quarry
 Shasta County, CA
 Client: Lehigh Southwest Cement
52. Stoops Limestone Property
 Shasta County, CA
 Client: Lehigh Southwest Cement
53. Tehachapi Limestone Quarry
 Kern County, CA
 Client: Calaveras Cement Company
54. Hanson Permanente Cement Quarry
 Santa Clara County, CA
 Client: Hanson Permanente Cement
55. Confidential Quarry Projects
 California
 Client: Granite Construction
56. Western Pennsylvania Coal Mines
 Beaver County, Pennsylvania
 Client: Confidential
57. Mountain Pass Mine
 San Bernardino, CA
 Client: Molycorp Inc.
58. AG-Minerals
 Carlsbad, New Mexico
 Client: Western Ag-Minerals Co.

Response to Letter U: Gagen, McCoy, McHahon & Armstrong

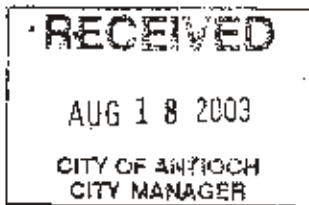
- U-1. The City recognizes and acknowledges that the General Plan EIR is a Program EIR and the Zeka/Higgins Ranch project would be subject to separate environmental analysis on a “project level” basis, which is a subsequent, separate review beyond the scope of this General Plan EIR.
- U-2 The City appreciates the comment’s conclusion that, subject to certain comments in comment letter U, the General Plan EIR is a “thorough and complete environmental document, and is legally sufficient as a Program EIR under CEQA” statutes and guidelines.
- U-3 The comment does not raise any substantive environmental issues regarding the adequacy of the Draft EIR. The Planning Commission is recommending that the Zeka/Higgins Ranch be designated as Hillside and Estate Residential/Open Space. A Draft Specific Plan and Specific Plan for the Sand Creek Focus Area, which includes the Zeka/Higgins Ranch has been prepared and will identify the areas for open space and development. Following adoption of the proposed General Plan by the City Council, the Sand Creek Specific Plan will be required to be consistent with the provisions of the updated General Plan.
- U-4 The comment does not raise any substantive environmental issues regarding the adequacy of the Draft EIR. The comment notes support for the Planning Commission’s recommended policies for the Sand Creek Focus Area if they are narrowed to allow for future protocol project-level studies that will more specifically identify areas of open space and development. The Draft General Plan as recommended by the Planning Commission already provides for such site-specific analysis through preparation of an RMP. The General Plan requires such a plan to be prepared to delineate precisely the lands that would be preserved in open space based on the performance standards contained in General Plan policies.
- U-5 The City understands and acknowledges that a Specific Plan and later development applications will address site-specific environmental impacts of the development of the Zeka/Higgins Ranch site, and will apply the performance standards contained in the General Plan policies to the property based on site-specific analysis.
- U-6 The comment does not raise any substantive environmental issues regarding the adequacy of the Draft EIR. The site-specific study regarding mine hazards identified in the comment will be reviewed by the City as part of the site-specific analysis to be undertaken in the development and environmental review process for the Sand Creek Specific Plan. The description of the Orman Report presented in the comment appears to be consistent with the General Plan policy regarding mine safety that requires site-specific investigations to determine the location of any mine openings and the potential for subsidence of collapse. The specific contents and recommendations of the Orman Report have not been reviewed as part of the General Plan, but will be reviewed against General Plan policies as part of the review of the Sand Creek Specific Plan.
- U-7 The comment does not raise any substantive environmental issues regarding the adequacy of the Draft EIR. The General Plan policy cited in the comment is an appropriate statement for the General Plan to make. As noted in Response U-6, review of the Orman Report will occur as part of the Sand Creek Specific Plan. The Planning Commission is recommending that the

- site be designated as Hillside and Estate Residential/Open Space, and has not designated any specific portion of the site as Open Space. Policy “x” for the Sand Creek Focus Area does not designate any particular land area as open space, but sets forth a performance standard for application in the development and environmental review for specific projects (e.g., Sand Creek Specific Plan). As part of the development and environmental review of the Sand Creek Specific Plan, the City will review the Orman Report against the performance standards of the General Plan.
- U-8 The comment does not raise any substantive environmental issues regarding the adequacy of the Draft EIR. The site-specific location of suitable habitat would be determined through preparation and adoption of an RMP as prescribed in Sand Creek Focus Area Policy Direction “s.”
- U-9 The comment requests that the General Plan EIR utilize the existing General Plan designation of the site rather than existing conditions as the baseline for determining impacts on adjacent lands. As stated in Response G-5, CEQA does not permit “plan to plan” analysis. CEQA Guidelines call for analysis of “changes to existing physical conditions in the area affected by the project.” “Plan to plan” analyses tend to underestimate changes to existing physical conditions since they are based on using a plan rather than existing physical conditions as the baseline against which impacts are measured.
- U-10. The comment does not raise any substantive environmental issues regarding the adequacy of the Draft EIR. The General Plan is general in nature, and site-specific land planning is a function of subsequent development projects. The purpose of the General Plan is to provide clear policy direction and performance standards for the subsequent review of proposed projects.
- U-11. The comment does not raise any substantive environmental issues regarding the adequacy of the Draft EIR. The comment requests that Land Use Table 4.A be modified to allow clustering lots down to a minimum of 7,000 square feet square feet in all areas. This request will be considered by the City Council during its public hearings on the General Plan. The clustering Policy cited in Response U-12, below, could permit lot sizes smaller than 20,000 square feet where clustering of units is “needed to accommodate the unit yield and still maintain the topographic uniqueness of the area.”
- U-12. The comment does not raise any substantive environmental issues regarding the adequacy of the Draft EIR. The slope reference in the General Plan discussion of Estate Residential was intended to be to 25 percent slopes, and has been revised as follows:

Neighborhood entry signage is encouraged to create a sense of community, and define Estate Residential neighborhoods as special places. Within hillside areas, dwelling units should be clustered on land that is relatively flat, and no development should ~~occur~~ be avoided on slopes exceeding ~~20~~ 25 percent. Due to the unique nature of these areas, a clustering of units may be needed to accommodate the unit yield and still maintain the topographic uniqueness of the area. Developments in these areas should be oriented around a major amenity that increases public exposure to the more hilly terrain. Examples of such amenities include golf courses and equestrian centers.

- U-13. The comment does not raise any substantive environmental issues regarding the adequacy of the Draft EIR. The City concurs that the maximum development yield described in Sand Creek Focus Area policies represents the maximum, and that the actual lot count will be determined through the application of General Plan policies during the development and environmental review process for the Sand Creek Specific Plan and subsequent development projects.
- U-14. Policy 4.4.6.7t calls for the preservation of a “viable grassland linkage... using linkages in Horse Valley and the ridge between Horse Valley and the Sand Creek drainage at the western end of the Focus Area. The goal of preserving such a corridor will be to provide a permanently protected wildlife movement corridor through the Sand Creek Valley to connect open space and habitat at Black Diamond Mines Regional Preserve with Cowell Ranch State Park. Completion of such a corridor is contingent upon the cooperation with the City of Brentwood and Contra Costa County, each of which may have land use jurisdiction over portions of this corridor.” The specific delineation of this linkage is to occur based on site-specific analysis to be undertaken as part of the development and environmental review process for the Sand Creek Specific Plan.

As noted in this comment, future development within the Roddy Ranch will be required to provide for the continuity of the grassland linkage called for in Policy 4.4.6.7t. As is the case for the Sand Creek Focus Area, future development of the Roddy Ranch Focus Area will be required to be designed so as to meet the performance standards set forth in the General Plan. For the Sand Creek Focus Area, this will entail a precise delineation of the boundaries of development and open space within land designated “Hillside and Estate Residential/Open Space” based on the application of General Plan to site-specific conditions. For the Roddy Ranch Focus Area, this will entail a precise delineation of the boundaries of development and open space within land designated “Mixed Use Planned Community/Resort” based on the application of General Plan to site-specific conditions.



cc: Joe B.
Victor

Document V

Aug, 13, 2003

Dear Mayor Freitas,

Please consider extending the General Plan review time. I have found it difficult to obtain due to my work schedule. I feel that the General Plan is an extremely important document and will take much time for me to review and process.

Given the impact that the changes within the City by the General Plan will have on the citizens, then the citizens need more time to obtain this information given that the Ledger has not reviewed it as of yet either, or printed any information of such.

A 60 day extension would be appropriate so the citizens can review and turn in their comments so that the city will be able to make well informed and educated decision.

Thank You!
Sherry Starks

Sherry Starks
5046 Toyon Way

Response to Letter V: Sherry Starks

- V-1. The comment does not raise any substantive environmental issues regarding the adequacy of the Draft EIR, but requests additional time for review of the General Plan. The request for additional time was considered by the City Council, which extended the date for taking action on the General Plan from October 14 to at least October 28.

RECEIVED

SEP 08 2003

CITY OF ANTIOCH
COMMUNITY DEVELOPMENTFrom: Sherry Starks
5046 Toyon Way
Antioch, CA., 94531
(925) 777-0569

October 1, 2002

Antioch Planning Commission
City Hall Third and H streets
Antioch, CA., 94531

RE: Draft Environmental Impact Report of Antioch's General Plan

Dear Planning Commission,

People are not born into this world as environmentalist; it is the experiences they have been given, the classes they take, the books that they have read, the knowledge that they have gained, that gives them a love and respect for the world that surrounds them, and makes them into environmentalists. Anyone who gives time to study the environment and the effect that humans have had on it will become an environmentalist.

I have read and reviewed the DEIR of the General Plan, and this is a letter in response to that DEIR. Since the Planning Commission and I do have one common goal (We both want what is best for Antioch!) I have compiled the following for your review and consideration.

Indian Burial Grounds. There has not been enough research to determine if there are any Indian burial Grounds anywhere on the Sand Creek Plan Site.

Indian Historical Sites. There have been no determination or research to show that this is not a historical site.

So we did not have the battle of..., no one famous in our American history slept there, no historical buildings to speak of, so- what happened there? We happened there. This is

land that Indians once lived on for thousands of years, this is where our rough and rugged pioneers came to, and this land is our history.

It is the only place where kids can go stand on a ridge look out and feel what life was like a thousand years ago here in Antioch, no sewer, no PG&E, no running water, just you and the golden hills, paradise, Gods' Country, and yes our Antioch.

History is not just in the inanimate objects of the white man. History lives in the experience of the complex emotions aroused only by being surrounded by grandeur, strange, awe inspiring, and the divine land that has history way beyond our comprehension. There is gold in those golden hills, and the gold is being able to feel, breathe, be fascinated, intrigued, romanced and experience the vastness, the magnificence of virgin Antioch in abundance with nature and wonder how many Indians stood right where you stand, how they lived, died, battled, ate, slept, feel the history of the land itself. Children don't have those experiences in a concrete jungle and those experiences are well worth preserving for our children and our children's children.

Open Space

Webster's defines open space as nautical, covered space above an upper deck that has only temporary means of closing it, theoretically regarded as nonwatertight or as insufficient to exclude the weather. It is not a term that describes land.

I have been unable to find any other definition of open space in current Unabridged Dictionaries of the English Language, phrase dictionaries or even on line through Webster's Site. I learned when I was in the third grade that if a word was not in the dictionary (the basis of which our language is written and understood) then we could not use it in any writing or school work. It is an excellent rule because it keeps people from using made up words. Our own past President Clinton toyed with the definition of the word "SEX" when to most everyone the definition of sex was clear. The purpose of putting things in writing is to bring about a clear specific understanding and intent of the writing. The words "open space" are an ambiguous description of land because to date it has been used to describe interior decorating, airport terminals, to commuter lanes. When in writing a writer uses ambiguity to clearly define intent, the only intent that becomes clearly defined is the intent to create ambiguity and the writing itself becomes nebulous, unsubstantial, tenebrous, and, amphibological. People believe that Clinton ruined himself by saying, "I did not have sex

with that woman.". His play on words created a lack of trust, and respect in the publics eyes. When Clinton announced " I did indeed have sex with that woman." He then became a foolish moron and never regained the trust and respect.

Imagine for a moment that I own a coffee shop and that you come into my shop, sit down and ask me for a cup of coffee.

Of course I say to you, "Coming right up!". I then return to your table with a piece of cake and leave the cake in front of you saying "There you go."

Since you do know the difference between coffee and cake you proceed to tell me, "Excuse me, but I asked for a cup of coffee, not cake."

I look at you and say, " Oh yes you did and that is just what I gave you, that is mocha cake the finest in my coffee shop!".

By now you would think me to be more than a bit odd, and if you didn't get up and leave, rather than deal with such nonsense you may say calmly, " Oh, uh well, I would like my coffee fresh brewed and served plain in a cup without any further processing, please."

I reply to you then , "Oh well you do have that, it is right in front of you. I told you that is Mocha- it is made with coffee so, it has your cup of coffee in it. Here let me put some sprinkles on it then you will feel better."

Well, I can not determine what you would think, say, or do after I tried that on you but, this is what has been happening with open space. We want virgin Antioch land. We want it plain without any further processing, PLEASE! Your offering golf courses with sprinkles and with this deal we are not getting any virgin land. This DEIR needs to be rewritten with words drawn from an English dictionary to clearly define this development Instead of using misleading word games that makes this City look like they are pulling a Willie Clinton.

Water

Water tables included water use from 2000. We are now almost through the year 2002 and since then the population of Antioch has grown to beyond 96,735 this is an increase of 6,203 people since Y2K (please view table 9 and 10, page 70) plus many businesses and restaurants have moved in that are not included. Water tables do not show current use and if not based on current use cannot determine projected use. This DEIR needs to be rewritten with current up to date information otherwise the Information is misleading.

Past water use tables show no drought years. We have just had an El Nino- these water tables do not show current drought levels with our current population. How can one calculate what we will have in a drought if we don't know what we will have- many people have moved into this area since 1990, 177,823 people have moved to this area and there is no representation of these numbers in the water use charts to even determine drought supply water. This section of the DEIR lacks sufficient data to determine the drought supply water levels.

6

Drought year restrictions of 5%, 10%, and 15%, are not realistic since most people are already conserving water and have planted drought resistant landscaping due to the last drought. To have a realistic gauge (with the preexisting knowledge that you have- we will have a drought.) then all Antioch residents should be informed to not conserve water for a time period then that amount of water be used as the base supply. Then and only then will we have enough information to see if we will have enough water for just ourselves without this development during drought. To say that we can rely on people conserving 5%, 10%, and 15% is a false statement if we do not know how people are conserving currently.

7

I have heard many horror stories of Antioch's last drought, the restrictions and the effect that it had on residents lives down to not even being able to flush toilets. Our river became so dry that salt water was flushing up from the bay and there were very strict water restrictions. Droughts do happen, and we will have many more droughts. I do not see that we have new sources of water now so, I am very concerned that when we do have another drought that we will not have enough water for those that live here now. An accurate way to tell would be to pull the last drought year records when we had the restrictions to show how much water we had then (in a drought) to see if it matches 2002 water use. This information is not provided and should be.

8

Golf Course

The Golf Course will consume one million gallons of water a day. This information is deleted from this DEIR and not included in the tables. The golf courses water use will have a devastating effect on our total water use. This DEIR has to contain all information pertinent to water use.

9

Run Off of One Million Gallons Of Water From The Golf Course Per Day.

Water table charts do show that run off from the area will go to the San Joaquin River which is our source of drinking water. When the golf course is put in all pesticides and fertilizers will enter into the San Joaquin River and will pollute our drinking water with pesticides and fertilizers. This information has been deleted from the DEIR, CEQA requires that an EIR must specify sources and loads of specific pollutants and their effect on aquatic resources and groundwater, among other impacts.

10

This DEIR does not mention where the million gallons of water a day is coming from for the golf course, nor is it included in any of the water table charts to show the effect it will have on the total water use. This DEIR is flawed because an EIR must identify the water supply for the proposed project, and analyze whether the water supply is adequate to meet the demand for the proposed project and its users.

11

The analysis lacks sufficient details concerning water demand, making it difficult to determine if demand figures take into consideration all planned and permitted uses that require water (e.g. full build out, golf courses, landscaping, business use and type of, Olympic sized pool, hospital, etc.). A revised section must transparently identify how water demand figures were developed.

12

Golf Course and Drought.

The golf course is not included with the drought plan and needs to be.

13

Senior Housing Development.

Senior Recreational facilities are not included in this DEIR. Senior Services have not been included in this DEIR such as busing, medical services, meals on wheels, and other special services. According to this plan Antioch will end up with 5,000+ seniors in one area of town, they will get together, they will be talking amongst themselves, and they will be requiring this city to provide services that they deserve. In order for Antioch to make informed and correct decisions on this matter more information has to be contained in this DEIR on the financial impact of 5,000+ services for Seniors.

14

Fire and Police service does not reflect the type of area being serviced. Senior Housing will increase emergency medical, police, and fire response trips, in ratio to the area served, Seniors do require more Fire Dept. calls since they are the first to respond when seconds count. They are Seniors and this is a new development that can be planned properly and should be. They should have their own small Fire and Police Dept. close to or in

15

the center of their development to service them properly and not to take away services from the rest of the community.

15

Senior Housing is not being placed where seniors without drivers licenses will have easy access to shopping, medical complexes, already existing Senior Recreation center, BART or 4, once these Seniors are no longer able to drive this location will keep them boxed in. Bus service must be provided! Sand Creek Specific plan will place at least 5,000 Seniors in one area of town and will increase city services provided to them this impact on senior provided services will far exceed any tax revenue collected. The impact on Senior Services will drain an already lacking system, and take away services from already existing senior city residents.

16

Many people over the age of 55 are now caring for their aging parents. In most of these senior homes we will have not one senior but several. Our community is made up of many ethnic backgrounds many of which have generations of families living under one roof. Also many seniors are taking in boarders to cover the high cost of living, and in Antioch we do have many homes which are caregivers homes that rent out rooms to the aged and provide meals and housekeeping to them. A Senior Housing Development will have all these types of family units, but they won't be paying taxes for all but one house. I strongly urge the Planning Commission to have some studies done in California since Prop. 60 on Senior Housing Developments and the effect on the taxes and City Senior Services along with County Services the impact on the community and community services. The Seniors carry a heavy vote but, once you add another 5,000 the scales are tipped in the Seniors favor which can be a devastating impact and drain on this city with few dollars in taxes. The city that I lived in before here had many Seniors, the Senior vote was very strong, therefore; they received many amenities such as a beautiful senior center with a full cafeteria (they had free hot lunches daily), an entire wing of classrooms (with a plethora of classes to take) a full library, billiards room, a theater, gym, banquet room (that had dance lessons, square dancing, bingo, and etc.), an activities director, and a full staff of people along with their own bus and driver. All of which they deserve and I hope to have as a Senior! But my point is that I have heard Council member Conley say many times that Antioch will make money off of this Senior Development and I strongly caution the city not to even think this way because cities don't make money off of Seniors. Since our city already can not afford to rent enough trailers to house our school children I doubt we can afford all the many amenities that Seniors will desire, deserve and rack up.

17

Prop. 60

Tax Revenue from Senior Housing Development. This DEIR lacks any reference to Proposition 60 The Transfer of Property Tax Base For People Over 55. This tax law allows people over the age 55 to transfer their old tax base to their new residence. For example a senior over the age of 55 can move to Antioch and bring their old tax base with them. If they lived in a house for 40 years, sold it and bought one for the same or lesser value then they can transfer what little tax they have been paying for 40 years to Antioch and that will be all Antioch will receive in taxes. There will be no money made on this project.

18

Schools

Our schools are already overcrowded! Antioch can not afford to even rent enough trailers to house the school children that we now have. Whatever calculations this DEIR has to determine what we will need to house the new students will not be enough to house what we have because the children are packed in like sardines already and are grossly overcrowded. If you build another school to house the new kids so what- it won't be helping the ones that are already jammed into the 100 already existing trailers that Antioch has skimmed on instead of building real schools. If you can not afford to even rent enough trailers then why bring in more kids. The thought process of this city resembles that of the indigent welfare Mom that doesn't have enough money to feed the children she has but, keeps having more babies to get more welfare money. You make me want to scream "Stop having more kids!, Use some birth control, or stop building more houses!" Since our children are our future then they should not be viewed as something to gain money off of by scrimping on, they deserve better than trailers with outhouses.

19

Other districts will rent trailers for their schools after the existing schools are demolished by disasters such as flood, hurricane, earthquake, or tornadoes but, here in Antioch we purchase these flimsy fire traps because we have preexisting natural disasters that occur within our system. The frail, unstable and sleazy trailers adhere to the most whimsical demands of the fastuous Antioch City Council to bang growth beyond the constraints of already existing actual school buildings. Transient trashy trailers have adhered to the fluky prehensile decisions of the council predecessors and will continue to conceal the neglectful disregard to properly house its' school children and offer them safe, secure, solid foundations.

Putting our children into trashy trailers is not a resolution to overcrowded schools. Trailers do not have running water and children need to wash their hands immediately after

they cough or sneeze otherwise they will spread their disease. I am surprised that to date the city has not been sued over the lack of healthy conditions in their classrooms. Summers in Antioch are hot and dry. Due to gross overcrowding children attend school in the summer. They have to stay well hydrated to stay healthy, in order to stay hydrated they need water available to them. I am surprised that to date Antioch has not been sued over this health issue. Attending school in Antioch's summer heat deprives children of healthy summer outdoor activities such as swimming. Many PE class hours are lost due to it being too hot to have PE. Thus the time is spent sitting and goofing off. Children are extremely uncomfortable in the heat, even the air conditioned classrooms are hot when they are jammed packed full with overheated stinky sweaty bodies. Children are irritable, teachers are irritable, tempers are boiling and more children get into fights when it is hot. Children are sweltering, and so uncomfortable that they can not concentrate on schoolwork. Then to change classes they are back into the boiling heat and when they get to their next class they find that the desk is soaking wet from the previous students stinky smelly sweat. (Antioch's Board of Education thinks this is healthy?) Trailers do not have running water to refill the heavy water bottles that they must lug around all day, and water fountains provide only warm water. Teachers hate teaching year round school in the summer (and it shows) and would much rather have the time off to pursue other things (That normal teachers do like summer tutoring jobs, spend time with their own kids, take extra classes, and etc.,) rather than being hot and uncomfortable with a bunch of students that are beyond miserable.

20

Year round school schedules with tracks are a unhealthy alternative. This system deprives children of healthy neighborhood friendships. My own daughter for example has made very good friends in school but all live too far away for her to visit on her own, while there are many children living in our neighborhood, they are not on the same track as her so when she is off they are in school, and when she is in school they are off. Since there is not common time off school and common time in school she has been deprived of making healthy friendships within her neighborhood due to the tracking system. Having friendships within a child's neighborhood is an important part of development and carries over into feelings of belonging, and a sense of pride that transfers to how they feel about their school.

Having normal summer vacation times are also very important to our children's development. Parents usually plan ahead with work schedules to take time off in the summer. Summer camps run during the summer months so children who have reduced summer vacations can not attend summer camps and have family vacations too. Going away to summer camp teaches them things that they can not learn in school or at home, to be independent. They learn a great deal about the environment and why we should protect it. I have many happy memories of summer camp all of which my own daughter has been

deprived of. Summer activities such as swim lessons, day camps, summer school and tutoring, Vacation Bible School, horseback riding lessons, basketball day camps, special library programs, and soccer day camps, are all planned for daytime summer activities when Antiochs' children are in school. Many young girls and boys start their first work experience of baby sitting, gardening, mowing lawns, walking dogs, washing cars, pet sitting, while off school during the summer. While older teens need the summer time off for jobs as camp counselors, junior lifeguards, food service, tutors in summer schools, or amusement park attendants. Families that run their own businesses depend on their young adult children to help out in the summer and summer is a time for kids to hang out at family businesses to learn the trades of their own families or to work on summer fix up projects at home such as painting rooms, putting in a deck, or tiling a den. All these early work experiences are essential to healthy development into adulthood. Without these experiences teens lack learning basic work ethics that are essential to holding jobs later in life.

Having abnormal vacation times such as our tracking system, bring on other problems. Parents don't have these times off, there are no summer camps available, all the other kids in the neighborhood are in school, there is no off track school, kids are bored and have nothing to do. So the kid's get sent off to be with other family members who have the time off like Grandparents but all cousins are in school and aren't off so the kids hang out with Grandma all day taking care of Great Grandpa feeding him his mush, telling him what time it is every ten minutes while adjusting the room temperature every fifteen minutes and calling Grandma when it's time to change Great Grandpas' depends. Time that should be spent as real play time with other kids and learning important life lessons is being spent with adults therefore depriving children of their fun time, putting them in isolation and keeping them from doing what is normal for a kid in the summer- like being a kid. Antioch's decisions to bang growth beyond our already existing school buildings does hurt Antioch kids!

I have heard teachers say that with the year round school teachers don't have to review work after breaks, unlike normal school schedules where children forget what they learned over the summer and then have to be retaught everything. This thought process is detrimental to students because the learning curve is all about learning and then learning again. Many children benefit from reviewing work in fact it strengthens their ability to remember it. Children who do not have reviews are not actually learning the material. Antiochs' students are not learning the basics. The majority of Antioch students do not graduate regular high school.

Having children move every three months to a new classroom offers them no stability. Children need classrooms that they can say are theirs, this is where the school/class pride comes from, it is having something that is theirs for the duration of the year. Teachers who have to move often have much less materials in the classrooms because it is based on having the bare necessities. One teacher told me "...If they (students) don't use it daily then I don't want to have move it, and it isn't even in the classroom.", "... decorating is a snap, we just throw some work on the walls before parents come in, otherwise we're redecorating the walls every three months." Very sad, but true. I can't help but think of the opportunities these children are missing out on, the books they could have referenced that are missing from classrooms, additional school materials that could have let someone "get it" or learn a new concept in another way, all the learning stuff (piles of the teachers things that say I'm a teacher because I like to read stuff and have lots of stuff for you to read too, and if you want to make it in this world then you gotta love to have lots of stuff to read and do, because people who don't have all this stuff never make it because they never learn to read a bunch of different stuff on their own, they just learn to read what is assigned and if you do that then you never become anyone because people who make it, do more in life than just what is assigned, because that is what life is about. That's where their learning life begins, is by seeing how teachers learned to be teachers by example. Intelligent people have lots of stuff to read, lugheads have little to amuse their minds- just the bare necessities.), but also, what their transient trailer life style has taught them. To never be stable, live with the bare necessities (therefore; be a lughead), always be prepared to move, never grow roots, and if the adults in charge can't get it together for them to have one room for just 175 days of the year then why should they have respect for the system when the system obviously doesn't give a care about the kids.

21

Outhouses

Outhouses for Antioch's larger trailer park schools is immoral, obscene, indecent, raunchy, vulgar, and disgusting! Outhouses are disease infested, dungy, foul, nasty, filthy, dirty, gross, disgusting idea. The only thought worse then this one is that AUSD does not even know why it is wrong! This action borderlines on child abuse. If AUSD told all the teachers that they would be installing outhouses there would be quite an uproar. If my own plumbing went out and instead of fixing it I purchased an outhouse then my neighbors would be running to the city screaming and the Planning Commission (you) would tell me that I better get my head examined, call a plumber, and remove the port a potty immediately because it is against city codes and outhouses are dirty and disgusting and that's why

22

plumbing was invented and hello; this is the year 2002 people don't use outhouses anymore and you would be thinking what a half-wit, retarded-moron because that's what people would think of anybody who chooses to use an outhouse or, forces school children to use outhouses when HELLO; this is the year 2002 and, Antioch does have plumbers available.

22

General Plan

It is an old plan. If I wore the clothes that I wore back then I would look like a fool! Back in the Eighties I had a totally different plan for my life, now I get a hearty laugh when I think about what I wanted then, and I'm glad that my life never took those turns. It is good to have a plan and it is good to follow a plan but, when the plan no longer works, or when other things around you change, it is okay to change plans. This plan for now does not work. We have no guarantee that if we build a business park, big businesses will come. We are not building casinos with prostitutes here and there is nothing here to attract big businesses. Antioch needs to stop reproducing, and drop the welfare recipient thought process; bringing in more kids will not solve our grossly overcrowded school system.

23

Bring Jobs To Antioch

Since this city is so concerned about making jobs available then why are we even looking at contractors and builders who don't even live in Antioch to build here. If this city is truly concerned about bringing jobs to Antioch, then we would have had restrictions on **Antioch based Companies only** to be hired, and would not be talking to pretentious Bozo Builders who don't even live here, and will be paying millions of tax dollars (on what they make off of Antioch) to whatever highfalutin pompous money squandering city that they crawled out of. These building contracts (JOBS) are not being held exclusive to Antioch's construction businesses and Antioch's residents which they should be. Billions of \$\$\$\$dollars\$\$\$ will be made!!! These builders businesses should be based here so that all of the taxes they pay will in fact be coming back to Antioch.

24

Bedroom Community

Over and over I have heard said "Antioch is a Bedroom Community" used as a premise to argue land development (that ought not be) so the city council can "Bring Business To Antioch" by adding a gargantuan business park, and without this business park whatever happens to Antioch will be devastating because Antioch just does not have the tax

25

base without that business park because we are a bedroom community. This is a false argument because the premise is false. Antioch is not a bedroom community, we do have a very affluent tax base, we pay Mello-Roos, plus extra tax depending on where you live, and we already have businesses that also pay taxes.

The term bedroom community means a population of people sleeping in one area and commuting to work in another, bedroom communities do not have businesses to speak of other than a few gas stations, fast food joints, and a grocery store. The towns are ghost towns during the day, and all other business is done in the big city. Antioch is full of commuters but, they spend their money in Antioch. We now have two Orchard Supply Stores, two Denny's, four Mc Donald's, two Kentucky Fried Chicken's, three Burger King's, three Taco Bell's, two large Albertson's, three large specialty paint stores, thirteen new car dealerships, Krispy Kreme, an enormous movie theater, fairgrounds, an entire hospital (another on its way), a big Costco, a giant Walmart, Sear's, Mervyn's, K-Mart, Safeway, SaveMart, and Gottschalk's. The list goes on and on but, the point is Antioch has businesses, and the type of businesses that will sustain in our uncertain economy. Along with all that there are megabucks being made on construction here. Any business that has anything to do with building are making money.

As of August 15, 2002 Antioch had issued 3,537 current Antioch business licenses. YES 3,537. Yes, I called the Antioch business license number (out of the phone book) myself. August 15, 2002 @ 4:50 PM. Antioch had 3,537 current business licenses paid for and issued. This number does not include an unknown amount of unlicensed businesses.

The actual number of how many people are employed in Antioch is much higher than this when you add in city employees, (police, fire, parks, roads, sewer, water district, animal services, library, etc.) and Antioch Unified School District (teachers, administration, janitorial staff, grounds, kitchen cooks, staff and aids etc.). My point is -Antioch has employment opportunities, there are jobs here.

Antioch does not have huge corporate businesses but, we don't have direct freeway access, or schools for their kids. So instead of asking "*When are they coming?*", we should be asking the realistic- "*Why would they even want to come here to sit in our traffic and have their kids sit in portable classrooms?*". If we want to attract corporate business then we have to be attractive to them. We are not a corporate magnet because many other cities have many buildings sitting empty (due to our slumping economy) without congested freeways, direct freeway access, actual (already existing, built in the ground) school buildings, and a staunch city council that represents the views of the citizens. Antioch's own short comings repel any corporate prospect.

25

26

Even though Antioch is not a bedroom community, bedroom communities do exist quite well by spending within their budget. They are not sacrificing their most precious land to put up a parking lot, all the while crying poor mouth.

The people who moved out here did not come thinking that their big city jobs would follow them. They moved here because they liked the area, quiet, a bit secluded, with rolling hills and cows, a nice place to raise kids and close enough to the big city. They came because they liked it the way it was. Not what it is being made into. They knew that they would be paying Mello-Roos and believed that was the trade off for not having many businesses.

27

Earthquakes

This DEIR lacks sufficient data and research of non-major fault lines in the general plan site. Page 4.5-16, paragraph 6, states "It is possible that future investigation could identify active faults in the planning area.", further investigation needs to be done since this area has mines underneath.

28

This DEIR lacks sufficient data about building structures over mines and shafts in an area where faults run through it. Also the developers that claim to have knowledge and expertise in building over mines and shafts do not have the expertise to build over mines, shafts and fault lines.

If they think that they are that Godly to backfill the mine and shaft voids after 200 million tons of coal were removed from those foothills and make them safe to build on, well then these are the guys to hire to build us some skyscrapers along our water front first. What do you think? ey? Did you say that the foundations would cost too much to hold up a skyscraper down there? Well golly gosh, if it would cost too much for them to put up a skyscraper then how will those developers shore up millions of tons of rock? They won't because they can't, even if they had the technology they don't have that kind of money!- but, they will fake it then later not be available, responsible or, accountable when houses cave in and people die.

29

Sink holes do appear after seismic activity in the plan area so simple logic demands that more seismic studies of the plan area needs to be done. Black Diamond Fault and Antioch Fault runs through the planning area with reported creep and scattered seismicity or movement, and dangers increase by another fault Clayton just four miles south with a maximum 6.9 magnitude. Large cracks appear during dry seasons that cannot be caused by erosion so the earth along FUA-1 is moving. Antioch High School's pool was built on the Antioch Fault line and is costing this city some big bucks, we don't need another money pit to gobble up funds.

Revitalization

Along A Street and The Waterfront buildings should be built as tall as possible, executives like to live and work in tall building close to the freeways and this is the perfect place for this to happen. The taller the buildings the better! Lets go BIG here, ABAG requires it and the bigger the better, the sky is the limit and let us not waste this open space here.

A street is our main entrance into our city so make it a grand entrance and let people know we are a big city with big tall buildings and big money that goes with big tall buildings and big success. Short buildings mean little money and short comings. Big executives do not like short buildings and short money, they want big tall buildings that say big money, because that is where big executives work in big tall buildings so if you want the big executives then build tall buildings and they will fill them up. Executives do not care about executive housing because they already live in the half million dollar houses that are already here but, they work where the tall buildings are (not in Antioch) Concord, San Francisco and other cities.

30

A Street should be made one way to lure shoppers in and down to our Waterfront, sort of like trapping them but, making it quicker to get to our shopping area and deleting some lights. If left a two way then it will be a deterrent just by the time factor. Big shopping areas often are one way and again we want to be big so we have to act big.

Cross walks should all be the blinking signal type such as the one on A Street. This will encourage pedestrian safety, foot traffic and shoppers.

Landscaping should be consistent throughout A Street to The Waterfront with seasonal flowering plants and trees. For example flowering plum trees, roses, mums, and camellias, (This is a poor example, I need more time to do research and give good suggestions actual plants). So that with each season our city will be in full bloom. Flowers attract people and people will come to our city just to see our beautiful flowers and Antioch will be known for its flowers.

31

Parking garages should also be added in with ample spaces.

An electric, or tracked trolley type transportation for shoppers on the Pittsburgh shopping area on Somerville that runs a loop between Antioch along A Street to the Waterfront and back along Somerville will also lure shoppers from Pittsburgh and provide transportation for our Senior Citizens.

Apartments or condo's for Senior Citizens should be placed near the hub of shopping and our best eateries, Yes I will say it -in big tall buildings with a lovely view of the water and Mount Diablo.

32

Medical office buildings should also be placed in the area, make them tall too!

Animal Services

32

Animal Services have been excluded from this DEIR and need to be included. If built out this development will add one-sixth of the already existing population, along with their cats, dogs, rabbits, and birds. Our Animal Services will have to add another building to service all the new animals being brought in. Since many animals are given up for adoption when people move, then perhaps some additional tax for Animal Services would be appropriate.

33

Finally I request that a DEIR that meets CEQA's requirements be completed and circulated. The current DEIR contains pervasive flaws that render it inadequate as a basis for informed decision-making.

34

With All Due Respect,

Sincerely,



Sherry I. Starks

Response to Letter W: Sherry Starks

- W-1. Please refer to General Comment 1 for a discussion of the programmatic nature of the General Plan EIR. The General Plan incorporates performance standards to ensure appropriate analysis and mitigation of impacts to Indian Burial Grounds or Indian Historic Sites as part of the City's development and environmental review process. The comment addresses the Sand Creek Focus Area, and was previously provided on October 1, 2002, in response to the Sand Creek Specific Plan Draft EIR, and is thus inapplicable to the General Plan Draft EIR.
- W-2. The comment does not raise any substantive environmental issues regarding the adequacy of the Draft EIR. The Certification of the EIR and the adoption of the General Plan do not alter the events that previously occurred within the community. This comment was initially provided on October 1, 2002, in response to the Sand Creek Specific Plan Draft EIR, and is thus inapplicable to the General Plan Draft EIR.
- W-3. The comment does not raise any substantive environmental issues regarding the adequacy of the Draft EIR. The comment has indicated a belief that the term "open space" is not clearly defined in the General Plan. "Open Space," as used in the Antioch General Plan is defined in Government Code Section 655560b as follows.

"(1) Open space for the preservation of natural resources including, but not limited to, areas required for the preservation of plant and animal life, including habitat for fish and wildlife species; areas required for ecologic and other scientific study purposes; rivers, streams, bays and estuaries; areas adjacent to military installations, military training routes, and restricted airspace that can provide additional buffer zones to military activities and complement the resource values of the military lands; and coastal beaches, lakeshores, banks of rivers and streams, and watershed lands.

(2) Open space used for the managed production of resources, including but not limited to, forest lands, rangeland, agricultural lands and areas of economic importance for the production of food or fiber; areas required for recharge of ground water basins; bays, estuaries, marshes, rivers and streams which are important for the management of commercial fisheries; and areas containing major mineral deposits, including those in short supply.

(3) Open space for outdoor recreation, including but not limited to, areas of outstanding scenic, historic and cultural value; areas particularly suited for park and recreation purposes, including access to lakeshores, beaches, and rivers and streams; and areas which serve as links between major recreation and open-space reservations, including utility easements, banks of rivers and streams, trails, and scenic highway corridors.

(4) Open space for public health and safety, including, but not limited to, areas which require special management or regulation because of hazardous or special conditions such as earthquake fault zones, unstable soil areas, flood plains, watersheds, areas presenting high fire risks, areas required for the protection of

water quality and water reservoirs and areas required for the protection and enhancement of air quality.”

- W-4. See Response W-3.
- W-5. The General Plan uses the statutory definition of “open space.” No revisions to the General Plan text are needed.
- W-6. The comment does not raise any substantive environmental issues regarding the adequacy of the Draft EIR. This comment was initially provided on October 1, 2002, in response to the Sand Creek Specific Plan Draft EIR, and does not refer to the General Plan Draft EIR.
- W-7. See Response F-7.
- W-8. This comment was initially provided on October 1, 2002, in response to the Sand Creek Specific Plan Draft EIR. However, the following objective and policies regarding water supply and availability have been included in the General Plan to ensure adequate supply and availability:

8.4.1 Water Facilities Objective

Ensure a water system capable of providing high quality water to existing and future residences, businesses, institutions, recreational facilities, and other uses within the City of Antioch during peak use conditions, with sufficient water in storage reservoirs for emergency and fire protection needs.

8.4.2 Water Facilities Policies

- b. As part of the design of water systems, provide adequate pumping and storage capacity for both drought and emergency conditions, as well as the ability to provide fire flows required by the Contra Costa County Fire Protection District.
- c. Ensure that adequate infrastructure is in place and operational prior to occupancy or new development, such that (1) new development will not negatively impact the performance of water facilities serving existing developed areas, and (2) the performance standards set forth in the Growth Management Element will continue to be met.
- d. Maintain an up-to-date master plan of water facilities.
- e. Maintain existing levels of water service by protecting and improving infrastructure, replacing water mains and pumping facilities as necessary, and improving the efficiency of water transmission facilities.
- f. Permit the construction of interim facilities only when it is found that construction of such facilities will not impair the financing or timely construction of master planned facilities.
- g. Periodically evaluate local water consumption patterns, the adequacy of existing facilities, and the need for new facilities, including this information in the comparison of proposed development projects to the performance standards of the Growth Management Element.

- h. Incorporate expected reductions in the need for water facilities resulting from water conservation programs only after several years of experience with the implementation of such programs.
 - i. Provide the Contra Costa Water District with timely information on development proposals and projected levels of future growth so that it can maintain appropriate long-term master plans and refine the delivery of service and facilities to maintain the performance standards set forth in the Growth Management Element.
- W-9. This comment was initially provided on October 1, 2002, in response to the Sand Creek Specific Plan Draft EIR, and refers to that document, not the General Plan Draft EIR.
- W-10. This comment was initially provided on October 1, 2002, in response to the Sand Creek Specific Plan Draft EIR, and refers to that document, not the General Plan Draft EIR. See General Response 1 for a discussion of the programmatic nature of the General Plan EIR.
- W-11. See Response F-7 for a discussion of water source availability.
- W-12. See Response F-7 for a discussion of water source availability. This comment was initially provided on October 1, 2002, in response to the Sand Creek Specific Plan Draft EIR, and does not refer to the General Plan Draft EIR.
- W-13. This comment was initially provided on October 1, 2002, in response to the Sand Creek Specific Plan Draft EIR, and does not refer to the General Plan Draft EIR.
- W-14. See General Response 1 for a discussion of the programmatic nature of the General Plan EIR. This comment was initially provided on October 1, 2002, in response to the Sand Creek Specific Plan Draft EIR, and does not refer to the General Plan Draft EIR.
- W-15. See General Response 1 for a discussion of the programmatic nature of the General Plan EIR. This comment was initially provided on October 1, 2002, in response to the Sand Creek Specific Plan Draft EIR, and does not refer to the General Plan Draft EIR.
- W-16. See General Response 1 for a discussion of the programmatic nature of the General Plan EIR. This comment was initially provided on October 1, 2002, in response to the Sand Creek Specific Plan Draft EIR, and does not refer to the General Plan Draft EIR.
- W-17. See General Response 1 for a discussion of the programmatic nature of the General Plan EIR. This comment was initially provided on October 1, 2002, in response to the Sand Creek Specific Plan Draft EIR, and does not refer to the General Plan Draft EIR.
- W-18. CEQA requires analysis of changes to the physical environment. Fiscal issues such as those raised on Comment W-18 are not addressed in EIRs. This comment was initially provided on October 1, 2002, in response to the Sand Creek Specific Plan Draft EIR, and does not refer to the General Plan Draft EIR.
- W-19. This comment was initially provided on October 1, 2002, in response to the Sand Creek Specific Plan Draft EIR, and was directed at that project, not the General Plan Draft EIR.

- School facilities and funding for schools are not within the authority of the City, but rather the independent Antioch Unified School District. To ensure that the City does its part to facilitate the provision of adequate school facilities, specific policies consistent with the provisions of State law are provided in Section 3.5.8 of the Growth Management Element and Section 8.8 of the Public Services and Facilities Element.
- W-20. This comment was initially provided on October 1, 2002, in response to the Sand Creek Specific Plan Draft EIR, and does not refer to the General Plan Draft EIR. School facilities and calendars are the responsibility of the independent Antioch Unified School District (see Response W-19).
- W-21. This comment was initially provided on October 1, 2002, in response to the Sand Creek Specific Plan Draft EIR, and does not refer to the General Plan Draft EIR. School facilities are the responsibility of the independent Antioch Unified School District (see Response W-19).
- W-22. This comment was initially provided on October 1, 2002, in response to the Sand Creek Specific Plan Draft EIR, and does not refer to the General Plan Draft EIR. School facilities are the responsibility of the independent Antioch Unified School District (see Response W-19).
- W-23. The comment does not raise any substantive environmental issues regarding the adequacy of the Draft EIR. The existing Antioch General Plan was adopted in 1988, and is in need of updating, which is why the City has prepared the proposed General Plan.
- W-24. The comment does not raise any substantive environmental issues regarding the adequacy of the Draft EIR. The City must provide for economic use of property, and cannot discriminate deny such use based on the address of the landowner wishing to exercise that use and develop property in a manner consistent with the provisions of the General Plan. This comment was initially provided on October 1, 2002, in response to the Sand Creek Specific Plan Draft EIR, and does not refer to the General Plan Draft EIR.
- W-25. This comment was initially provided on October 1, 2002, in response to the Sand Creek Specific Plan Draft EIR, and does not refer to the General Plan Draft EIR. The current balance of jobs and housing within Antioch is heavily weighted toward housing. In the year 2000, there was a total of 17,030 jobs within the City, compared to a total of 43,811 employed residents; a ratio of 0.39 job for each employed resident. The vision of the City as described in the General Plan states in part: "Antioch's vision has moved from bedroom suburb to full-service providing a broad range of community services and amenities."
- W-26. This comment was initially provided on October 1, 2002, in response to the Sand Creek Specific Plan Draft EIR, and does not refer to the General Plan Draft EIR. Access to both California Highway 4 and 160 currently exist within the City. The Economic Development Element contained in the proposed General Plan addresses the issue of attracting new business to the community.

- W-27. This comment was initially provided on October 1, 2002, in response to the Sand Creek Specific Plan Draft EIR, and does not refer to the General Plan Draft EIR. CEQA requires analysis of changes to the physical environment. Fiscal issues such as those raised in Comment W-18 are not addressed in EIRs.
- W-28. The statement made in the Draft EIR is correct. None of the mapping of faults accomplished in the San Francisco Bay Area to date has indicated any evidence of an active fault being present within the City of Antioch. However, it cannot be rule out with 100 percent certainty that future geotechnical investigations will not find an active fault within the community. Thus, the General Plan has formulated a set of performance standards to ensure that the potential for severe ground shaking is investigated and mitigated as part of the City's development and environmental review process.
- W-29. The General Plan has formulated a set of performance standards to ensure that regarding historic mineral extraction as follows:
- 11.3.2r As appropriate and necessary to protect public health and safety, abandoned mines shall be placed in natural open space areas, with appropriate buffer areas to prevent unauthorized entry.
 - 11.3.2s Within areas of known historic mining activities, site-specific investigations shall be undertaken prior to approval of development to determine the location of any remaining mine openings, the potential for subsidence of collapse, and necessary measures to protect public health and safety. Such measures shall be incorporated into project approvals.
 - 11.3.2t All identified mine openings shall be effectively sealed.
 - 11.3.2v Construction of structures for human occupancy shall be prohibited within areas found to have a high probability of surface collapse or subsidence, unless foundations are designed that would not be affected by such surface collapse or subsidence, as determined by site-specific investigations and engineered structural design.
 - 11.3.2w The locations of all oil or gas wells on proposed development sites shall be identified in development plans. Project sponsors of development containing existing or former oil or gas wells shall submit documentation demonstrating that all abandoned wells have been properly abandoned pursuant to the requirements of the California Department of Conservation Oil, Gas, and Geothermal Resources.
- W-30. The comment does not raise any substantive environmental issues regarding the adequacy of the Draft EIR. The "A" Street Focus Area provides for revitalization of the area, including development of tall "signature buildings" at key locations. Similar policies are provided for the Rivertown Focus Area.
- W-31. The comment does not raise any substantive environmental issues regarding the adequacy of the Draft EIR. The provisions of the "A" Street and Rivertown Focus Areas address strategies

to revitalize these areas. The City Council will consider the suggestion provided in Comment W-31 as part of its deliberations on the General Plan.

- W-32. The comment does not raise any substantive environmental issues regarding the adequacy of the Draft EIR. General Plan policies already provide for senior citizen housing. The City Council will consider the suggestion provided in Comment W-32 as part of its deliberations on the General Plan.
- W-33. The comment does not raise any substantive environmental issues regarding the adequacy of the Draft EIR. A discussion of animal services has been added to the Public Services and Facilities Element as part of the discussion of Police Department Services.

RECEIVED

AUG 18 2003

CITY OF ANTIOCH
CITY MANAGER

Dear Mayor Freitas,

I would like to ask your consideration in extending the deadline for the public review of the General Plan another 45 days so that I may have more time to review the content. If the new plan is to be in effect for the next 25 years the public needs to be sure our direction is absolutely correct.

Thank you for the consideration

Dave Walters

25000 Maggiora Way

Antioch, CA 94509

718-890

Response to Letter X: Dave Walters

- X-1. The comment does not raise any substantive environmental issues regarding the adequacy of the Draft EIR, but requests additional time for review of the General Plan. The letter requests that the time frame for comment on the General Plan be extended from August 27 to September 27¹. The August 27 date refers to the date that the Planning Commission made its recommendation on the General Plan to the City Council. The City Council conducted a workshop on the General Plan on September 23, and will hold public hearings in October.

¹ The deadline for EIR comments was September 8.