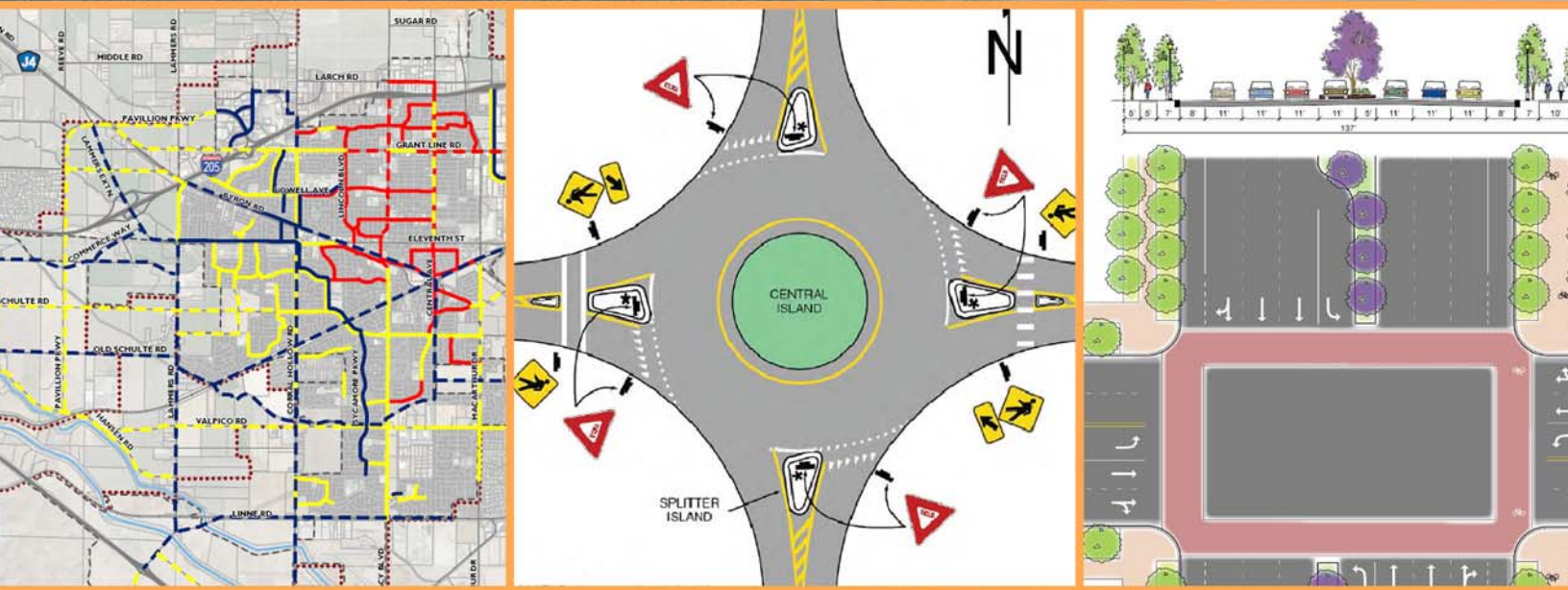


# Citywide Transportation Master Plan

## Final Environmental Impact Report

(State Clearinghouse No. 2012012032)



Prepared for:  
City of Tracy  
September 2012



**CITYWIDE TRANSPORTATION MASTER PLAN**

**FINAL  
ENVIRONMENTAL IMPACT REPORT  
(State Clearinghouse No. 2012012032)**

**September 2012**

**Prepared for:**

**City of Tracy  
333 Civic Center Plaza  
Tracy, CA 95376**

**Prepared by:**

**RBF Consulting  
A Company of Michael Baker Corporation  
111 North Market Street, Suite 440  
San Jose, CA 95113**





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## 1.0 INTRODUCTION

### 1.1 BACKGROUND

The Citywide Transportation Master Plan Draft Environmental Impact Report (TMP Draft EIR) was circulated for a 45-day public review period beginning March 30, 2012 and ending May 14, as assigned by the State of California Governor's Office of Planning and Research, State Clearinghouse, and consistent with the California Environmental Quality Act Guidelines (State CEQA Guidelines). Copies of the document were distributed to state, regional and local agencies, as well as organizations and individuals, for their review and comment. All interested persons and organizations had an opportunity during this time to submit their written comments on the TMP Draft EIR to the City of Tracy.

Significant new information was added to the TMP Draft EIR and its associated draft Initial Study subsequent its circulation. This new information provided clarification regarding the purpose and intent of the TMP and the scope and nature of its potential impacts. This information included the following:

1. The TMP does not propose any new growth and its implementation would not result in any new growth.
2. The improvements and expansions to the City's transportation system identified by the TMP would be necessary to accommodate growth in the City based on the development densities and intensities allowed by the General Plan up to a specific point in time (2035). While the TMP does identify "buildout plan lines," only the recommended fundamental or core facilities necessary to accommodate growth beyond 2035 levels widening certain roadways where feasible primarily in the western and northern development areas are addressed. However, the "buildout plan lines" do not provide sufficient capacity to serve the buildout condition of the General Plan land use plan; many additional connecting roadways and roadway widening would be needed to serve the traffic generated by the additional residential development and employment opportunities that are expected at buildout of the General Plan. Given the long-range horizon for the buildout of the General Plan, and the corresponding unknowns as to how certain planning areas will ultimately wish to develop, a complete and adequate buildout transportation network cannot be designed. Further study will be necessary to plan for the buildout condition.
3. The TMP is a policy document and does not propose the construction or operation of specific improvements and expansions at this time.
4. Because specific project details are not currently available, additional future environmental review would be required on a project by project basis, as specific improvement and expansion projects identified by the TMP come forward. This future environmental review would be necessary to analyze and disclose any site specific impacts triggered by construction of the improvements and expansions identified by the TMP.

Due to the introduction of this new and/or clarified information, the City decided to re-circulate a revised Draft Initial Study (Recirculated IS/CEQA Guidelines Section 15183 Analysis) and Draft EIR (TMP Recirculated Draft EIR) for the TMP, pursuant to State CEQA Guidelines Section 15088.5, which provides for re-circulation of a Draft EIR for additional public review when "significant new information" is added to the EIR. The Recirculated IS/CEQA Guidelines Section 15183 Analysis and TMP Recirculated Draft EIR were available for public review from June 13, 2012 through July 27, 2012. Copies of the document were distributed to state, regional and local agencies, as well as organizations and individuals, for their review and comment. All interested persons and organizations had an opportunity





during this time to submit their written comments on the Recirculated IS/CEQA Guidelines Section 15183 Analysis and TMP Recirculated Draft EIR to the City of Tracy. Section 15088(a) of the State CEQA Guidelines states that:

“The lead agency shall evaluate comments on environmental issues received from persons who reviewed the Draft EIR and shall prepare a written response. The lead agency shall respond to comments received during the noticed comment period and any extension and may respond to late comments.”

In accordance with Section 15088(a) of the State CEQA Guidelines, the City of Tracy (City), as the lead agency, has evaluated the comments received on the TMP Draft EIR and on the Recirculated IS/CEQA Guidelines Section 15183 Analysis and TMP Recirculated Draft EIR and has prepared written responses to all comments received. As stated in the Introduction of the TMP Recirculated Draft EIR, “Upon completion of the circulation period for the Recirculated IS/CEQA Guidelines Section 15183 Analysis and TMP Recirculated Draft EIR, the City will respond to: (i) comments received during the initial circulation period that relate to chapters or portions of the documents that were not revised and re-circulated and (ii) comments received during the recirculation period that relate to the chapters or portions of the documents that were revised and re-circulated.”

All comments on the TMP Draft EIR and on the Recirculated IS/CEQA Guidelines Section 15183 Analysis and TMP Recirculated Draft EIR, and the responses thereto, are presented in this document.

## **1.2 CONTENTS OF THE FINAL EIR**

Consistent with Section 15132 of the State CEQA Guidelines, this Final EIR consists of the following:

- The Draft EIR or a revision of the draft;
- A list of persons, organizations and public agencies that commented on the Draft EIR;
- All comments and recommendations received on the Draft EIR
- Written responses to each comment provided on the Draft EIR
- Revisions to Draft EIR resulting from comments

## **1.3 CERTIFICATION OF FINAL EIR AND APPROVAL PROCESS**

For a period of at least ten days prior to any public hearing during which a lead agency will take action to certify an EIR, the Final EIR must be made available to, at a minimum, trustee and responsible agencies that provided written comments on the Draft EIR. Pursuant to Section 15090(a) of the State CEQA Guidelines, the Final EIR must be certified before the lead agency can take action on the project.

Following Final EIR certification, but prior to taking action on a project, the lead agency must prepare a Mitigation Monitoring and Reporting Program (MMRP). Before approving (or conditionally approving) the project, the lead agency must also prepare written CEQA Findings for each significant impact identified for the project, accompanied by a brief explanation of the rationale for the finding, in accordance with Section 15091 of the CEQA Guidelines. If significant environmental impacts that cannot be reduced to a less than significant level are identified for the project, the lead agency must prepare a Statement of Overriding Considerations, pursuant to Section 15093 of the CEQA Guidelines. Three significant and unavoidable impacts were identified for the Citywide Transportation Master Plan (Project): two in the area of air quality and one in the area of greenhouse gas emissions.





Certification of a Final EIR may occur at a public hearing independent of project approval or during the same hearing. Prior to approval of a project, the lead agency must adopt the CEQA Findings, Statement of Overriding Considerations, and MMRP. Certification of the Final EIR must be the first in this sequence of approvals.



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## **2.0 COMMENTS ON THE DRAFT EIR AND RESPONSES**

State CEQA Guidelines Section 15088 requires that lead agencies evaluate and respond to all comments on the Draft EIR that regard an environmental issue. The written response must address the significant environmental issue raised and provide a detailed response, especially when specific comments or suggestions (e.g., additional mitigation measures) are not accepted. In addition, the written response must be a good faith and reasoned analysis. However, lead agencies need only to respond to significant environmental issues associated with the project and do not need to provide all the information requested by the commenter, as long as a good faith effort at full disclosure is made in the EIR (CEQA Guidelines Section 15204).

State CEQA Guidelines Section 15204 recommends that commentors provide detailed comments that focus on the sufficiency of the Draft EIR in identifying and analyzing the possible environmental impacts of the project and ways to avoid or mitigate the significant effects of the project, and that commentors provide evidence supporting their comments. Pursuant to State CEQA Guidelines Section 15064, an effect shall not be considered significant in the absence of substantial evidence. State CEQA Guidelines Section 15088 also recommends that revisions to the Draft EIR be noted as a revision in the Draft EIR or as a separate section of the Final EIR. Chapter 3.0 of this Final EIR identifies all revisions to the Citywide Transportation Master Plan Draft EIR.

### **2.1 LIST OF COMMENTORS ON DRAFT EIR**

All commentors on the Draft EIR are listed below.

#### **2.1.1 PUBLIC AGENCIES**

Comment Letter #1	Genevieve Sparks, California Regional Water Quality Control Board, Central Valley Region
Comment Letter #2	Tom Dumas, California Department of Transportation
Comment Letter #3	Megan Aguirre, San Joaquin County Department of Public Works
Comment Letter #4	David Warner, San Joaquin Valley Air Pollution Control District
Comment Letter #5	Scott Morgan, Governor's Office of Planning and Research, State Clearinghouse and Planning Unit

### **2.2 LIST OF COMMENTORS ON RECIRCULATED DRAFT EIR**

All commentors on the Recirculated Draft EIR are listed below.

#### **2.2.1 PUBLIC AGENCIES**

Comment Letter #6	Megan Aguirre, San Joaquin County Department of Public Works
Comment Letter #7	Genevieve Sparks, California Regional Water Quality Control Board, Central Valley Region



Comment Letter #8 David Warner, San Joaquin Valley Air Pollution Control District

Comment Letter #9 Scott Morgan, Governor's Office of Planning and Research, State Clearinghouse and Planning Unit

### **2.2.2 GENERAL PUBLIC**

Comment Letter #10 Pratibha Nigam, PG&E

Comment Letter #11 Gary Dobler

## **2.3 RESPONSES TO INDIVIDUAL COMMENTS**

Each of the comment letters submitted on the Draft EIR and responses to the comments in the letters are provided on the following pages. Each comment is identified with a two part numbering system. The first number corresponds to the number assigned to the comment letter. The second number corresponds to the order of the comment within the letter identified. For example, Comment 4-5 refers to the fourth comment letter received and the fifth comment identified in the letter.



Comment Letter #1



Central Valley Regional Water Quality Control Board

4 May 2012

William Dean  
City of Tracy  
333 Civic Center Plaza  
Tracy, CA 95376

RECEIVED  
MAY 07 2012  
CITY OF TRACY  
D.E.S.

CERTIFIED MAIL  
7011 2970 0003 8939 9824

**COMMENTS TO THE DRAFT ENVIRONMENTAL IMPACT REPORT, CITYWIDE  
TRANSPORTATION MASTER PLAN PROJECT, (SCH NO. 2012012032),  
SAN JOAQUIN COUNTY**

Pursuant to the State Clearinghouse's 30 March 2012 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Draft Environmental Impact Report* for the Citywide Transportation Master Plan Report Project, located in San Joaquin County.

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

**Construction Storm Water General Permit**

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

1-1

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:  
[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/constpermits.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml).

KARL E. LONGLEY ScD, P.E., CHAIR | PAMELA C. CREEDON P.E., BCEE, EXECUTIVE OFFICER  
11020 Sun Center Drive #200, Rancho Cordova, CA 95670 | [www.waterboards.ca.gov/centralvalley](http://www.waterboards.ca.gov/centralvalley)





Citywide Transportation  
Master Plan Project  
San Joaquin County

- 2 -

4 May 2012

**Phase I and II Municipal Separate Storm Sewer System (MS4) Permits<sup>1</sup>**

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

1-2

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:  
[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/municipal\\_permits/](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/).

**Industrial Storm Water General Permit**

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

1-3

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:  
[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/industrial\\_general\\_permits/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml).

**Clean Water Act Section 404 Permit**

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

1-4

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

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





Citywide Transportation  
Master Plan Project  
San Joaquin County

- 3 -

4 May 2012

**Clean Water Act Section 401 Permit – Water Quality Certification**

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

1-5

**Waste Discharge Requirements**

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

1-6

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:  
[http://www.waterboards.ca.gov/centralvalley/help/business\\_help/permit2.shtml](http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml).

If you have questions regarding these comments, please contact me at (916) 464-4745 or [gsparks@waterboards.ca.gov](mailto:gsparks@waterboards.ca.gov).

Genevieve (Gen) Sparks  
Environmental Scientist  
401 Water Quality Certification Program

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





**Response to Comment Letter #1, Genevieve Sparks, California Regional Water Quality Control Board, Central Valley Region**

1-1 This general comment states that projects that disturb one or more acres of soils or where projects disturb less than one acre but are part of a larger common plan of development that in total would disturb one or more acres are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit). The comments address the protection of surface waters per state requirements. When projects identified by the TMP are proposed, they would be subject to the provisions of the Construction General Permit, and would be required to submit a SWPPP to the SWRCB, Central Valley Region (Regional Board). Moreover, the City's Storm Water Management Plan (SWMP) establishes Best Management Practices (BMPs) to limit the discharge of pollutants from the City's storm sewer system to the Maximum Extent Practicable (MEP), as specified by Section 402(p) of the Clean Water Act. The Storm Water Management Plan includes BMPs related to construction site and post-construction runoff controls, illicit discharge detection and elimination, pollution prevention, as well as public education and outreach.

Individual projects proposed as part of the TMP would be required to implement BMPs identified in the City's SWMP, which have been identified to limit the discharge of pollutants from the City storm sewer system to the MEP. Moreover, the individual projects would be required to comply with the general site design control measures for Low Impact Design (LID) identified in the City's Stormwater Quality Control (SWQC) Manual, as well as appropriate site-specific source and treatment control measures. LID is an approach to managing stormwater runoff that mimics the natural pre-development hydrology of a development site by using design techniques that infiltrate, filter, store, treat, evaporate and detain stormwater runoff close to the source. LID would help filter pollutants and provide effective water quality treatment. In addition, individual projects would be required to comply with maintenance procedures identified in the City's SWQC Manual to ensure that selected control measures would be maintained to provide effective, long-term pollution control.

Although this comment does not address the adequacy of the Draft EIR, it is noted and included in the record for consideration by the public and decisions makers.

1-2 This general comment states that Phase I and II Municipal Separate Storm Sewer System (MS4) Permits require permittees to reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable. As noted in Response 1-1, as projects identified by the TMP are proposed, they would be required to implement BMPs identified in the City's SWMP, which have been identified to limit the discharge of pollutants from the City storm sewer system to the MEP. Although this comment does not address the adequacy of the Draft EIR, it is noted and included in the record for consideration by the public and decisions makers.

1-3 This general comment states that storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 97-03-DWQ. The proposed Project would not include the development of industrial uses.

1-4 This comment states that if the Project involves the discharge of dredged or fill material in navigable waters or wetlands, a permit from the Army Corps of Engineers (ACOE) pursuant to Section 404 of the Clean Water Act may be needed. This comment does not address the



adequacy of the Draft EIR. However, it is noted and included in the record for consideration by the public and decisions makers.

- 1-5 This comment states that if an ACOE permit or any other federal permit is required for the Project due to the disturbance of waters of the U.S., a Water Quality Certification from the Central Valley Regional Water Quality Control Board (RWQCB) pursuant to Section 401 of the Clean Water Act would be required. This comment does not address the adequacy of the Draft EIR. However, it is noted and included in the record for consideration by the public and decisions makers.
- 1-6 This comment states that if ACOE determines that only non-jurisdictional waters of the State are present on the Project site, the Project would require a Waste Discharge Requirement permit to be issued by RWQCB. This comment does not address the adequacy of the Draft EIR. However, it is noted and included in the record for consideration by the public and decisions makers.



Comment Letter #2

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION

P.O. BOX 2048 STOCKTON, CA 95201  
(1976 E. CHARTER WAY/1976 E. DR. MARTIN  
LUTHER KING JR. BLVD. 95205)  
TTY: California Relay Service (800) 735-2929  
PHONE (209) 941-1921  
FAX (209) 948-7194



Flex your power!  
Be energy efficient!

May 14, 2012

10-SJ-Variou  
City of Tracy Citywide  
Transportation Master Plan  
SCH #2012012032

William Dean  
City of Tracy  
333 Civic Center Dr.  
Tracy, CA 95376

Dear Mr. Dean,

The California Department of Transportation (Department) appreciates the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the **Citywide Transportation Master Plan (TMP)**. The proposed TMP looks out another five years to 2035 and provides a comprehensive review of the City of Tracy's transportation system and identifies improvements and expansions to the existing system required to accommodate future growth anticipated by the General Plan.

Upon review of the project, the Department has the following comments:

1. Please submit any proposed projects/improvements for our review and comment through the Intergovernmental Review (IGR) process. If the proposed projects/improvements have the potential to result in significant impacts to the State Highway System (SHS), a Traffic Impact Study (TIS) is required to identify and disclose the expected impacts to the SHS. The TIS should include a traffic simulation analysis to fully document the expected impacts to existing and future levels-of-service at intersections and on mainline segments of the SHS in the project vicinity. The TIS should also include appropriate and feasible mitigation measures to address any and all expected impacts expected to deteriorate the SHS operations beyond an acceptable level. The Department recommends that the study be prepared in accordance with the *Caltrans Guide for the Preparation of Traffic Impact Studies*, dated December 2002 (Guide) or the latest version. 2-1
2. The Department recommends that the Lead Agency collect a transportation impact mitigation fee on a "proportional share" basis from future proposed developments to hold until the fees can be contributed towards the local portion of funding for future improvements to the State Highway facilities within the project area. 2-2

If you have any questions, please contact Sinarath Pheng at (209) 942-6092 (e-mail: Sinarath\_Pheng@dot.ca.gov) or myself at (209) 941-1921.

Sincerely,

  
TOM DUMAS, CHIEF  
OFFICE OF METROPOLITAN PLANNING

c Scott Morgan, State Clearinghouse

"Caltrans improves mobility across California"



**Response to Comment Letter #2, Tom Dumas, California Department of Transportation**

- 2-1 The City will submit proposed development projects to Caltrans for review through the Intergovernmental Review (IGR) process. The appropriate agency standards and significance criteria will be applied in the traffic analysis for each transportation system improvement project.
  
- 2-2 The City is in the process of developing a city-wide Facilities Impact Fee Program (FIP) to implement the improvements identified in the Draft TMP. The FIP includes transportation infrastructure improvements on all the roadway facilities. All future projects will contribute their fair share contributions towards the required improvements. The TMP identifies several improvements to the State Highway system through Tracy and these improvements will be included in the FIP.



Comment Letter #3



THOMAS M. GAU  
DIRECTOR



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STOCKTON, CALIFORNIA 95201  
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DEPUTY DIRECTOR

MICHAEL SELLING  
DEPUTY DIRECTOR

STEVEN WINKLER  
DEPUTY DIRECTOR

ROGER JANES  
BUSINESS ADMINISTRATOR

May 14, 2012

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MAY 15 2012

CITY OF TRACY  
D.E.S.

William Dean, Assistant Director  
Development and Engineering Services Department  
City of Tracy  
333 Civic Center Plaza  
Tracy, California 95376

SUBJECT: THE CITYWIDE TRANSPORTATION MASTER PLAN DRAFT  
ENVIRONMENTAL IMPACT REPORT

Dear Mr. Dean:

The San Joaquin County Department of Public Works has reviewed the Draft Environmental Impact Report (DEIR) for the above referenced Project, and has the following comment:

From Flood Management:

1. DEIR Appendixes, Section H - Environmental Analysis, Subsection IX - Hydrology and Water Quality; comment HYD-1 on page 40 shall include the following sentence: "Depending on the location of the waterway crossing, a San Joaquin County Watercourse Encroachment Permit or a Central Valley Flood Protection Board Encroachment Permit may be required." (This comment is a follow up to a comment on the Notice of Preparation, which did not appear to be addressed in the Citywide Transportation Master Plan Draft Environmental Impact Report.)

3-1

Thank you for the opportunity to review and comment. Should you have any questions or need additional information regarding the above comment, please contact me at 468-8494.

Sincerely,

MEGAN AGUIRRE  
Associate Planner

MA:mk  
TE-12E021-M1

c: Alex Chetley, Senior Civil Engineer  
John Maguire, Engineering Services Manager  
Firoz Vohra, Senior Engineer





### Response to Comment Letter #3, Megan Aguirre, San Joaquin County Department of Public Works

- 3-1 This comment refers to Mitigation Measure HYD-1, which was stated on page 40 of the original Draft Initial Study that was first released in January 2012 with the Notice of Preparation (NOP) for the Citywide Transportation Master Plan EIR.. The comment requests that additional language be added to the mitigation measure.

The original Draft Initial Study for the TMP EIR and the original Draft TMP EIR were revised with significant, new clarifying information subsequent to their circulation in March through early May of 2012, as stated in the Background section of the Introduction of this Final EIR (Chapter 1, Section 1.1) and in the Introduction of the TMP Recirculated Draft EIR. Due to the introduction of this new and/or clarified information, the City decided to recirculate a revised Draft Initial Study (Recirculated IS/CEQA Guidelines Section 15183 Analysis) and Draft EIR (TMP Recirculated Draft EIR) for the TMP In accordance with Section 15088.5 of the State CEQA Guidelines. The Recirculated IS/CEQA Guidelines Section 15183 Analysis was included in Appendix A to the TMP Recirculated Draft EIR.

The revisions to the original Draft Initial Study for the TMP EIR resulted in the deletion of Mitigation Measure HYD-1. Mitigation Measure HYD-1 states: “Where drainage courses are crossed, temporarily altering their capacity or flow characteristics, appropriate precautions, as recommended by a qualified biologist, shall be incorporated into the project design to minimize the time period in which drainages are disturbed while maintaining the natural flow or provide additional capacity within the drainages during the construction period to handle designed flows.” The mitigation measure was intended to reduce potential impacts associated with construction of improvements identified by the TMP that had the potential to alter drainage patterns, including through the alteration of a stream or river, in response to CEQA Guidelines Checklist Question IX.c.

As stated on page 42 of the Recirculated IS/CEQA Guidelines Section 15183 Analysis in response to CEQA Guidelines Checklist Question IX.c: (Appendix A of the TMP Recirculated Draft EIR):

“...some of the improvements and expansions identified by the TMP may be located adjacent to existing streams or other waterways. Construction in these areas may alter drainage patterns or alignments, resulting in on or offsite erosion, siltation, or flooding. Regardless, as no specific improvements or expansions identified by the TMP are proposed for construction and operation at this time, their potential to alter drainage patterns or stream alignments and result in substantial on or offsite erosion, siltation, or flooding cannot be determined at this time. At the time specific improvements and expansions are proposed for construction and operation, they would undergo a separate environmental review process to determine potential impacts and necessary mitigation associated with site-specific alteration of drainage patterns.”

Thus, for these reasons, Mitigation Measure HYD-1 of the original Draft Initial Study for the TMP EIR was deleted from the Recirculated IS/CEQA Guidelines Section 15183 Analysis in response to CEQA Guidelines Checklist Question IX.c. Consequently, it is not possible to add supplemental information to Mitigation Measure HYD-1, as requested by the commentor. As stated above, at such time specific improvements and expansions identified by the TMP are proposed for construction and operation, they would undergo separate environmental review. If



applicable, these projects would be subject to the permitting requirements of San Joaquin County and/or the Central Valley Flood Protection Board.





Comment Letter #4



May 14, 2012

Bill Dean  
City of Tracy  
Development and Engineering Services  
333 Civic Center Plaza  
Tracy, CA 95376

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MAY 16 2012

CITY OF TRACY  
D.E.S.

**Project: Citywide Transportation Master Plan Draft Environmental Impact Report**  
**District Reference No: 20120201**

Dear Mr. Dean:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the subject project and offers the following comments:

1. On page 2-2, bullet 4 in section 2.2.1, the document indicates that the

“General Plan would not be consistent with the San Joaquin Valley Air Pollution Control District’s (SJVAPCD) Clean Air Plans. Furthermore, as discussed within the General Plan EIR, the projected growth within the City would lead to an increase in the region’s VMT, beyond what has been identified by the San Joaquin Council of Governments (SJCOG) and SJVAPCD. ... Impacts associated with plan consistency would be considered significant and unavoidable for the proposed Project.”

These statements are inconsistent with transportation conformity regulations and guidelines. Section 176 of the federal Clean Air Act requires that transportation plans, programs, and projects conform to applicable air quality plans before being approved by a Metropolitan Planning Organization (MPO). The District’s attainment plans (such as the 2007 Ozone Plan, the 2008 PM2.5 Plan, and the upcoming 2012 PM2.5 Plan) contain transportation conformity budgets based on the latest MPO VMT data and the applicable EMFAC model. Once budgets are adopted, a county’s transportation projects must not result in motor vehicle emissions that exceed that county’s conformity budget.

4-1

Seyed Sadredin

Executive Director/Air Pollution Control Officer

**Northern Region**  
4800 Enterprise Way  
Modesto, CA 95356-8718  
Tel: (209) 557-6400 FAX: (209) 557-6475

**Central Region (Main Office)**  
1990 E. Gettysburg Avenue  
Fresno, CA 93726-0244  
Tel: (559) 230-6000 FAX: (559) 230-6061

**Southern Region**  
34946 Flyover Court  
Bakersfield, CA 93308-9725  
Tel: 661-392-5500 FAX: 661-392-5585

[www.valleyair.org](http://www.valleyair.org) [www.healthyairliving.com](http://www.healthyairliving.com)

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The District recommends that the statements on page 2-2 be corrected and that the City of Tracy cooperate with the county's MPO to ensure the projects meet conformity requirements.

4-1 Cont'd

2. The environmental impact report (EIR) states that the construction impacts would be less than significant after mitigation and includes compliance with District Regulation VIII. The District recommends that feasible mitigation of construction exhaust emission includes use of construction equipment powered by engines meeting, at a minimum, Tier II emission standards, as set forth in §2423 of Title 13 of the California Code of Regulations, and Part 89 of Title 40 Code of Federal Regulations. The District recommends incorporating, as a condition of project approval, a requirement that off-road construction equipment used on site achieve fleet average emissions equal to or less than the Tier II emissions standard of 4.8 NOx g/hp-hr. This can be achieved through any combination of uncontrolled engines and engines complying with Tier II and above engine standards.

4-2

Regulation VIII is a set of rules aimed to reduce fugitive dust emissions and does not reduce exhaust emissions from equipment during construction. Although compliance with District Regulation VIII substantially reduces project specific fugitive dust emissions, it may not be sufficient to reduce project specific emissions to less than significant levels.

3. New development may require further environmental review and mitigation. The District makes the following recommendations regarding future development:
  - a. Accurate quantification of health risks and operational emissions requires detailed site specific information, e.g. type of emission source, proximity of the source to sensitive receptors, and trip generation information. The required level of detail is typically not available until project specific approvals are being granted. Thus, the District recommends that potential health risks be further reviewed when approving future projects, including those that would be exempt from CEQA requirements. Specific consideration should be given when approving projects that could expose sensitive receptors to toxic air contaminants (TACs). If the analysis indicates that TACs are a concern, the District recommends that a Health Risk Assessment (HRA) be performed. If an HRA is to be performed, it is recommended that the project proponent contact the District to review the proposed modeling approach. If there are questions regarding health risk assessments, please contact the District at [hramodeler@valleyair.org](mailto:hramodeler@valleyair.org). Additional information on TACs can be found online by visiting the District's website at [http://www.valleyair.org/busind/pto/Tox\\_Resources/AirQualityMonitoring.htm](http://www.valleyair.org/busind/pto/Tox_Resources/AirQualityMonitoring.htm).

4-3



b. Individual development projects would be subject to District Rule 9510 (Indirect Source Review) if upon full build-out the project would include or exceed any one of the following:

- 50 dwelling units
- 2,000 square feet of commercial space;
- 25,000 square feet of light industrial space;
- 100,000 square feet of heavy industrial space;
- 20,000 square feet of medical office space;
- 39,000 square feet of general office space; or
- 9,000 square feet of educational space; or
- 10,000 square feet of government space; or
- 20,000 square feet of recreational space; or
- 9,000 square feet of space not identified above; or
- Transportation or transit project where construction exhaust emissions equal or exceed two tons of NOx or two of PM10.

4-4

The District recommends that demonstration of compliance with District Rule 9510, before issuance of the first building permit for each project phase including payment of all applicable fees, be made a condition of project approval. Information about how to comply with District Rule 9510 can be found online at: <http://www.valleyair.org/ISR/ISRHome.htm>.

c. Individual development projects may also be subject to the following District rules: Regulation VIII, (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants).

4-5

d. The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance Office at (559) 230-5888. Current District rules can be found online at: [www.valleyair.org/rules/1ruleslist.htm](http://www.valleyair.org/rules/1ruleslist.htm).

4-6

4. Referral documents for new development projects should include a project summary detailing, at a minimum, the land use designation, project size, and proximity to sensitive receptors and existing emission sources.

4-7



District Reference No. 20120201

Page 4

If you have any questions or require further information, please call Patia Siong at (559) 230-5930.

Sincerely,

Dave Warner  
Director of Permit Services

A handwritten signature in blue ink, appearing to read "Arnaud Marjollet".

Arnaud Marjollet  
Permit Services Manager

DW:ps



**Response to Comment Letter #4, David Warner, San Joaquin Valley Air Pollution Control District**

4-1 The Draft EIR found that impacts related to plan consistency would be significant and unavoidable due to the TMP's planning horizon of 2035, which extends an additional five years past the growth projection year modeled and analyzed by the General Plan EIR for Traffic and Circulation<sup>1</sup>. As stated in the Project Description of the Recirculated Draft EIR (Chapter 3), the TMP models and analyzes the effects of growth on the City's transportation system five years beyond the General Plan's 2030 Traffic and Circulation Horizon Year, but it would not result in any new growth not already identified by the General Plan. The TMP does not propose an increase in the amount of land area that could be developed within the City, nor does it propose an increase in the number of residential or non-residential units that could develop within the City over what is assumed by the General Plan for buildout. Rather it identifies improvements and expansions that would be necessary to accommodate the residential and non-residential growth allowed by the General Plan up to 2035.

Further, as stated in Chapter 3 of the Recirculated Draft EIR, the General Plan EIR defines "total buildout" as a scenario in which all available land within the SOI would be developed according to the land use designations in the 2011 General Plan. Total buildout is anticipated to result in more development that would occur beyond 2035. Specifically, the total buildout year under the proposed General Plan is estimated to occur from 2071 for residential growth or as far into the future as 2140 for non-residential growth. Moreover, Chapter 3 states, because the General Plan build-out scenario reflects a time horizon that is far into the future (beyond 2035) that the assumptions regarding land use and development are too speculative to rely on for accuracy and thus, the TMP does not make any recommendations for the City's transportation roadway system under this scenario (e.g., beyond year 2035).

Additionally, Chapter 3, notes that the project utilized the year 2035 planning horizon to establish consistency with the most recent San Joaquin Council of Governments (SJCOG) land use development assumptions, employment forecasts, and associated travel demand. Therefore, as the TMP utilizes the most recent SJCOG model, it would conform to the federal transportation conformity regulations and guidelines. Utilizing the most recent SJCOG model facilitates a consistent identification of uniform improvements between the regional agencies that are responsible for freeways, Congestion Management Agency (CMA) roads, local roads, and transit services. Regional consistency is also required for grant funding applications.

The Draft EIR based the significant and unavoidable impact for "plan consistency" on the fact that the TMP would exceed projections in the City's General Plan model year. It should be noted that while the TMP models and analyzes the effects of growth on the City's transportation system five years beyond the General Plan's 2030 Traffic and Circulation Horizon Year, it would not result in any new growth not already identified by the General Plan. The purpose of the TMP is to introduce a more realistic, refined and sustainable approach to the City's roadway network. The TMP does not propose an increase in the amount of land area that could be developed within the City. Rather, it identifies improvements and expansions that would be necessary to accommodate the residential and non-residential growth allowed by the General Plan up to year 2035. Future development projects would be required to analyze air quality emissions relative to San Joaquin Valley Air Pollution Control District (SJVAPCD) thresholds and any thresholds exceedances would be required to be mitigated (implementation of project specific mitigation measures,

---

<sup>1</sup> The General Plan only has a "horizon year" for Traffic and Circulation. Because Air Quality, Noise, and Greenhouse Gas Emissions rely on the numbers generated by the traffic model output, these environmental topic areas therefore also have the same General Plan horizon year.



SJVAPCD Rule 9150 [Indirect Source Rule] [ISR], a Voluntary Emissions Reduction Agreement, or a combination of any of these). The City of Tracy intends to fully cooperate with the SJCOG (the County Metropolitan Planning Organization [MPO]) to ensure that projects that would occur as part of the TMP would meet conformity requirements. City coordination with SJCOG and SJVAPCD, as well as the implementation of applicable mitigation measures would ensure that TMP-related contributions to regional emissions are reduced and that conflicts with regional plans do not occur.

- 4-2 Section 4.2-1 of the Draft EIR includes mitigation measures that require compliance with SJVAPCD rules and regulations, including the SJVAPCD's Guide for Assessing and Mitigating Air Quality Impacts (GAMAQI) and compliance with SJVAPCD Regulation VIII. Additionally, it should be noted that the Draft EIR is a programmatic document and does not propose one specific project. Therefore, specific construction activities are not anticipated at this time. Future construction activities would be required to comply with the applicable emissions standards noted in the comment (Title 13 of the California Code of Regulations, and Part 89 of Title 40 Code of Federal Regulations) depending on the timing and intensity of future construction activities.
- 4-3 As noted in Response 1-2 above, the DEIR is a programmatic document and analyzes the update to the Citywide TMP. The TMP identifies various potential improvements that would occur within the City; however, individual projects are not yet identified. As a result, the location of specific sensitive receptors and the nature and quantity of Toxic Air Emissions (TAC) could vary widely. A Health Risk Analysis (HRA) would be conducted as part of the project level analysis to determine the impact of any potential TAC emissions on nearby sensitive receptors. However, an HRA would not be required if a future project is exempt from CEQA, is not considered a "project", or if it can be seen with certainty that there is no possibility that the activity in question would have a significant impact on the environment.
- 4-4 The Draft EIR identifies that individual development or improvement projects may be subject to SJVAPCD Rule 9510 (ISR); refer to Draft EIR page 4.2-16. Future development under the proposed project would be required to comply with SJVAPCD Rule 9510 (ISR).
- 4-5 The comment indicates that individual development projects may also be subject to additional SJVAPCD rules and regulations. As noted in the Draft EIR, future construction and development that would occur as part of the TMP would be required to comply with all applicable SJVAPCD rules and regulations.
- 4-6 Refer to Response 1-5, above. Future construction and development that would occur as part of the TMP would be required to comply with all applicable SJVAPCD rules and regulations.
- 4-7 The comment provides information regarding referral documents for new development projects. Future development projects that require the preparation of an air quality study would be required to comply with all SJVAPCD regulations and guidance.



Comment Letter #5



EDMUND G. BROWN JR.  
GOVERNOR

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



KEN ALEX  
DIRECTOR

May 15, 2012

RECEIVED

MAY 16 2012

CITY OF TRACY  
D.E.S.

William Dean  
City of Tracy  
333 Civic Center Drive  
Tracy, CA 95376

Subject: Citywide Transportation Master Plan  
SCH#: 2012012032

Dear William Dean:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on May 14, 2012, 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."

5-1

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

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

Sincerely

Scott Morgan  
Director, State Clearinghouse

Enclosures  
cc: Resources Agency

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044  
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov





**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2012012032  
**Project Title** Citywide Transportation Master Plan  
**Lead Agency** Tracy, City of

**Type** EIR Draft EIR

**Description** The Project is a comprehensive update of the 1994 Tracy Transportation Master Plan in fulfillment of Objective CIR-1.1, Action A1 of the Circulation Element of the City of Tracy General Plan. The proposed TMP builds upon the goals and objectives contained in the Circulation Element of the General Plan and the City's SAP. It provides a comprehensive review of the City's transportation system and identifies improvements and expansions to the existing system required to accommodate future growth anticipated by the General Plan. It includes an additional five years of growth beyond the General Plan horizon year to establish consistency with the most recent SJCOG land use development assumptions, employment forecast, and travel demand model. Using the most recent SJCOG model facilitates a consistent identification of uniform improvements.

**Lead Agency Contact**

**Name** William Dean  
**Agency** City of Tracy  
**Phone** 209 831 6000  
**email**  
**Address** 333 Civic Center Drive  
**City** Tracy  
**Fax**  
**State** CA **Zip** 95376

**Project Location**

**County** San Joaquin  
**City** Tracy  
**Region**  
**Lat / Long**  
**Cross Streets** Various, Citywide  
**Parcel No.** Various  
**Township**  
**Range**  
**Section**  
**Base**

**Proximity to:**

**Highways** Various  
**Airports** Various  
**Railways** Various  
**Waterways** Various  
**Schools** Various  
**Land Use** Various

**Project Issues** Air Quality; Cumulative Effects; Other Issues

**Reviewing Agencies** Resources Agency; Department of Fish and Game, Region 3; Delta Protection Commission; Office of Historic Preservation; Department of Parks and Recreation; Central Valley Flood Protection Board; Department of Water Resources; California Highway Patrol; Caltrans, District 10; Air Resources Board, Transportation Projects; Regional Water Quality Control Bd., Region 5 (Sacramento); Native American Heritage Commission; Public Utilities Commission; Delta Stewardship Council

**Date Received** 03/30/2012 **Start of Review** 03/30/2012 **End of Review** 05/14/2012

Note: Blanks in data fields result from insufficient information provided by lead agency.



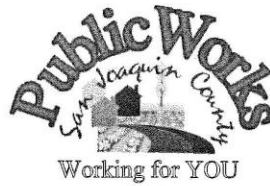
**Response to Comment Letter #5, Scott Morgan, Governor's Office of Planning and Research, State Clearinghouse and Planning Unit**

- 5-1 This is not a comment letter, but rather an acknowledgement from the Governor's Office of Planning and Research, State Clearinghouse and Planning Unit, that the City complied with the State Clearinghouse review requirements for draft environmental documents pursuant to the requirements of CEQA.

Comment Letter #6



THOMAS M. GAU  
DIRECTOR



P. O. BOX 1810 - 1810 E. HAZELTON AVENUE  
STOCKTON, CALIFORNIA 95201  
(209) 468-3000 FAX (209) 468-2999  
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FRITZ BUCHMAN  
DEPUTY DIRECTOR

MICHAEL SELLING  
DEPUTY DIRECTOR

STEVEN WINKLER  
DEPUTY DIRECTOR

ROGER JANES  
BUSINESS ADMINISTRATOR

July 10, 2012

RECEIVED  
JUL 12 2012  
CITY OF TRACY  
D.E.S.

Mr. William Dean, Assistant Director  
Development and Engineering Services Department  
City of Tracy  
333 Civic Center Plaza  
Tracy, California 95376

SUBJECT: THE CITYWIDE TRANSPORTATION MASTER PLAN RECIRCULATED DRAFT  
ENVIRONMENTAL IMPACT REPORT

Dear Mr. Dean:

The San Joaquin County Department of Public Works reviewed the recirculated Draft Environmental Impact Report (DEIR) for the above referenced Project, and has no additional comments beyond the one made on the first circulation of the DEIR. Since the Notice of Availability for the recirculated DEIR indicates that comments not addressed with the changes and additions in the recirculated version will be addressed in the Final Environmental Impact Report, San Joaquin County looks forward to your response at that time.

6-1

Thank you for the opportunity to review and comment. If you would like to discuss our prior comment, please contact me at 468-8494.

Sincerely,



MEGAN AGUIRRE  
Associate Planner

MA:mk  
TE-12G014-M1

c: Alex Chetley, Senior Civil Engineer  
John Maguire, Engineering Services Manager  
Firoz Vohra, Senior Civil Engineer



**Response to Comment Letter #6, Megan Aguirre, San Joaquin County Department of Public Works**

6-1 Refer to Response to Comment 3-1.



Comment Letter #7



Central Valley Regional Water Quality Control Board

19 July 2012

William Dean  
City of Tracy  
333 Civic Center Plaza  
Tracy, CA 95376

RECEIVED  
JUL 19 2012  
CITY OF TRACY  
CERTIFIED MAIL  
7011 2970 0003 8939 1354

**COMMENTS TO THE DRAFT ENVIRONMENTAL IMPACT REPORT, CITYWIDE  
TRANSPORTATION MASTER PLAN PROJECT, SCH NO. 2012012032,  
SAN JOAQUIN COUNTY**

Pursuant to the State Clearinghouse's 13 June 2012 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Draft Environmental Impact Report* for the Citywide Transportation Master Plan Project, located in San Joaquin County.

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

**Construction Storm Water General Permit**

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

7-1

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:  
[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/constpermits.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml).

KARL E. LONGLEY ScD, P.E., CHAIR | PAMELA C. CREEDON P.E., BCCE, EXECUTIVE OFFICER  
11020 Sun Center Drive #200, Rancho Cordova, CA 95670 | [www.waterboards.ca.gov/centralvalley](http://www.waterboards.ca.gov/centralvalley)







**Phase I and II Municipal Separate Storm Sewer System (MS4) Permits<sup>1</sup>**

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

7-2

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:  
[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/municipal\\_permits/](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/).

**Industrial Storm Water General Permit**

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

7-3

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:  
[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/industrial\\_general\\_permits/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml).

**Clean Water Act Section 404 Permit**

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

7-4

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

**Clean Water Act Section 401 Permit – Water Quality Certification**

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

7-5

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



Citywide Transportation Master Plan Project  
San Joaquin County

- 3 -

19 July 2012

**Waste Discharge Requirements**

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

7-6

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

[http://www.waterboards.ca.gov/centralvalley/help/business\\_help/permit2.shtml](http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml).

If you have questions regarding these comments, please contact me at (916) 464-4745 or [gsparks@waterboards.ca.gov](mailto:gsparks@waterboards.ca.gov).

A handwritten signature in cursive script that reads "Genevieve Sparks".

Genevieve (Gen) Sparks  
Environmental Scientist  
401 Water Quality Certification Program

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

7-4





**Response to Comment Letter #7, Genevieve Sparks, California Regional Water Quality Control Board, Central Valley Region**

- 7-1 Refer to Response to Comment 1-1.
- 7-2 Refer to Response to Comment 1-2.
- 7-3 Refer to Response to Comment 1-3.
- 7-4 Refer to Response to Comment 1-4.
- 7-5 Refer to Response to Comment 1-5.
- 7-6 Refer to Response to Comment 1-6.



Comment Letter #8



July 25, 2012

Bill Dean  
City of Tracy  
Development and Engineering Services  
333 Civic Center Plaza  
Tracy, CA 95376

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JUL 30 2012  
CITY OF TRACY  
D.E.S.

**Project: Citywide Transportation Master Plan – Recirculated Draft Environmental Impact Report**

**District Reference No: 20120201**

Dear Mr. Dean:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the Citywide Transportation Master Plan noted above and offers the following comments:

1. Transportation Conformity Demonstration Needed

On page 2-2, bullet 4 in section 2.2.1, the document indicates that the "The General Plan would not be consistent with the San Joaquin Valley Air Pollution Control District's (SJVAPCD) Clean Air Plans. ...The projected growth within the City would lead to an increase in the region's VMT, beyond what has been identified by the San Joaquin Council of Governments (SJCOG) and SJVAPCD..."

8-1

a. As the District commented in May 2012, these statements are inconsistent with transportation conformity regulations and guidelines. The District recommends that these statements on page 2-2 be revised in regards to conformity requirements the project has to meet.

b. The District encourages that the City of Tracy to work and consult with the county's Metropolitan Planning Organization (MPO) to ensure the project meet conformity requirements.

8-2

Seyed Sadredin  
Executive Director/Air Pollution Control Officer

Northern Region  
4800 Enterprise Way  
Modesto, CA 95356-8718  
Tel: (209) 557-6400 FAX: (209) 557-6475

Central Region (Main Office)  
1990 E. Gettysburg Avenue  
Fresno, CA 93726-0244  
Tel: (559) 230-6000 FAX: (559) 230-6061

Southern Region  
34946 Flyover Court  
Bakersfield, CA 93308-9725  
Tel: 661-392-5500 FAX: 661-392-5585

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- c. The District is requesting that the City of Tracy document and include a discussion demonstrating compliance with the transportation conformity requirements and include a discussion demonstrating the City of Tracy has worked or is working with San Joaquin Council of Governments to assure that the City of Tracy's Transportation Master Plan is consistent with other San Joaquin County transportation projects and the county's conformity budgets included in the District's SIPs. Please provide these demonstration to the District and San Joaquin Council of Governments (COG) before the Transportation Master Plan is considered final.

8-3

## 2. Transportation Conformity Discussion

The transportation conformity discussion would fit well into the discussion on pages 4.2-7ff. As this section acknowledges, the District has submitted several attainment and maintenance plans, also referred to as State Implementation Plans (SIPs):

- 2007 Ozone Plan, showing attainment of EPA's 1997 8-hour ozone NAAQS by 2024
- 2007 PM10 Maintenance Plan, showing continued attainment of EPA's PM10 NAAQS
- 2008 PM2.5 Plan, showing attainment of EPA's 1997 PM2.5 NAAQS by 2019
- Additional SIPs are in progress to address the San Joaquin Valley's nonattainment of EPA's 2006 PM2.5 NAAQS and EPA's 2008 8-hour ozone NAAQS

8-4

As part of the SIP process, the District and the California Air Resources Board (CARB) collaborate with the San Joaquin Valley's eight county MPOs to establish motor vehicle emissions budgets to be used for transportation conformity, as required under the Clean Air Act. These budgets become the ceiling on transportation-related emissions for each year that a budget is established. Once EPA finds a budget to be adequate or approved, that budget must be used by the region's cities and counties for transportation conformity purposes. Conformity determinations must be made whenever transportation plans or programs are updated and amended. A conformity determination estimates emissions that will result from an area's transportation system, and demonstrates that those emissions are consistent with the limits outlined in the SIP. Adherence to the motor vehicle emissions budget is the key measure of conformity between transportation plans, programs, and projects and the submitted or approved SIP. This transportation conformity process helps ensure that transportation activities that are consistent with the region's air quality goals.



3. Pollutants discussion

In the pollutants discussion on pages 4.2-3ff, some pollutant sections reference EPA's National Ambient Air Quality Standard (NAAQS) and San Joaquin Valley (SJV) attainment designations, and other pollutant sections. The Transportation Master Plan may note the following:

- a. The SJV must still attain EPA's 1-hour ozone standard. On page 4.2-6, the table shows that there is no federal standard for 1-hour ozone and that the Valley does not have an attainment status. However, while the 1-hour standard was revoked in 2005, anti-backsliding provisions and subsequent litigation still require the Valley to attain the 1-hour standard as soon as possible.
- b. EPA set 8-hour ozone NAAQS in 1997 and 2008.
  - EPA designated the SJV as nonattainment of the 1997 standard in the April 30, 2004 Federal Register.
  - EPA designated the SJV as nonattainment of the 2008 standard in the May 21, 2012 Federal Register.
- c. EPA set PM2.5 NAAQS in 1997 and 2006. The Transportation Master Plan references the 1997 standard, but not the 2006 standard. EPA designated the SJV as nonattainment of the 2006 standard in the November 13, 2009 Federal Register.

8-5

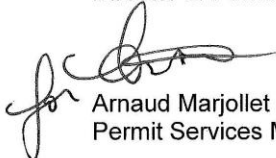
4. The District will appreciate the opportunity to meet with the City of Tracy sometime in the first weeks of August to discuss our comments. The District recommends that Ms. Tanisha Taylor of the San Joaquin COG be a participant in this meeting as well. Ms. Taylor can be reached at (209) 468-3913 or by email at [Taylor@sjcog.org](mailto:Taylor@sjcog.org).

8-6

If you have any questions or require further information, please call Patia Siong at (559) 230-5930.

Sincerely,

Dave Warner  
Director of Permit Services

  
Arnaud Marjollet  
Permit Services Manager

DW:ps



**Response to Comment Letter #8 David Warner, San Joaquin Valley Air Pollution Control District**

- 8-1 Refer to Response 4-1. The TMP was determined to have a significant and unavoidable impact regarding consistency with the most recent air quality management plan. This impact was based on the fact that the TMP utilized a planning horizon year of 2035, which extends beyond the General Plan modeled year of 2030. The analysis assumed that the most recent air quality plan was based on the City's General Plan data. However, it should be noted that the TMP utilized the year 2035 planning horizon to establish consistency with the most recent SJCOG land use development assumptions, employment forecasts, and associated travel demand. Therefore, as the TMP utilizes the most recent SJCOG model, it would conform to the federal transportation conformity regulations and guidelines. Additionally, future development projects would be required to analyze and mitigate any significant air emissions in order to achieve consistency with regional plans.
- 8-2 Refer to Response 4-1. The City of Tracy intends to fully cooperate with the SJCOG to ensure that projects that would occur as part of the TMP would meet conformity requirements.
- 8-3 As stated above, the TMP is based on the most recent SJCOG model and uses a planning horizon of 2035 instead of the City's General Plan model year of 2030. Table 4.2-5 (TMP and General Plan Consistency) provides a detailed analysis of the project's consistency with the General Goals, Objectives, and Policies. Additionally, the TMP utilized the year 2035 planning horizon to establish consistency with the most recent SJCOG land use development assumptions, employment forecasts, and associated travel demand.
- 8-5 Table 4.2-2 on Page 4.2-6 of the Draft EIR provides the current National and California Ambient Air Quality Standards. The standards within this table are consistent with the data provided by the Environmental Protection Agency and the California Air Resources Board and are intended to support the federal regulatory framework. Issues relevant to the project area are discussed under the Local Framework heading on page 4.2-7 of the Draft EIR. Nonetheless, page 4.2-6 of the Draft EIR will be revised in the Final EIR to clarify federal ambient air quality standards; refer to Chapter 3 (Revisions to Draft EIR). Deletions are noted a strikethrough text and additions are double underlined.
- 8-6 The comment requests a meeting between SJVAPCD, SJCOG, and the City of Tracy. The City intends on coordinating with both the SJVAPCD and SJCOG regarding the proposed project.





Comment Letter #9



EDMUND G. BROWN JR.  
GOVERNOR

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



KEN ALEX  
DIRECTOR

July 30, 2012

RECEIVED

AUG 1 2012

CITY OF TRACY  
D.E.S.

William Dean  
City of Tracy  
333 Civic Center Drive  
Tracy, CA 95376

Subject: Citywide Transportation Master Plan Draft Recirculated EIR  
SCH#: 2012012032

Dear William Dean:

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 July 27, 2012, 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."

9-1

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

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

Sincerely,

Scott Morgan  
Director, State Clearinghouse

Enclosures  
cc: Resources Agency

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044  
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov



**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2012012032  
**Project Title** Citywide Transportation Master Plan Draft Recirculated EIR  
**Lead Agency** Tracy, City of

**Type** EIR Draft EIR  
**Description** Note: Recirculated

The Project is a comprehensive update of the 1994 Tracy Transportation Master Plan in fulfillment of Objective CIR-1.1, Action A1 of the Circulation Element of the City of Tracy General Plan. The proposed TMP builds upon the goals and objectives contained in the Circulation Element of the General Plan and the City's SAP. It provides a comprehensive review of the City's transportation system and identifies improvements and expansions to the existing system required to accommodate future growth anticipated by the General Plan. It includes an additional five years of growth beyond the General Plan horizon year to establish consistency with the most recent SJCOG land use development assumptions, employment forecast, and travel demand model. Using the most recent SJCOG model facilitates a consistent identification of uniform improvements.

**Lead Agency Contact**

**Name** William Dean  
**Agency** City of Tracy  
**Phone** 209 831 6000  
**email**  
**Address** 333 Civic Center Drive  
**City** Tracy  
**Fax**  
**State** CA **Zip** 95376

**Project Location**

**County** San Joaquin  
**City** Tracy  
**Region**  
**Lat / Long**  
**Cross Streets** Various, Citywide  
**Parcel No.** Various  
**Township** **Range** **Section** **Base**

**Proximity to:**

**Highways** Various  
**Airports** Various  
**Railways** Various  
**Waterways** Various  
**Schools** Various  
**Land Use** Various

**Project Issues** Air Quality; Cumulative Effects; Other Issues

**Reviewing Agencies** Resources Agency; Department of Fish and Game, Region 2; Delta Protection Commission; Office of Historic Preservation; Department of Parks and Recreation; Central Valley Flood Protection Board; Department of Water Resources; California Highway Patrol; Caltrans, District 10; Air Resources Board, Transportation Projects; Regional Water Quality Control Bd., Region 5 (Sacramento); Native American Heritage Commission; Public Utilities Commission; Delta Stewardship Council

**Date Received** 06/13/2012 **Start of Review** 06/13/2012 **End of Review** 07/27/2012

Note: Blanks in data fields result from insufficient information provided by lead agency.



**Response to Comment Letter #9, Scott Morgan, Governor's Office of Planning and Research, State Clearinghouse and Planning Unit**

- 9-1 This is not a comment letter, but rather an acknowledgement from the Governor's Office of Planning and Research, State Clearinghouse and Planning Unit, that the City complied with the State Clearinghouse review requirements for draft environmental documents pursuant to the requirements of CEQA.



Comment Letter #10



RECEIVED  
JUN 22 2012  
CITY OF TRACY

Pratibha Nigam  
Land Agent

Land & Environmental  
Services  
4040 West Lane  
Stockton, Ca. 95204

Office: (209) 942-1436  
Fax: (209) 942-1485  
E-mail: pxne@pge.com

June 20, 2012

Mr. Bill Dean  
City of Tracy  
Development and Engineering Services  
333 Civic Center Plaza  
Tracy, CA 95376

**RE: Draft Environmental Impact Report (DEIR)  
For Citywide Transportation Master Plan TMP Project**

Dear Mr. Dean,

PG&E has reviewed this project and has the following comments:

PG&E owns and operates gas and electric facilities which are located within and adjacent to the proposed project. To promote the safe and reliable maintenance and operation of utility facilities, the California Public Utilities Commission (CPUC) has mandated specific clearance requirements between utility facilities and surrounding objects or construction activities. To ensure compliance with these standards, project proponents should coordinate with PG&E early in the development of their project plans. Any proposed development plans should provide for unrestricted utility access and prevent easement encroachments that might impair the safe and reliable maintenance and operation of PG&E's facilities.

The following is a brief description of Pacific Gas and Electric Company's (PG&E) facilities required to serve this project or proposed to be constructed through the project boundaries.

10-1

**Proximity of Company Facilities:** Citywide Transportation Master Plan area is crossed by gas and electric facilities (transmission and distribution). Plans show that the gas and electric transmission easements will be used for a number of different activities including open space, roads and parking. Also grading changes may impact our clearance requirements.

**Gas Department Comments:** Any proposed activities with the potential to change the grade above our pipelines (temporary or permanent) must be reviewed and approved by PG&E. (Other potential concerns could also include; 1) compaction over the pipelines due to heavy equipment; 2) Underground Service Alert (USA) location of facilities before excavation near easements; 3) changes in the drainage patterns that could undermine stability of soils around pipelines; and 4) future construction of additional facilities within easement) 4) grading changes may impact our cover/clearance requirements.

10-2





**Electric Department Comments:** G.O. 95 clearances must be maintained at all times. As with the Gas facilities, access to the facilities must be maintained for normal inspections, maintenance and operation of the facilities. Bollards must be installed by the developer in front of footings of towers located in areas vulnerable to vehicular traffic. Dust raised during construction could also increase opportunity for flash-overs. **NOTE:** Another concern raised which is more of a capacity planning issue is that PG&E does not want to get caught in a 10 year moratorium on the main streets if we need to add a new cable and conduits for capacity increase.

10-3

**Gas and Electric Distribution Comments:** No major issues. If relocation of facilities will be required PG&E would expect to be notified.

10-4

Future analysis will also include studies indicating the need for any potential upgrades or additions to accommodate additional load on the gas system including facilities such as regulator stations, odorizer stations, valve lots, and distribution and transmission lines.

10-5

The process of permit requirements for Utility Companies can add delays for development projects. Therefore we recommend the developer contact all of the utility companies to discuss the permit requirements of this development.

10-6

The developers will be responsible for the costs associated with the relocation of existing PG&E facilities to accommodate their proposed development. Because facilities relocation's require long lead times and are not always feasible, the developers should be encouraged to consult with PG&E as early in their planning stages as possible.

10-7

Continued development consistent with City of Tracy's General Plans will have a cumulative impact on PG&E's gas and electric systems and may require on-site and off-site additions and improvements to the facilities which supply these services. Because utility facilities are operated as an integrated system, the presence of an existing gas or electric transmission or distribution facility does not necessarily mean the facility has capacity to connect new loads.

10-8

It is recommended that environmental documents for proposed development projects include adequate evaluation of cumulative impacts of utility systems, the utility facilities necessary to serve those developments and any potential environmental issues associated with extending utility service to the proposed project. This will assure the project's compliance with CEQA and reduce potential delays to the project schedule.

The California Constitution vests in the California Public Utilities Commission (CPUC) exclusive power and sole authority with respect to the regulation of privately owned or investor owned public utilities such as PG&E. This exclusive power extends to all aspects of the location, design, construction, maintenance and operation of public utility facilities. Nevertheless, the CPUC has provisions for regulated utilities to work closely with local governments and give due consideration to their concerns. PG&E must balance our commitment to provide due consideration to local concerns with our obligation to provide the public with a safe, reliable, cost-effective energy supply in compliance with the rules and tariffs of the CPUC.

10-9





PG&E remains committed to working with the City of Tracy to provide timely, reliable and cost effective gas and electric service to the planned area. We would also appreciate being copied on future correspondence regarding this subject as this project develops.

10-10

Again, thank you for the opportunity to make comments on this Draft Environmental Impact Report (EIR) for Citywide Transportation Master Plan. If you, the developer or anyone has any questions or concerns please contact me at (209) 942-1436.

Sincerely,

Pratibha Nigam  
Land Agent

Bcc via email:

Brian To, Distribution Planning- PG&E  
Tony D'Alessandro - Service Planning  
Austin Hastings, CGT- PG&E  
Tim Combs (ETM)- PG&E  
Sherry King, Distribution Planning  
Dave Rymers-Gas distribution  
John Mader- Electric Planning  
Mike Gunby -Land Projects-PG&E  
Lonn Maier – Env. Planning & Permitting



**Response to Comment Letter #10, Pratibha Nigam, PG&E**

- 10-1 This comment addresses clearance requirements for PG&E facilities and does not address the adequacy of the Draft EIR. However, it is noted and included in the record for consideration by the public and decisions makers.
- 10-2 This comment identifies potential concerns PG&E has regarding development near its facilities. The TMP is a policy document that does not propose the construction or operation of any specific expansions or improvements at this time. When specific expansions or improvements identified by the TMP are proposed for construction and operation, separate environmental review would be undertaken and any site-specific impacts resulting from their construction and operation and necessary mitigation would be determined at that time. At that time, the City will coordinate directly with PG&E for any improvements directly or adjacent to or within the vicinity of its facilities. Regardless, this comment is noted and included in the record for consideration by the public and decisions makers.
- 10-3 Refer to Response 10-2.
- 10-4 This comment requests that PG&E be notified if relocation of any of its facilities is required and does not address the adequacy of the Draft EIR. However, it is noted and included in the record for consideration by the public and decisions makers.
- 10-5 This comment identifies future studies may indicate the need for upgrades or additions to PG&E's gas distribution system. While it does not address the adequacy of the Draft EIR, it is noted and included in the record for consideration by the public and decisions makers. Any upgrades or additions to PG&E's gas distribution system would be discussed with PG&E at the time the specific improvements are proposed for construction.
- 10-6 This comment recommends that all utility companies be contacted regarding permit requirements. This comment does not address the adequacy of the Draft EIR. However, it is noted and included in the record for consideration by the public and decisions makers.
- 10-7 This comment addresses the responsibility for the costs associated with the relocation of PG&E facilities and the need for early consultation regarding relocation. This comment does not address the adequacy of the Draft EIR. However, it is noted and included in the record for consideration by the public and decisions makers.
- 10-8 This comment notes that continued development consistent with the City of Tracy General Plan will have a cumulative impact on PG&E's gas and electric systems and may require additions and improvements to these systems. It further recommends evaluation of cumulative impacts on utility systems in environmental documents for proposed development projects, as well as analysis of impacts associated with extension of service.

The improvements and expansions identified by the TMP generally involve widening roadways, reconfiguring roadways and intersections, and implementing a variety of smart growth design elements to ensure adequate and efficient access to the City's transportation system for all user groups. The types of improvements and expansions identified by the TMP generally do not rely on the use of PG&E's gas and electric systems for their operation. While some electricity would be necessary for the operation of stop lights, street lights, communication networks, and intelligent transportation systems, etc., in general, the amount of electricity required would not be



substantial. Moreover, construction of improvements and expansions identified in the TMP would occur over time and would be dependent on future development. At such time that they are proposed, they would undergo a separate environmental review on a project by project basis and their potential to result in cumulatively considerable impacts would be determined at the time.

10-9 This remark addresses the regulatory role of the California Public Utilities Commission with respect to PG&E and PG&E's responsibilities. This comment does not address the adequacy of the Draft EIR. However, it is noted and included in the record for consideration by the public and decisions makers.

10-10 The City will copy PG&E on future correspondence regarding the TMP, as it is implemented.



## Comment Letter #11

### William Dean

**From:** GaryDobler@comcast.net  
**Sent:** Saturday, July 28, 2012 8:08 AM  
**To:** Council  
**Cc:** Andrew Malik; William Dean; Kuldeep Sharma; Alan Bell  
**Subject:** Draft EIR Comments

TO WHOM IT WILL ALL CONCERN

The Draft Transportation Master-plan has a blatant error in it. The proposed Lammers Road Extension cannot be built as a through fare at the proposed location. Staff has no legal way to cross the rail lines behind the Costco location, fully on our property and to attempt to extort a extra fee from us, to take the full burden of their erroneous concept. We have never agreed to provide land nor pay for any proposed Lammers Road extension. Please refer back to our current Dobler EIR which all parties removed the proposed Lammers Road extension in mutual agreement. The Tracy City Council, the Tracy City Mayor and the Tracy City Manager directly assured and guaranteed that the proposed Lammers Road concept would be removed from all plans. Not simply in the Dobler EIR. Their legal binding guarantee will be enforced. Staffs current attempt to over charge and collect a fee of \$ 5,431 million dollars, for a road which cannot be built is delusional and insane. The only way to cross the rail line at staffs proposed location is to build a over pass or a under pass. Which is a totally insane concept. Staff should simply build the Lammers Road Inter-change - at I 205. Anything else is simply a waste of time and money. Surely all those building these huge developments south of I-205 will pay into the interchange at I-205. Anything short of that would be incompetency by City staff. Clearly staff has been working and listening to third party lobbyists in the area, which have and are performing fraudulent mis representations, on other property owners behalf. Such proclamations are evident on the televised City Council meetings. The record speaks for it's self.

For many years we have paid for the contractor services of RBF. This included work for the Dobler EIR and also part of a group whom funded this EIR. The draft documents by RBF clearly and legally show that staff has no way to cross the rail lines at the proposed location of the proposed Lammers Road extension. We have reviewed the draft documents and it clearly shows that City staff has altered the documents from the contractor RBF. One must ask why would City Staff mis represent the facts for and alter RBF work product for ? Clearly some parties have a conflict of interest, in this matter. this has become a blatant mis representation and could be called fraudulent mis representations by some. Yes, Fraud, Collusion and Extortion are the right legal words.

The cost to build a entry road ( DOBLER WAY ) into our commercial shopping center does not cost \$ 5,431 million dollars. It is puzzling why City staff would directly request \$5,431 million dollars from us, to use for 20 years, at zero interest, appraised at today's value and then give us the very same funds back in 20 years with no benefit. Any building will build the entry road up front as permits are taken out. For staff to directly represent a extortion fee to us, is unethical and highly illegal. Is this how staff builds the city reserves ? If so, it is time to clean house !

The issue of the proposed Lammers Road extension has been resolved over and over again, with the City Council and the City Mayor and City Council. Yet, only once again city staff is attempting to extort a fee and over charge for a road which cannot be a through fare, as a crossing across the rail lines, at that location. That is a fact ! You can simply refer back to RBF's work product prior to your staffs fraudulent alterations of the work product, to meet the wishes of a select few local people.



We are sure that the Tracy City Council, the Tracy City Mayor and the Tracy City Manager will do as they legally represented to us and remove this issue from the Master-plan EIR.

Cleaning up this town from past policies is a large project for the Tracy City Mayor, the Tracy City Council and the Tracy City Manager. But , we are sure they can make the proper corrections looking forwards.

11-1  
Cont'd

Sincerely

Gary Dobler  
Dobler Family Trust





### **Response to Comment Letter #11, Gary Dobler**

- 10-1 The Lammers Road connection between Grant Lane Road and Byron Road was initially identified in early versions of the Draft TMP, but due to uncertainty regarding whether the railroad crossing would be approved by UPRR, the roadway was ultimately omitted from the Filios/Dobler Annexation EIR.

Subsequent to the approval of the Filios Dobler Annexation and Development Project, the City has opted to retain the Lammers Road connection in the Draft TMP as a viable alternative arterial, given its potential to relieve traffic on Lammers Road Extension. It is anticipated that the connection would add capacity to the roadway network, particularly the proposed Lammers Extension Interchange with I-205. The railroad crossing will be requested of UPRR based on the elimination of the existing Grant Line crossing at Bryon Road in the TMP. Pursuant to the Draft TMP, the Lammers Road connection will be classified as an arterial and included in the Facilities Impact Fee Program. The TMP is a Draft document until reviewed and considered by the Council for adoption. The Council maintains the discretion to include or exclude facilities from the TMP during their final review and prior to document adoption.



### **3.0 REVISIONS TO DRAFT EIR**

Subsequent to the public release of the Draft EIR and Recirculated Draft EIR, revisions have been made to the EIR as a result of comments received and/or staff initiated changes. Those pages with revisions are identified below and follow the list of errata pages. It is important to note that none of the text revisions present significant new information that would result in new significant environmental impacts or a substantial increase in the severity of environmental impacts identified in the Draft EIR. Rather, they merely provide clarification or make minor modifications to an adequate EIR. Therefore, recirculation of the Draft EIR is not required pursuant to CEQA Guidelines Section 15088.5(b).

#### **3.1 LIST OF ERRATA PAGES**

Page 4.2-6      Table 4.2-2 (National and California Ambient Air Quality Standards) amended to identify Federal standards for Ozone (O<sub>3</sub>).



**Table 4.2-2  
National and California Ambient Air Quality Standards**

Pollutant	Averaging Time	California <sup>1</sup>		Federal <sup>2</sup>	
		Standard <sup>3</sup>	Attainment Status	Standards <sup>4</sup>	Attainment Status
Ozone (O <sub>3</sub> )	1 Hour	0.09 ppm (180 µg/m <sup>3</sup> )	Nonattainment	NA 0.12 ppm <sup>5</sup>	NA Nonattainment <sup>5</sup>
	8 Hours	0.07 ppm (137 µg/m <sup>3</sup> )	Nonattainment	0.075 ppm (147 µg/m <sup>3</sup> ) <sup>7</sup>	Nonattainment
Particulate Matter (PM <sub>10</sub> )	24 Hours	50 µg/m <sup>3</sup>	Nonattainment	150 µg/m <sup>3</sup>	Attainment
	Annual Arithmetic Mean	20 µg/m <sup>3</sup>	Nonattainment	N/A <sup>6</sup>	Attainment
Fine Particulate Matter (PM <sub>2.5</sub> ) <sup>8</sup>	24 Hours	No Separate State Standard		35 µg/m <sup>3</sup>	Nonattainment
	Annual Arithmetic Mean	12 µg/m <sup>3</sup>	Nonattainment	15.0 µg/m <sup>3</sup>	Nonattainment
Carbon Monoxide (CO)	8 Hours	9.0 ppm (10 mg/m <sup>3</sup> )	Attainment	9 ppm (10 mg/m <sup>3</sup> )	Attainment
	1 Hour	20 ppm (23 mg/m <sup>3</sup> )	Attainment	35 ppm (40 mg/m <sup>3</sup> )	Attainment
Nitrogen Dioxide (NO <sub>2</sub> )	Annual Arithmetic Mean	0.030 ppm (57 µg/m <sup>3</sup> )	N/A	53 ppb (100 µg/m <sup>3</sup> )	Attainment
	1 Hour	0.18 ppm (339 µg/m <sup>3</sup> )	Attainment	100 ppb (188 µg/m <sup>3</sup> )	N/A
Lead (Pb)	30 days average	1.5 µg/m <sup>3</sup>	Attainment	N/A	N/A
	Calendar Quarter	N/A	N/A	1.5 µg/m <sup>3</sup>	Attainment
Sulfur Dioxide (SO <sub>2</sub> )	24 Hours	0.04 ppm (105 µg/m <sup>3</sup> )	Attainment	N/A	N/A
	3 Hours	N/A	N/A	N/A	N/A
	1 Hour	0.25 ppm (655 µg/m <sup>3</sup> )	Attainment	75 ppb (196 µg/m <sup>3</sup> )	Unclassified
Visibility-Reducing Particles	8 Hours (10 a.m. to 6 p.m., PST)	Extinction coefficient = 0.23 km@<70% RH	Unclassified	<b>No Federal Standards</b>	
Sulfates	24 Hour	25 µg/m <sup>3</sup>	Attainment		
Hydrogen Sulfide	1 Hour	0.03 ppm (42 µg/m <sup>3</sup> )	Unclassified		
Vinyl Chloride	24 Hour	0.01 ppm (26 µg/m <sup>3</sup> )	Unclassified		

µg/m<sup>3</sup> = micrograms per cubic meter; ppm = parts per million; ppb = parts per billion; km = kilometer(s); RH = relative humidity; PST = Pacific Standard Time; N/A = Not Applicable.

**Notes:**  
 1 – California standards for ozone, carbon monoxide (except Lake Tahoe), sulfur dioxide (1- and 24-hour), nitrogen dioxide, suspended particulate matter-PM<sub>10</sub> and visibility-reducing particles, are values that are not to be exceeded. All others are not to be equaled or exceeded. California ambient air quality standards are listed in the Table of Standards in Section 70200 of Title 17 of the California Code of Regulations. In 1990, CARB identified vinyl chloride as a toxic air contaminant, but determined that there was not sufficient available scientific evidence to support the identification of a threshold exposure level. This action allows the implementation of health-protective control measures at levels below the 0.010 ppm ambient concentration specified in the 1978 standard.  
 2 – National standards (other than ozone, particulate matter and those based on annual averages or annual arithmetic mean) are not to be exceeded more than once a year. EPA also may designate an area as *attainment/unclassifiable*, if: (1) it has monitored air quality data that show that the area has not violated the ozone standard over a three-year period; or (2) there is not enough information to determine the air quality in the area. For PM<sub>10</sub>, the 24-hour standard is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 µg/m<sup>3</sup> is equal to or less than one. For PM<sub>2.5</sub>, the 24-hour standard is attained when 98 percent of the daily concentrations, averaged over three years, are equal to or less than the standard.  
 3 – Concentration is expressed first in units in which it was promulgated. Equivalent units given in parentheses are based upon a reference temperature of 25°C and a reference pressure of 760 mm of mercury. Most measurements of air quality are to be corrected to a reference temperature of 25°C and a reference pressure of 760 mm of mercury (1,013.2 millibar); ppm in this table refers to ppm by volume, or micromoles of pollutant per mole of gas.  
 4 – National Primary Standards: The levels of air quality necessary, with an adequate margin of safety, to protect the public health.  
 5 – The Federal 1-hour ozone standard was revoked on June 15, 2005 in all areas except the 14 8-hour ozone nonattainment Early Action Compact (EAC) areas. However, while the 1-hour standard was revoked in 2005, anti-backsliding provisions and subsequent litigation still require the SJVAPCD to attain the 1-hour standard as soon as possible.  
 6 – The Environmental Protection Agency revoked the annual PM<sub>10</sub> standard in 2006 (effective December 16, 2006).  
 7 – The EPA designated the San Joaquin Valley as non attainment of the 1997 standard in the April 30, 2004 Federal Register. The EPA designated the San Joaquin Valley as nonattainment of the 2008 standard in the May 21, 2012 Federal Register.  
 8 – The EPA set PM<sub>2.5</sub> NAAQS in 1997 and 2006. The EPA designate the San Joaquin Valley as nonattainment of the 2006 standard in the November 13, 2009 Federal Register.

**Source:** California Air Resources Board and U.S. Environmental Protection Agency, September 8, 2010.



# RBF CONSULTING

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