

## 2 RESPONSE TO COMMENTS ON THE DRAFT EIR

### 2.1 COMMENTS ON THE DRAFT EIR

This section includes a list of all written comments received on the Draft EIR and the City's response to each comment. Comment letters and specific comments are given identifying numbers for reference purposes. Responses to comments are provided in Section 2.2, and copies of each comment letter received are provided in Section 2.3. Changes to the text of the Draft EIR are provided in Chapter 3.

The following is a list of agencies and persons that submitted comments on the Draft EIR during the public review period:

**Table 2-1 List of Comments Received on the Draft EIR**

Comment Letter No.	Commenting Agency / Organization / Individual	Date
1	Native American Heritage Commission	3/21/19
2	Alameda County Public Works Agency	3/25/19
3	San Francisco Bay Regional Water Quality Control Board	4/2/19
4	Alameda County Flood Control and Water Conservation District, Zone 7	4/18/19
5	California Department of Transportation	4/22/19
6	Alameda Local Agency Formation Commission	4/25/19
7	Righetti Partners L.P.	4/22/19
8	Randy Branaugh	4/17/19
9	GH PacVest, LLC	4/9/19
10	Kenneth Masterman	3/19/19

Source: City of Dublin, 2019

### 2.2 RESPONSE TO COMMENTS ON THE DRAFT EIR

#### RESPONSE TO COMMENT LETTER 1:

**Response to Comment 1-1:** This edit has been made to the mitigation measure text.

RESPONSE TO COMMENT LETTER 2:

**Response to Comment 2-1:** Thank you for your comment. All required encroachment and tree permits will be obtained, and permit conditions will be met prior to and during Project construction, as applicable.

**Response to Comment 2-2:** Please refer to Draft EIR Section 5.8, Hydrology and Water Quality, page 5.8-9, which documents that the Project will be subject to a National Pollution Discharge Elimination System (NPDES) General Construction Permit. A stormwater pollution prevention plan (SWPPP) would be developed and implemented for the Project. Please refer to Draft EIR Section 5.3, Biological Resources, which documents that Project impacts would be mitigated according to the East Alameda County Conservation Strategy (EACCS), as applicable.

RESPONSE TO COMMENT LETTER 3:

**Response to Comment 3-1:** All impacts to jurisdictional waters, including buffers to waters of the state, have been disclosed in Draft EIR Section 5.3, Biological Resources. There are no waters of the state within the Project site, excepting riparian buffers that are defined as "important buffers to waters of the State" (State Wetlands definition, adopted April 2, 2019). These riparian areas are also classified as waters of the U.S. Edits have been made to page 5.3-44 of the Draft EIR text to clarify existing Project impacts related to waters of the state.

Please refer to CEQA Guidelines Section 15007(d) for a full description of the process and requirements for updating to the 2019 CEQA Guidelines. In summary, the Guidelines state that Public agencies shall comply with new requirements in the CEQA Guidelines on the 120th day after the effective date of the Guideline amendments, if the lead agency does not have a process by which to formally amend their procedures to put the Guidelines into effect. The Draft EIR was circulated prior to the elapse of the 120-day timeframe.

**Response to Comment 3-2:** Riparian impacts are discussed in Draft EIR Section 5.3, Biological Resources, under significance criteria C (page 5.3-43). The new state wetlands definition adopted April 2, 2019 specifically does not define riparian banks as waters of the state per se, but "important buffers to waters of the State", that may themselves require mitigation. Therefore, riparian areas have been included in the impact analysis and are addressed under impact BIO-2.

**Response to Comment 3-3:** Please refer to Impact BIO-2 on page 5.3-43 of the Draft EIR, which discusses riparian habitats, impacts to riparian habitats, and mitigation for these impacts.

**Response to Comment 3-4:** Edits have been made to the text of Draft EIR Mitigation Measures BIO-16 and BIO-18 on pages 5.3-44 through 5.3-48 for clarity relating to the intent of mitigation for riparian habitats, wetlands, and waters of the US and state. The EACCS does not require mitigation for wetlands per se, but because these habitats are considered dispersal habitat for EACCS focal species (California tiger salamander and California red legged frog), any mitigation for waters and riparian areas must also conform to EACCS requirements for ratios of preservation, acceptable mitigation instruments, and location-based requirements.

The precise mitigation site for riparian areas and jurisdictional waters has not been determined; however, Mitigation Measures BIO-16 and BIO-18 of the Draft EIR require a minimum ratio of 2.5:1 and performance measures for future mitigation. Greater ratios may be required during regulatory permitting depending on specifics of the mitigation site and plan to be developed.

For response to the adequacy and level of detail of mitigation measures provided in the Draft EIR, please see response to comment 3-7 below.

**Response to Comment 3-5:** Edits have been made to the text of Draft EIR Mitigation Measure BIO-18 for clarity (page 5.3-48). Temporary impacts to jurisdictional waters would not include impacts to woody vegetation. Temporary impacts will consist of disturbance to riparian communities dominated by annual grassland species. Temporarily impacted areas would be restored to pre-Project conditions or better in less than one year with the application of a native species seed mix. A restoration ratio of 1.1:1 for temporary impacts is not required, as impact to woody vegetation have been avoided.

**Response to Comment 3-6:** Please see Figure 5.3-1 on page 5.3-9 in the Draft EIR, which shows the relationship of the proposed bridge abutments and bents to the channel of Cottonwood Creek, below the ordinary high water marks (OHWM). This figure also depicts the much wider riparian habitat areas present in the floodplain and outer banks surrounding this channel. Top of bank for Cottonwood Creek was mapped at the outside of an approximately 250-foot wide grassland riparian corridor, and all impacts from the proposed bridge supports, including access to install the bridge, have been included in the impact assessment for BIO-2 (page 5.3-43).

**Response to Comment 3-7:** The mitigation measures provided in the Draft EIR are specific to the Project and refer to the regional mitigation strategy outlined in the East Alameda County Conservation Strategy (EACCS). It is common for large, multi-jurisdictional projects requiring ample mitigation for biological resources that specific mitigation banks or sites cannot be precisely identified at the time an EIR is prepared. The mitigation provided in the Draft EIR is written in a manner so that impacts to habitat areas will be fully mitigated, using EACCS requirements including required mitigation ratios and performance criteria. Prior to the permitting phase of the Project, specific mitigation banks will be identified, and regulatory agency concurrence will be required.

The mitigation for waters of the state and important buffers to waters of the state (riparian) has not been deferred. The Draft EIR calls for a minimum mitigation ratio of 2.5:1 in the form of enhancement, restoration, creation-by-area (for wetlands and riparian), or linear footage (creeks). Details of the mitigation plan will be addressed in a detailed plan to be distributed to all agencies with jurisdiction during regulatory permitting.

**Response to Comment 3-8:** See response to comment 3-7 above.

**Response to Comment 3-9:** The Regional Water Quality Control Board was contacted on May 14, 2019, to provide an additional opportunity to discuss comments on the Draft EIR.

#### RESPONSE TO COMMENT LETTER 4:

**Response to Comment 4-1:** Thank you for your comment. All required permits will be obtained, and permit conditions will be met prior to and during Project construction, as applicable.

**Response to Comment 4-2:** The locations of proposed piers and permanent bridge structures over Cottonwood Creek are depicted in Appendix H of the Draft EIR (Figure 1 of Appendix B-LHS of the Drainage Report). It should be noted that final bridge type selection, including pier and abutment locations, will be developed during final Project design. This will occur after detailed geotechnical investigations, detailed surveying and mapping, and structural analysis are conducted. Additionally, a Bridge Hydraulic Study will be prepared.

Please refer to Draft EIR Section 5.8, Hydrology and Water Quality, for a full discussion potential hydrology impacts, including flooding. Based on available information at the time the Draft EIR was prepared, the analysis provided in the EIR includes a reasonable "worst-case scenario" of the proposed bridge layout and configuration. This ensures potential impacts to Cottonwood Creek are captured and addressed, while still providing flexibility for the final Project design.

As stated in the Draft EIR, calculations of how new bridge piers would affect the flow of Cottonwood Creek have been prepared (page 5.8-11). The Hydrology Report prepared for the Project included a hydraulic study of Cottonwood Creek to measure floodwaters flows during a 10-year and 100-year storm event with and without the bridge pier obstruction. This hydraulic study confirmed a slight raise in water surface elevation (from a depth of 3.68 feet to 3.85 feet) immediately south of the bridge pier locations. However, this raise in water surface elevation would not occur further downstream or further upstream. Furthermore, hydraulic modeling results demonstrate approximately 5.8 feet of freeboard between the 100-year flood event water surface and the bottom of bridge, which exceeds the minimum 1-foot of freeboard requirement established by the Alameda County Flood Control and Water Conservation District.

As a further commitment of our due diligence at the preliminary design stage, the updated hydraulic modeling data provided by Alameda County Flood Control and Water Conservation District, Zone 7 (Zone 7) in April 2109 was analyzed for the 25-year, 50-year, and 100-year storm event scenarios, both with and without the proposed bridge piers. The results of this analysis are consistent with those presented in the Draft EIR. Under the April 2019 model scenario, there is a modest change in water surface elevation immediately south of the bridge pier locations, however, the rise would not occur further downstream or further upstream of the proposed Cottonwood Creek bridge. The results described above have been documented in a memorandum available on file with the City.

**Response to Comment 4-3:** Thank you for your comment. Contact was made with Zone 7 regarding comments on the Draft EIR and updated hydraulic modeling was conducted using April 2019 data to confirm the results of analysis provided in the Draft EIR. Please see response to comment 4-2 above.

**Response to Comment 4-4:** This description has been updated on page 5.8-4 of the Draft EIR to clarify that the text "the Watercourse Protection Ordinance restricts...the encroachment of new development into watercourses without first obtaining a permit from the County" refers to setback limits.

**Response to Comment 4-5:** This description has been edited on page 5.8-5 of the Draft EIR to include the Arroyo las Positas watershed. Please also refer to Draft EIR page 5.8-6 which describes the Project site's relationship to the Arroyo las Positas watershed.

**Response to Comment 4-6:** This description has been updated on page 5.8-5 of the Draft EIR to describe that 1) Arroyo las Positas merges with Arroyo Mocho, and 2) this combined feature flows into Arroyo de la Laguna prior to emptying into Alameda Creek. These clarifications do no effect the analysis or conclusions stated in the Draft EIR.

**Response to Comment 4-7:** Based on available information at the time of the report, 100-year event floodplain conditions were provided in the "HEC-RAS Table" in the Location Hydraulic Study (LHS). The LHS is provided as Draft EIR Appendix, H. Data reflecting the limits of the floodplain within Cottonwood Creek has been added to Figure 1 of the LHS. See response to Comment 4-2 above for additional information.

**Response to Comment 4-8:** Flow information for a 100-year event is shown and discussed in Appendix H of the Draft EIR. Specifically, Appendix H includes a Hydrology Report. Appendix C of the Hydrology Report provides detailed flow information for a 100-year storm event. Based on analysis presented in Appendix H, 100-year flood levels are expected to be below the proposed bridge abutment level. However, a detailed hydraulic analysis including evaluation of scour potential would be performed during the final design phase.

As noted in Caltrans' *Memo to Designers, 16-1, Hydraulic Design for Structures over Waterways*, structures over waterways on the California State Highway System must be designed in accordance with the American Association of State Highway and Transportation Officials (AASHTO) Load and Resistance Factor Design (LRFD) Bridge Design Specifications, current California Amendments to the AASHTO LRFD, and the Highway Design Manual. In accordance with Chapter 11 of the Caltrans Local Assistance Procedures Manual (LAPM), all local bridge and structure projects off the SHS must use similar design criteria. California Amendments to the AASHTO LRFD require an evaluation of the potential for bridge foundation scour. This evaluation must address various considerations, including slope and scour protection dependent upon structure type, the abutment/bent configuration, and the analysis and findings of a Hydraulics Study Report or comparable document. The results of the scour evaluation and scour reduction measures/design features will be integrated into the final Project design and contract drawings.

Common ways to protect bridge support foundations against flood and scour include installation of rock slope protection or other armoring along creek banks in front of abutments and around pier foundations. Additionally, scour protection could be provided by lowering the foundation elevation to account for the anticipated scour. Draft EIR Section 5.8, Hydrology and Water Quality, has been amended with additional detail related to scour as described above.

See response to Comment 4-2 for additional information.

**Response to Comment 4-9:** Thank you for your comment. This suggestion is outside of the scope of CEQA analysis. The City welcomes suggestions and coordination with residents and private property owners related to stormwater detention and other issues, separate from the CEQA process. This comment is noted and is now part of the administrative record.

**Response to Comment 4-10:** Thank you for your comment. The assessment and collection of fees from future development is outside the scope of this CEQA analysis. Fee payment would be the responsibility of future developers at the time individual, separate projects move forward. This comment is noted and is now part of the administrative record.

#### RESPONSE TO COMMENT LETTER 5:

**Response to Comment 5-1:** The City will incorporate on-street and off-street bike facilities into the Project, consistent with adopted bicycle and pedestrian plans in applicable jurisdictions. Please refer to Draft EIR Chapter 3.0, Project Description, page 3-27, for a description of proposed bicycle facilities and figures. Bicycle facilities between Lockhart Road and Fallon Road are under construction and will be operational in 2019. Please refer to the City's Bicycle and Pedestrian Master Plan for additional information on planned bicycle network improvements.

**Response to Comment 5-2:** Thank you for your comment. All requirements of CEQA will be met, and a mitigation, monitoring, and reporting program has been prepared for the Project and is included as Chapter 4 of the Final EIR (FEIR). All required permits will be obtained, and permit conditions will be met prior to and during Project construction, as applicable.

**Response to Comment 5-3:** Thank you for your comment. All required permits will be obtained, and permit conditions will be met prior to and during Project construction, as applicable.

#### RESPONSE TO COMMENT LETTER 6:

**Response to Comment 6-1:** Thank you for your comment. This comment does not address the adequacy of the EIR analysis and is noted and is now part of the administrative record.

#### RESPONSE TO COMMENT LETTER 7:

**Response to Comment 7-1:** Future grading of private property and other possible activities outside the footprint of this Project are not addressed in the Draft EIR. While Alameda CTC is the implementing agency, the City will remain a project sponsor to facilitate coordination.

**Response to Comment 7-2:** Please refer to Draft EIR Section 5.9, Land Use, page 5.9-10 for a discussion of how the Project has been planned for in regional and local planning documents. The Fallon Village project is included in this discussion, which references the Fallon Village SEIR. Please also refer to Draft EIR Chapter 3.0, Project Description, Section 3.4, for additional background discussion on the Project history, including a discussion of the Project's inclusion in the Fallon Village SEIR.

**Response to Comment 7-3:** Please refer to Draft EIR Chapter 6, page 6-15 for a discussion of Alternative 1 relative to planning consistency. This section discloses that Alternative 1 would conflict with Dublin's General Plan, the Eastern Dublin Specific Plan (EDSP), Livermore's General Plan, the County's General Plan (East County Area Plan), and Plan Bay Area.

**Response to Comment 7-4:** Indirect impact mapping has been provided as an attachment to this FEIR. The City will continue to coordinate with private property owners through the design and permitting phases of the Project.

**Response to Comment 7-5:** The precise material selection for drainage features on the north side of the proposed roadway would be established during final Project design. The Draft EIR evaluates the Project design as is stands today, while providing flexibility for design details that would be developed closer to Project implementation. The City will continue to explore design details for the Project collaboratively with property owners, stakeholders, resource agencies, and other jurisdictions with the intent to minimize the indirect creation of man-made wetland areas, while balancing permitting conditions provided by the Regional Water Quality Control Board.

Additionally, the preliminary project design approach was to preserve private property outside of the limits of the proposed sidewalk and multi-use pathway. Embankments and drainages constructed on private property outside of the City's right-of-way would be covered under an easement granted to the City.

**Response to Comment 7-6:** The preliminary Project design takes planned development in eastern Dublin into consideration, as reflected in the City's General Plan, Eastern Dublin Specific Plan, and the Fallon Village SEIR, all of which included a preliminary roadway alignment. The preliminary Project design was also guided by coordination and outreach conducted with stakeholders and property owners. The Draft EIR Project Description (Chapter 3.0, page 3-33) includes the possibility that utility infrastructure would be included as a part of the Project, such as laterals or secondary mains. These would be within the Project's operational footprint only (please refer to Draft EIR Figure 3-7a and 3-7b).

To provide flexibility for final Project design, the Draft EIR does not specify precise locations for these utilities, other than the understanding that they would be contained within the Project's operational footprint. The final Project design will include detail on the placement of utilities within the roadway. The City will continue to coordinate with private property owners on this element of the Project.

**Response to Comment 7-7:** At this time, it is too speculative to determine how many intersections would be developed along the proposed roadway within Dublin, or the precise location of future intersections. The timing and location of future intersections would be a function of future development in eastern Dublin, and would be evaluated at that time. However, the land use assumptions used to model future traffic along the proposed roadway include traffic volumes that would be generated from the development of future land uses in Dublin. This ensures the Draft EIR has captured intersection congestion and queuing impacts. This includes potential impacts to existing intersections as well as the proposed Dublin Boulevard/Croak Road intersection. The

Project design does not preclude the development of additional signalized intersections in Dublin along the proposed roadway.

**Response to Comment 7-8:** Additional figures have been added to this FEIR to demonstrate the mitigated intersection conditions. The geometry of the proposed roadway shown in Draft EIR Chapter 3.0, Project Description, Figure 3-7a and Figure 3-7b. The proposed geometry includes adequate width to accommodate the mitigated intersection conditions within the Project footprint.

#### RESPONSE TO COMMENT LETTER 8:

**Response to Comment 8-1:** See response to **Comment 7-1** above.

**Response to Comment 8-2:** See response to **Comment 7-2** above.

**Response to Comment 8-3:** See response to **Comment 7-3** above.

**Response to Comment 8-4:** See response to **Comment 7-4** above.

**Response to Comment 8-5:** See response to **Comment 7-5** above.

**Response to Comment 8-6:** See response to **Comment 7-6** above.

**Response to Comment 8-7:** See response to **Comment 7-7** above.

**Response to Comment 8-8:** See response to **Comment 7-8** above.

#### RESPONSE TO COMMENT LETTER 9

**Response to Comment 9-1:** Thank you for your comment. The Biological resource study area was established based on the potential for the Project to result in direct and indirect impacts to sensitive resources, including wetlands. To ensure all direct and indirect impacts are addressed, the Draft EIR analysis cannot be limited to only the project footprint, or only areas that would experience ground disturbance as a result of the project. Wetland areas shown outside of the Project footprint were evaluated for indirect impacts as described in Draft EIR Section 5.3, Biological Resources.

**Response to Comment 9-2:** This comment refers to US Army Corps of Engineers permitting. Preliminary permitting steps have been undertaken parallel to the environmental process. This comment does not affect the adequacy of the analysis in the Draft EIR and is noted for the record.

#### RESPONSE TO COMMENT LETTER 10

**Response to Comment 10-1:** Thank you for your comment. Please refer to Draft EIR Section 5.14, Transportation and Traffic, for a discussion of how the project would affect traffic congestion. The remainder of the comment does not refer to a specific CEQA issue, but rather feedback for consideration by the City's recommending and approving bodies. This comment is noted for the record.

### 2.3 COMMENTS RECEIVED ON THE DRAFT EIR

The following pages include copies of all comments received on the Draft EIR. Comment letters are presented in the same order as responses provided in Section 2.2 above.

COMMENT LETTER 1

Letter 1: Native American Heritage Commission

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**From:** Totton, Gayle@NAHC <Gayle.Totton@nahc.ca.gov>  
**Sent:** Thursday, March 21, 2019 11:14 AM  
**To:** Obaid Khan <Obaid.Khan@dublin.ca.gov>  
**Subject:** Dublin Boulevard - North Canyons Parkway Extension Project

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Good morning Mr. Khan,

I have completed my review of the Draft Environmental Impact Report for the above referenced project. While the document is mostly in compliance with AB-52 and the specifications for cultural and tribal cultural resources, there was one small error in the Cultural Resources section. On page 5.4-25, in subsection D, Disturbance of Human Remains, the timeline for recommendations from the Most Likely Descendant (MLD) is incorrect.

1-1

Public Resources Code section 5097.98 (revised) states that the MLD named by the Native American Heritage Commission "shall complete their inspection and make their recommendation or preferences within 48 hours of being granted access to the site." This document states the MLD has 24 hours and does not specify when that time begins. For the final draft of the document, we are requesting you make this change.

Thank you for your attention to this matter.

Sincerely,

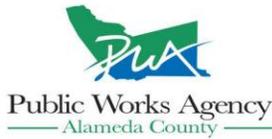
Gayle Totton, M.A., Ph.D.  
Associate Governmental Program Analyst  
Native American Heritage Commission  
(916) 373-3714

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Total Control Panel

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COMMENT LETTER 2



Letter 2: Alameda County Public Works Agency

Daniel Woldesenbet, Ph.D., P.E., Director

399 Elmhurst Street • Hayward, CA 94544-1307 • (510) 670-5480 • www.aacgov.org/pwa

March 25, 2019

Mr. Obaid Khan
Transportation and Operations Manager
City of Dublin
100 Civic Plaza Ca 94568
Obaid.Khan@dublin.ca.gov

RE: NOP- Draft EIR: Dublin Blvd –North Canyon Parkway Extension. SCH # 2017052047

Dear Mr. Khan,

The Alameda County Public Works Agency (ACPWA) appreciates the opportunity to comment on the Draft EIR for the Dublin Blvd –North Canyon Parkway Extension. The proposed project easterly limits fall exclusively in unincorporated County. This extension segment also includes an existing bridge over Cottonwood Creek. The project proposes to modify the bridge by widening to accommodate addition lane.

The Agency has the following comments:

The roadway design and construction must be consistent with the County guidelines and therefore, requests that you submit your final design plans and specifications for review prior to construction.

- 2-1 • The proposed project construction will require encroachment permit from the County for any work within the unincorporated segment east of the City limits. The encroachment permit will require the project demonstrate compliance with Corps of Engineers Section 404, Regional Water Quality Control Board Section 401 of the Clean Water Act and Section 1600 of California Department of Fish and Wildlife code. Per County Tree ordinance, a tree permit will be required to remove trees within the segment of the project in the County. All trees removed must be replaced with appropriate tree species selected from the County Tree list.
2-2 • Cottonwood Creek is a tributary to Arroyo Mocho which ultimately drains into Alameda Creek through Arroyo De la Laguna. The project construction should ensure that sediment loading does not occur by developing and implementing SWPPP in accordance with the State CGP. Additionally, resources impacts must be mitigated in accordance with the East County Conservation Strategy (EACS).

Please add the Agency to your distribution list to receive a copy of the final EIR. If you have any questions, contact me at Tel: 510.670.5772 or email: kwablah@acpwa.org.

Yours truly,

Kwablah Attiogbe
Environmental Services

ENV/Proj/ ENV Doc/Dublin Blvd Extension

"To Serve and Preserve Our Community"

COMMENT LETTER 3



Letter 3: San Francisco Bay Regional Water Quality Control Board



San Francisco Bay Regional Water Quality Control Board

April 2, 2019  
CIWQS Place ID No. 857306

*Sent via electronic mail. No hardcopy to follow*

City of Dublin, Community Development Department  
ATTN: Obaid Khan, Transportation and Operations Manager (obaid.khan@dublin.ca.gov)  
100 Civic Plaza  
Dublin, CA 94568

**Subject:** San Francisco Bay Regional Water Quality Control Board Comments on the *Draft Environmental Impact Report for the Dublin Boulevard – North Canyons Parkway Extension Project, City of Dublin, Alameda County, California*  
**SCH No. 2017052047**

Dear Mr. Khan:

San Francisco Bay Regional Water Quality Control Board (Water Board) staff appreciates the opportunity to review the *Draft Environmental Impact Report for the Dublin Boulevard – North Canyons Parkway Extension Project, City of Dublin, Alameda County, California* (DEIR). The DEIR evaluates the potential environmental impacts associated with implementing the Dublin Boulevard – North Canyons Parkway Extension Project (Project).

The Project includes the extension of Dublin Boulevard approximately 1.5 miles eastward. The roadway extension will start from the current terminus of Dublin Boulevard at the Dublin Boulevard/Fallon Road intersection in Dublin and end at the Doolan Road/North Canyons Parkway intersection along the boundary of Alameda County (County) and Livermore. The Project site includes areas of eastern Dublin and the County. The roadway extension includes four to six travel lanes and bicycle and pedestrian facilities (i.e., shared pathways, sidewalks, and bike lanes). The operational footprint for the Project, including the roadway, sidewalks, intersections, and land acquired for right-of-way, is estimated at 29 acres.

**Summary**

As is discussed below, the DEIR does not provide acceptable mitigation for impacts to wetlands and creek channels that will be impacted by Project construction. In addition, the DEIR does not provide an adequate assessment of impacts to all areas of aquatic habitat subject to State jurisdiction.

DR. TERRY F. YOUNG, CHAIR | MICHAEL MONTGOMERY, EXECUTIVE OFFICER

1515 Clay St., Suite 1400, Oakland, CA 94612 | [www.waterboards.ca.gov/sanfranciscobay](http://www.waterboards.ca.gov/sanfranciscobay)



**Comment 1.**

**Section 5.3 of the DEIR Uses on Out of Date Significance Criteria for Biological Resources**

In the CEQA Guidelines, the pre-2019 significance criteria for Biological Resources included the following criterion.

Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to marshes, vernal pools, etc.) through direct removal, filling, hydrological interruption, or other means?

This significance criterion was updated in the *2019 California Environmental Quality Act (CEQA) Statute and Guidelines* to read as follows:

3-1

Have a substantial adverse effect on state or federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

The current text of the DEIR places too much emphasis on federally jurisdictional waters, while not fully addressing impacts to waters and riparian areas subject to State jurisdiction by the Water Board and the California Department of Fish and Wildlife (CDFW) (e.g., creek channels above the Ordinary High Water Mark and top of bank riparian vegetation). Please revise Section 5.3 of the DEIR to incorporate the most recent language in the CEQA Guidelines and revise discussions of impacts to wetlands and other waters to cover all impacts to waters and riparian habitat subject to State jurisdiction.

**Comment 2.**

**Section 5.3 of the DEIR does not Provide Acceptable Mitigation for Impacts to Waters of the State.**

The discussion of impacts to Biological Resources in Section 5.3 of the DEIR includes Impact BIO-2.

**Impact BIO-2:** The Project may adversely affect riparian habitat and other sensitive natural communities within the construction footprint, through temporary disturbance during construction and permanent loss of natural areas through conversion to a multi-modal roadway. **(Less than Significant with Mitigation)**

And Impact BIO-3:

**Impact BIO-3:** The Project may adversely affect protected wetlands through temporary placement of construction equipment, construction access, grading, placement of Project fill material, and permanent roadway improvements. **(Less than Significant with Mitigation)**

Wetland delineation surveys conducted during April and May of 2018 identified four habitats within the BSA that may be protected under Section 404 of the CWA: seasonal wetlands, perennial marsh, perennial streams, and ephemeral streams.

- The Project would result in direct permanent effects to 0.10 acres and 749 linear feet of stream habitats through culverting of five streams that intersect the proposed road alignment, and placement of fill through grading and road construction.
- The Project would result in direct temporary impacts to 0.03 acres of stream habitats due to construction access, movement of equipment and personnel, and a temporary crossing of Cottonwood Creek.
- The Project would result in 0.12 acres of direct permanent impacts to seasonal wetlands (including 249 linear feet of in-channel seasonal wetlands) as a result of pavement or road construction.
- The Project would result in 0.33 acres of direct temporary impacts to perennial marsh (<0.01 acres) and seasonal wetlands (0.33 acres) due to grading and construction access.

3-2 | The review of impacts in Impact BIO-3 should be expanded to cover all waters and riparian areas subject to the jurisdiction of the Water Board and CDFW. Please revise Impact BIO-3 to include impacts to all areas subject to regulation under the California Water Code and the California Fish and Game Code.

To mitigate these Project impacts to less than significant levels, the DEIR proposes to implement Mitigation Measures BIO-5 and BIO-14 through BIO-18. Mitigation Measure BIO-5 includes appropriate mitigation for impacts to California red-legged frog and California tiger salamander habitat, Mitigation Measure BIO-14 includes appropriate measures to reduce impacts to riparian habitat that lie outside of the Project footprint, Mitigation Measure BIO-15 includes appropriate measures for protecting an avoided valley oak tree, and Mitigation Measure BIO-17 includes appropriate measures for minimizing Project impacts to aquatic habitat during Project design and Project construction activities. However, Mitigation Measures BIO-16 and BIO-18 do not provide acceptable mitigation for impacts to waters of the State.

Mitigation Measure BIO-16 describes the proposed mitigation for permanent loss of riparian habitat.

3-3 | **Mitigation Measure BIO-16:** The permanent loss of riparian habitat types shall be mitigated as described in the EACCS. Mitigation will be provided via preservation, enhancement, and management as per EACCS guidelines. Because all riparian habitats in the construction footprint provide habitat for focal species, the mitigation ratio for the impacts will be at least 2.5:1 (acreage of new habitat: acreage of impacted habitat). Because the wetland and stream habitats all provide dispersal and foraging habitat for California red-legged frog and California tiger salamander, the final mitigation ratio must be as high as the determined EACCS requirements for focal species. Mitigation ratios will vary based on the location and quality of the mitigation lands, which have not been selected yet. Mitigation must be in-kind for mixed riparian woodland impacts but riparian grassland impacts may be mitigated with either grassy or wooded riparian habitat.

Temporary impacts to riparian habitat shall be restored in place at a 1:1 ratio through re-establishment of original contours along banks, decompaction of compacted soils where necessary, and seeding with a native seed mix developed by a qualified

restoration ecologist and containing species such as alkali barley (*Hordeum depressum*), meadow barley (*Hordeum brachyantherum*), purple needlegrass (*Stipa purpurea*), and/or other native grass and forb species that occur in the Project vicinity. Temporary impact areas will be monitored for 2 years and the criteria for success will be 75 percent vegetation cover or more compared to pre-Project conditions and no more than 5 percent cover of Cal-IPC-rated moderate and high impact weed species (excluding Cal-IPC-rated annual grasses).

Mitigation Measure BIO-16 claims that “in-kind mitigation for loss of riparian areas will be required consistent with the EACCS.” However, the EACCS does not provide mitigation for impacts to waters of the State and riparian areas. As is described in Section 5.5.6 of the *East Alameda County Conservation Strategy (EACCS) Document*, the mitigation provided for impacts to listed species does not provide mitigation for impacts to waters of the State. The Water Board will require mitigation for impacts to wetlands and creek channels. This mitigation must be in the form of creation, restoration, or enhancement of waters of the State. The preferred form of mitigation for impacts to waters of the State is to provide in-kind mitigation. For impacts to wetlands, mitigation should consist of creating, restoring, or enhancing wetlands. For impacts to creek channels, mitigation should consist of creating, restoring, or enhancing creek channels. In order to meet the State’s goal of achieving no net loss of waters, creation is the preferred form of mitigation, since it is the form of mitigation that prevents the net loss of acres and linear feet of waters of the State.

3-3 cont.

Please note that the required amount of wetland and creek mitigation will depend on the similarity of the impacted wetlands and creeks to the proposed mitigation project, the uncertainty associated with successful implementation of the mitigation project, and the distance between the site of the impact and the site of the mitigation wetlands and creek projects. In-kind mitigation for the fill of wetlands and creeks consists of the creation of new wetlands and creeks. If the mitigation consists of restoration or enhancement of wetlands and creeks, the amount of mitigation will be greater than if the mitigation consists of wetland or creek creation. If there are uncertainties with respect to the availability of sufficient water to support seasonal wetlands or sufficiently impermeable soils to sustain saturation, then the amount of mitigation would also have to be greater. Finally, the amount of required mitigation increases as the distance between the impact site and the mitigation site increases.

Each proposed mitigation project should also include a monitoring and maintenance plan (MMP) to be implemented to ensure the success of each mitigation project. An adequate MMP should, at least, contain the following minimum components: a summary of maintenance activities, including irrigation, weeding, and replanting of dead or missing vegetation; a schedule for implementing maintenance activities; the plant palette selected for replanting, including pounds per acre of seeds, numbers and sizes of container plants, and sources of all plant material; metrics to be used in assessing successful establishment of vegetation; annual performance criteria, including percent cover, percent survival of plants, species richness, and target plant heights or percent coverage; final success criteria (including formal delineation of mitigation wetlands); and contingency measures to be implemented in the event that annual performance criteria or final success criteria are not attained, or creek channels are not geomorphically stable at the end of the initial monitoring period. MMPs should describe the features (e.g., bank slumping, bank undercutting, rilling, channel avulsion, knickpoints, headcuts, excessive sediment deposition, etc.) that will be used to assess the geomorphic stability of mitigation creek channels. Monitoring

3-3 cont.

should be conducted for a minimum of five years for wetland mitigation projects and a minimum of 10 years for creek/riparian mitigation projects. In addition, each mitigation project site must be placed under some form of restrictive covenant to ensure that it will be preserved in perpetuity and funding must be provided to ensure the attainment of final performance goals and long-term maintenance of the mitigation project sites.

3-4

Mitigation Measure BIO-18 has the same flaws as Mitigation Measure BIO-16, since it relies on the EACCS to provide mitigation that the EACCS was not developed to provide.

Please revise Mitigation Measures BIO-16 and BIO-18 of the DEIR to include acceptable mitigation for impacts to waters of the State, including acceptable MMPs, restrictive covenants, and funding sources.

To account for temporal loss of habitat value at temporally impacted waters of the State, the Water Board usually requires 1.1:1 mitigation for temporary impacts. Monitoring and maintenance of temporary impacts must continue until the temporary impacts have been restored to pre-Project conditions. Please revise Mitigation Measures BIO-16 and BIO-18 of the DEIR to include mitigation for temporal loss of habitat value at temporarily impacted waters of the State.

**Comment 3.**

**Section 5.8, Hydrology and Water Quality, does not address all potential impacts to waters of the State.**

3-5

The discussion of potential impacts to hydrology associated with the proposed new bridge at Cottonwood Creek only notes that the supports of the new bridge will be outside of the Ordinary High Water Mark. The Ordinary High Water Mark represents the upper bound of federal jurisdiction at Cottonwood Creek, but it does not represent the full extent of State jurisdiction. The Water Board will consider all impacts below the top of bank of Cottonwood Creek when reviewing the application for the Project. In addition, the CDFW has jurisdiction that extends to the outer dripline of riparian vegetation at the top of bank. Please revise Section 5.8 of the DEIR to consider all impacts to areas of the creek and riparian corridor that are subject to the jurisdiction of the Water Board and CDFW.

**Comment 4. The DEIR does not describe acceptable mitigation measures for the fill of wetlands, culverting of creek channels, and construction of bridge piers at the Project site.**

3-6

In a CEQA document, a project’s potential impacts and proposed mitigation measures should be presented in sufficient detail for readers of the CEQA document to evaluate the likelihood that the proposed remedy will actually reduce impacts to a less than significant level. CEQA requires that mitigation measures for each significant environmental effect be adequate, timely, and resolved by the lead agency. In an adequate CEQA document, mitigation measures must be feasible and fully enforceable through permit conditions, agreements, or other legally binding instruments (CEQA Guidelines Section 15126.4). Mitigation measures to be identified at some future time are not acceptable. It has been determined by court ruling that such mitigation measures would be improperly exempted from the process of public and governmental scrutiny which is required under the California Environmental Quality Act.

3-6 cont. | The current text of the DEIR does not assess the full extent of impacts to waters of the State or propose acceptable mitigation projects for the Project’s impacts to wetlands and creek channels. Impacts to the jurisdictional waters at the project site, as well as proposed, appropriate mitigation measures for those impacts, will require review under CEQA before the Water Board can issue permits for those proposed impacts. The City of Dublin is encouraged to revise the DEIR to include a full assessment of Project impacts to waters of the State and a thorough discussion of appropriate mitigation measures for impacts to wetlands and creek channels, and to circulate those mitigation proposals for public review by the resource agencies and other stakeholders.

**Conclusion**

3-7 | The DEIR does not provide acceptable mitigation for Project impacts to waters of the State, consisting of wetlands and creek channels. The DEIR should be revised to provide specific mitigation measures for all impacts to waters of the State. These mitigation measures should consist of in-kind and on-site mitigation measures to the maximum extent practicable. The amount of proposed mitigation should include mitigation for temporal losses of any impacted waters of the State. If mitigation is out-of-kind and/or off-site, then the amount of the proposed mitigation should be increased. Proposed mitigation measures should include designs with sufficient detail to show that any created wetlands will have sufficient hydrology to sustain wetland hydrology and vegetation without human intervention, and that mitigation creek channels will be stable and self-sustaining. A proposed program for monitoring the success of the mitigation features should also be included with the mitigation proposal(s).

If the DEIR is adopted without providing acceptable mitigation proposals for impacts to wetlands and creek channels, it may not be adequate to support the issuance of CWA Section 401 certification and Waste Discharge Requirements for the Project.

If you have any questions, please contact me at (510) 622-5680, or via e-mail at [brian.wines@waterboards.ca.gov](mailto:brian.wines@waterboards.ca.gov).

Sincerely,

Brian Wines  
Water Resources Control Engineer  
South and East Bay Watershed Section

cc: State Clearinghouse ([state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov))  
CDFW, Attn: Marcia Grefsrud ([marcia.grefsrud@wildlife.ca.gov](mailto:marcia.grefsrud@wildlife.ca.gov))  
Corps, Katerina Galacatos ([Katerina.galacatos@usace.army.gov](mailto:Katerina.galacatos@usace.army.gov))

Letter 3 continued: San Francisco Bay  
Regional Water Quality Control  
Board- Follow Up Email

---

**From:** Wines, Brian@Waterboards <Brian.Wines@waterboards.ca.gov>  
**Sent:** Friday, April 5, 2019 12:49 PM  
**To:** Obaid Khan <Obaid.Khan@dublin.ca.gov>  
**Subject:** RE: CEQA Comments from SF Bay RWQCB on the DEIR for the Dublin Boulevard Extension - SCH No. 2017052047; CIWQS Place ID No. 857306

Hi Obaid

3-8

Please contact me after reading my comments. The absence of acceptable mitigation for impact to waters of the State in the DEIR makes it problematic to address this deficiency in a Final EIR.

Brian Wines  
Water Resource Control Engineer  
San Francisco Bay Regional Water Quality Control Board  
510-622-5680

---

**From:** Obaid Khan <[Obaid.Khan@dublin.ca.gov](mailto:Obaid.Khan@dublin.ca.gov)>  
**Sent:** Friday, April 5, 2019 11:45 AM  
**To:** Wines, Brian@Waterboards <[Brian.Wines@waterboards.ca.gov](mailto:Brian.Wines@waterboards.ca.gov)>  
**Subject:** RE: CEQA Comments from SF Bay RWQCB on the DEIR for the Dublin Boulevard Extension - SCH No. 2017052047; CIWQS Place ID No. 857306

Thanks Brian. Please note, your comments have been received and will be addressed in the Final EIR.

Sincerely,

**Obaid U. Khan, P.E.**  
**Transportation and Operations Manager**  
City of Dublin  
100 Civic Plaza, Dublin, CA 94568  
(925) 833-6630 | (925) 833-6651 FAX  
[obaid.khan@dublin.ca.gov](mailto:obaid.khan@dublin.ca.gov) | [www.dublin.ca.gov](http://www.dublin.ca.gov)

**Mission Statement:** *The City of Dublin promotes and supports a high quality of life, ensures a safe and secure environment, and fosters new opportunities.*



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**From:** Wines, Brian@Waterboards <[Brian.Wines@waterboards.ca.gov](mailto:Brian.Wines@waterboards.ca.gov)>  
**Sent:** Friday, April 5, 2019 11:21 AM  
**To:** Obaid Khan <[Obaid.Khan@dublin.ca.gov](mailto:Obaid.Khan@dublin.ca.gov)>  
**Subject:** CEQA Comments from SF Bay RWQCB on the DEIR for the Dublin Boulevard Extension - SCH No. 2017052047; CIWQS Place ID No. 857306

Please see the attached CEQA Comment letter.

Brian Wines  
Water Resource Control Engineer  
San Francisco Bay Regional Water Quality Control Board  
510-622-5680

COMMENT LETTER 4

Letter 6: Alameda County Flood Control and Water Conservation District, Zone 7



ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7  
100 NORTH CANYONS PARKWAY • LIVERMORE, CA 94551 • PHONE (925) 454-5000 • FAX (925) 454-5727

April 18, 2019

Obaid Khan  
Transportation and Operations Manager  
City of Dublin  
Public Works Department  
100 Civic Plaza  
Dublin, CA 94568

Sent by e-mail to: [obaid.khan@dublin.ca.gov](mailto:obaid.khan@dublin.ca.gov)

**Re: *Dublin Boulevard – North Canyons Parkway Extension Project, Draft EIR***

Dear Mr. Khan,

Zone 7 Water Agency (Zone 7, or Zone 7 of the Alameda County Flood Control and Water Conservation District) has reviewed the referenced document in the context of Zone 7’s mission to provide water supply, flood protection, and groundwater and stream management within the Livermore-Amador Valley. Following are our comments for your consideration:

- 4-1 | 1. Well Records: Our records indicate there is one water well in the project area that will need to be protected or decommissioned (3S/1E03B01). The approximate location is shown on the attached Well Location map. Please immediately notify Zone 7 if any other wells exist in the project area. All well locations should be field verified and noted on the plans. If any of the wells are to be decommissioned, a well destruction permit must be obtained from Zone 7 before starting work. A Zone 7 drilling permit is also needed for any other water well or soil boring work that may be planned for this project. Well permit applications and the permit fee schedule can be downloaded from our website: [www.zone7water.com](http://www.zone7water.com), or requested by email sent to [wellpermits@zone7water.com](mailto:wellpermits@zone7water.com).
- 4-2 | 2. Page 3-26: The project description is lacking sufficient detail to determine adequate mitigation for potential impacts. The report suggests that the proposed Cottonwood Creek Bridge would possibly be a three-span option, requiring two piers and two abutment structures. It is unclear where exactly the piers and permanent structures would be placed, other than they won’t be placed in the perennial stream limits. This could mean that abutments could be placed within the limits of the 10-year or greater storm events flows, thereby causing impacts that will likely require mitigation.
- 4-3 | 3. Page 5.8-4, Alameda County Flood Control and Water Conservation District, Zone 7: Zone 7 does not require an encroachment permit for activities within channels that are not owned and maintained by Zone 7. Still, any development or encroachment of built structures within floodplains and floodways are subject to local jurisdictional requirements (Zone 7) for maintenance of flow conveyance and floodplain storage. In this particular case, FEMA does not have any floodplain mapping for Cottonwood Creek, and Zone 7 has recent hydraulic modeling. Please contact Jeff Tang at 925-454-5075 or [jtang@zone7water.com](mailto:jtang@zone7water.com) for floodplain information and/or to discuss the hydraulic analysis.

- 4-4 | 4. Page 5.8-4, Alameda County Watercourse Protection Ordinance: The Alameda County Watercourse Protection Ordinance restricts discharge of pollutants to watercourses; it also includes development setback limits near watercourses, which should be noted in the EIR.
- 4-5 | 5. Page 5.8-5, under Surface Hydrology: The Project site is within both the Arroyo Mocho and the Arroyo las Positas watersheds.
- 4-6 | 6. Page 5.8-6, under Surface Hydrology: Runoff from the Project site discharges into both Arroyo Mocho and to the Arroyo las Positas. Arroyo las Positas merges with Arroyo Mocho, which then flows to Arroyo de la Laguna, which in turn empties into Alameda Creek and ultimately to the San Francisco Bay.
- 4-7 | 7. Page 5.8-6, under Floodplains: The EIR appears to be lacking the technical hydraulic information required to properly assess general floodplain impacts and determine the need for mitigation. For example, the EIR analysis should clearly specify the location of the floodplain within the Project site along Cottonwood Creek. FEMA's DFIRM (Flood Insurance Rate Map) mapping does not identify any floodplain in the Project site, in which case the consultant would need to make certain assumptions and assessment which are not evident in the document's analysis.
- 4-8 | 8. On P.5.8-8, under Construction and Operation: The EIR appears to be lacking the technical hydraulic analysis required to properly assess impacts to Cottonwood Creek. Construction of the bridge requires piers and abutments, which are proposed to be located outside the ordinary high water marks: in this case, the piers and abutments will impact the creek under larger storm events than one that produces the ordinary high water level. Additional analysis is needed to support a conclusion that the proposed Cottonwood Creek Bridge would not have an impact on Cottonwood Creek. Furthermore, the EIR should include details such as: (1) what flow is being assumed for the 100-yr storm event, and (2) has a scour analysis been performed to show that the piers and abutment would not cause scour and erosion at the bridge and downstream.
- 4-9 | 9. On P.5.8-12 to P.5.8-13, with regards to Stormwater Runoff: City of Dublin should consider implementing a regional detention basin to address the buildout of Eastern Dublin as a whole rather than creating individual basins for developments as they occur.
- 4-10 | 10. Development Impact Fee. New development and the expansion of existing development may impose a burden on the existing flood protection and storm drainage infrastructure within the Zone 7 service area. Developments creating new impervious areas within the Livermore-Amador Valley are subject to the assessment of the Development Impact Fee for Flood Protection and Storm Water Drainage. These fees are collected for Zone 7 by the local governing agency: 1) upon approval of final map for public improvements creating new impervious areas; and/or 2) upon issuance of a building or use permit required for site improvements creating new impervious areas. Fees are dependent on whether post-project impervious area conditions are greater than pre-project conditions and/or whether fees have previously been paid. Please refer to Zone 7's Flood Protection & Storm Water Drainage Development Impact Fee Ordinance and additional information at: <http://www.zone7water.com/permits-a-fees>.

We appreciate the opportunity to comment on this project. If you have any questions on this letter, please feel free to contact me at (925) 454-5005 or via email at [erank@zone7water.com](mailto:erank@zone7water.com).

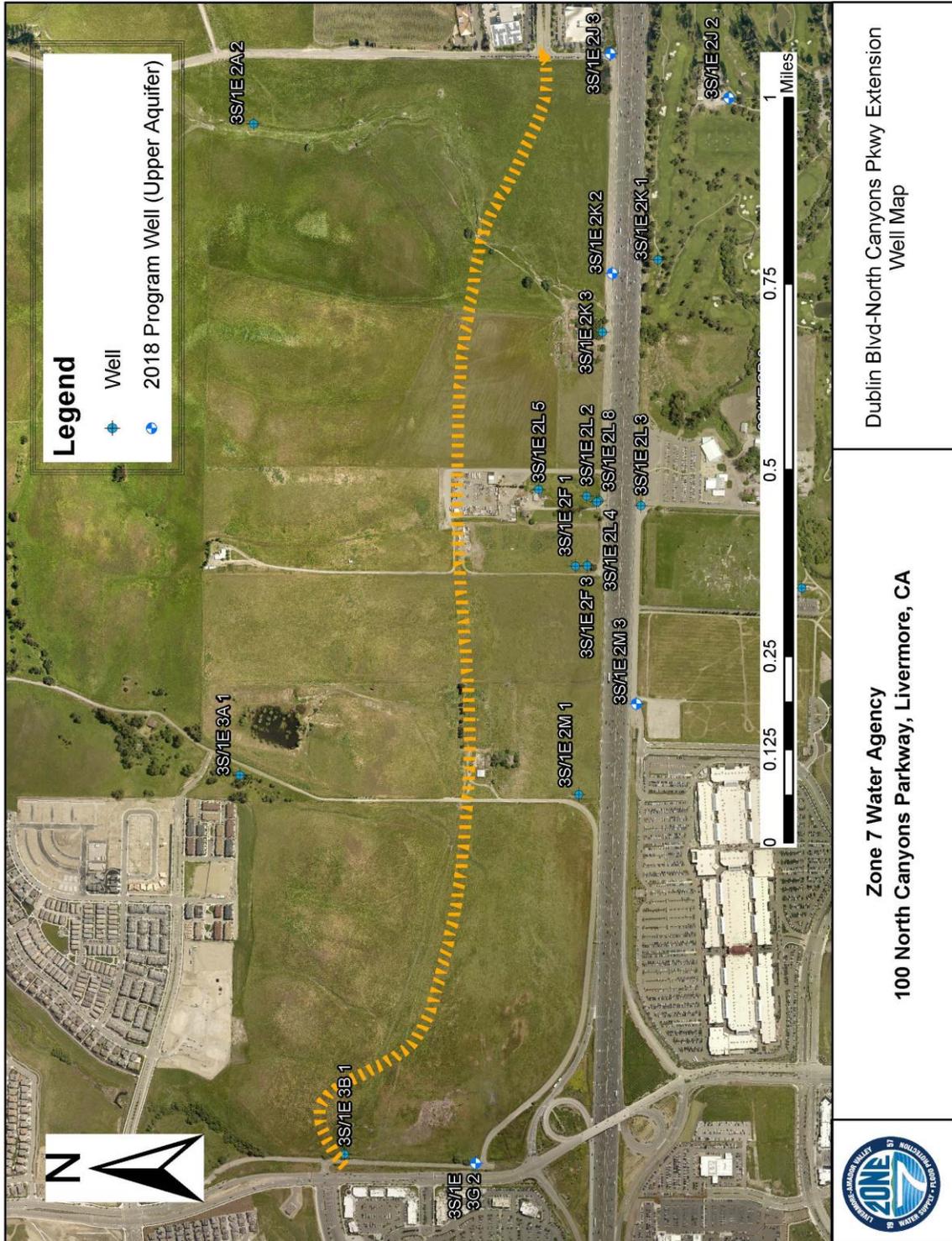
Sincerely,



Elke Rank

cc: Carol Mahoney, Amparo Flores, file

Attachments: (1) well map, (2) well records search



Zone 7 Well Records Search 4-8-2019

Dublin Boulevard - North Canyons Parkway Extension Well Table

WellID	Address	City	Remark	Longitude	Latitude	AsPartNum	CompIDate	PermitNum	GS Elev	Category	SubCategory
35/1E 38.1	FALLON RD & DUBLIN BLVD	Dublin	Abandoned well. Uncovered. Tagged total depth at 40 ft on 12/28/16. Appears to be partially filled with debris.	-121.85	37.70633	985-27-2	<Null>	0	360	well-supply	supply

COMMENT LETTER 5

Letter 7: California Department of Transportation

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

Gavin Newsom, Governor

DEPARTMENT OF TRANSPORTATION  
DISTRICT 4  
OFFICE OF TRANSIT AND COMMUNITY PLANNING  
P.O. BOX 23660, MS-10D  
OAKLAND, CA 94623-0660  
PHONE (510) 286-5528  
www.dot.ca.gov



*Making Conservation  
a California Way of Life.*

April 22, 2019

Obaid Khan, Transportation and Operations Manager  
City of Dublin  
100 Civic Plaza  
Dublin, CA 94506

SCH# 2017052047  
04-ALA-2017-00411  
GTS ID: 6483  
PM: ALA-580-15.905

**Dublin Boulevard-North Canyons Parkway Extension Project – Draft Environmental Impact Report (DEIR)**

Dear Obaid Khan:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Dublin Boulevard-North Canyons Parkway Extension Project. In tandem with the Metropolitan Transportation Commission’s Sustainable Communities Strategy, Caltrans’ mission signals a modernization of our approach to evaluate and mitigate impacts to the State Transportation Network (STN). Caltrans’ *Strategic Management Plan 2015-2020* aims to reduce Vehicle Miles Traveled in part by tripling bicycle and doubling both pedestrian and transit travel by 2020. Our comments are based on the March 2019 DEIR.

***Project Understanding***

The City of Dublin, in coordination with the City of Livermore and Alameda County, proposes to extend Dublin Boulevard to North Canyons Parkway approximately 1.5 miles eastward through eastern Dublin and an unincorporated portion of Alameda County to the western boundary of Livermore. This roadway extension would provide four to six travel lanes and bicycle and pedestrian facilities (i.e., pathways, sidewalks and bike lanes). The permanent area required for the Project, including the roadway, sidewalks, intersections, and land acquired for right-of-way, is estimated at 29 acres. Future average daily traffic along the roadway extension is projected to be 17,000 to 19,000 vehicles per day. The planned extension of Dublin Boulevard from its current terminus at Fallon Road to the Doolan Road/North Canyons Parkway intersection is included in Dublin’s General Plan, the General Plans of the County and Livermore, the Eastern Dublin Specific Plan, the Fallon Village Supplemental Environmental Impact Report, and Plan Bay Area 2040 (ID# 21473).

***Active Transportation***

5-1 | Please clarify how this project will tie in to the existing and proposed bicycle network. It is our understanding that the planned roadway extension includes both Class I and Class II bicycle facilities from Fallon Road in Dublin through Doolan Road in Livermore. Currently, it appears

*“Provide a safe, sustainable, integrated and efficient transportation system to enhance California’s economy and livability”*

Obaid Khan, City of Dublin  
April 22, 2019  
Page 2

5-1 cont. | that the Class II bicycle facilities on Dublin Boulevard end at Lockhart Road, leaving a one block gap between Lockhart Road and Fallon Road. While this segment is identified as a proposed Class II facility in the City of Dublin Bicycle and Pedestrian Master Plan (2014), it is not mentioned within the Project document. We recommend that this bicycle segment be built prior to or in tandem with the Project. Furthermore, as much of the area is still undeveloped, we recommend that each jurisdiction continue to advocate for bicycle facilities connecting with Dublin Boulevard–North Canyons Parkway upon future project approvals.

**Lead Agency**

5-2 | As the Lead Agency, the City of Dublin is responsible for all project mitigation, including any needed improvements to the STN. The project’s financing, scheduling, implementation responsibilities and monitoring should be fully discussed for all proposed mitigation measures, prior to the submittal of an encroachment permit. Potential mitigation measures that include the requirements of other agencies—such as Caltrans—are fully enforceable through permit conditions, agreements, or other legally-binding instruments under the control of the Lead Agency.

**Encroachment Permit**

5-3 | Please be advised that any work or traffic control that encroaches onto the State right-of-way (ROW) requires an encroachment permit that is issued by Caltrans. To obtain an encroachment permit, a completed encroachment permit application, environmental documentation, and six (6) sets of plans clearly indicating the State ROW, and six (6) copies of signed and stamped traffic control plans must be submitted to: Office of Encroachment Permits, California DOT, District 4, P.O. Box 23660, Oakland, CA 94623-0660. To download the permit application and obtain more information, visit <http://www.dot.ca.gov/hq/traffops/developserv/permits/>.

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Michelle Matranga at 510-286-5544 or [michelle.matranga@dot.ca.gov](mailto:michelle.matranga@dot.ca.gov).

Sincerely,

  
PATRICIA MAURICE  
District Branch Chief  
Local Development - Intergovernmental Review

c: State Clearinghouse

*“Provide a safe, sustainable, integrated and efficient transportation system to enhance California’s economy and livability.”*

COMMENT LETTER 6



ALAMEDA LOCAL AGENCY FORMATION COMMISSION  
 1221 OAK STREET, SUITE 555 \* OAKLAND, CA 94612  
 (510) 271-5142 FAX (510) 272-3784  
 WWW.ACGOV.ORG/LAFCO/

**Members**

**Ayn Wieskamp**, Chair  
 Special District Member

**Nate Miley**  
 County Member

**John Marchand**  
 City Member

**Sblend Sblendorio**  
 Public Member

**Ralph Johnson**  
 Special District Member

**Scott Haggerty**, Vice Chair  
 County Member

**Jerry Thorne**  
 City Member

**Alternates**

**Georgean Vonheeder-Leopold**  
 Special District Member

**Richard Valle**  
 County Member

**David Haubert**  
 City Member

**Tom Pico**  
 Public Member

**Executive Officer**

Rachel Jones

April 25, 2019

Obaid Khan  
 Transportation and Operations Manager  
 Public Works Department  
 City of Dublin  
 100 Civic Plaza  
 Dublin, CA 94568

Subject: **Dublin Boulevard-North Canyons Parkway Extension Draft EIR**

Dear Mr. Khan:

6-1

Thank you for including the Alameda Local Agency Formation Commission (LAFCo) in the distribution of the Notice of Availability of the Draft EIR for the Dublin Boulevard – North Canyons Parkway Extension Project. We are aware that this letter is a few days after the deadline for submittal of comments on the Draft EIR but nevertheless, we wanted to convey our comments below.

As a Responsible Agency pursuant to CEQA, LAFCo often needs to rely on environmental documents prepared by other agencies who are acting as Lead Agencies. Providing comments on draft environmental documents for projects that require subsequent approval by LAFCo is important for collaborating with the Lead Agency so that the final CEQA document is adequate for LAFCo purposes. This is not the case here, as the roadway extension project does not appear to require any subsequent approvals by LAFCo.

LAFCo is an independent, regulatory agency with discretion to approve, wholly, partially or conditionally, or disapprove, changes of organization or reorganizations. In accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH), LAFCo is required to consider a variety of factors when evaluating a proposal, including, but not limited to the proposal’s potential impacts on agricultural land and open space, provision of municipal services and infrastructure to the project site, timely and available supply of water, fair share of regional housing, etc..

The factors relating to boundary changes are contained in Government Code (GC) section 56668. Including assessment of these factors in Lead Agency environmental documents facilitates LAFCo’s review and the LAFCo process. Deficiencies in the environmental document as required by LAFCo can result in the need for additional CEQA compliance work.

Obaid Khan  
April 25, 2019  
Page 2

Again, thank you for including LAFCo in the distribution of the Draft EIR. We look forward to working with you on future projects that do require subsequent approvals from LAFCo.

Sincerely,



Rachel Jones  
Executive Officer

COMMENT LETTER 7

Letter 4: Righetti Partners L.P.

**RIGHETTI PARTNERS L. P.**

PO BOX 11429  
ZEPHYR COVE, NV. 89448  
510.861.1669

April 22, 2019

**City of Dublin**  
**Public Works Department**  
100 Civic Plaza  
Dublin, CA 94568

**Attn: Obaid Khan – Transportation and Operations Manager**  
**Re: Dublin Boulevard Extension – Draft EIR Comments**  
**From: Owners of the Righetti Property in east Dublin (APN 905-0001-005-02)**

Dear Mr. Khan,

Thank you for the Notice of Availability and providing us with an opportunity to both review and comment upon the Draft Environmental Impact Report (DEIR) for the Dublin Boulevard – North Canyons Parkway Extension Project (Project). We are long term owners of the Righetti property as it has remained in the Righetti family for more than fifty years.

Prior to presenting our comments, we want to clearly state that we support the Project and intend to work cooperatively with the City of Dublin and Alameda County Transportation Commission (ACTC) in the on-going planning, design and construction of the Project.

We do, however, have a brief list of comments / concerns which are outlined below, many of which have already been discussed with City staff at previous EIR scoping and outreach meetings. The comments relate mostly to aspects and details of the final design that will need to be considered, along with some comments requesting better clarity, within the EIR document. Our comments are summarized below noted by corresponding EIR Section.

**General Comments:**

7-1

- **Grading Concerns:** Once constructed, the roadway Project will bifurcate our property. This will significantly impact the ability to efficiently grade the property for future development, due to the fact that the elevation of the southerly portion of the property (south of Dublin Blvd.) needs

- 7-1 cont. | to be raised by approximately 4-6 feet to provide adequate depth for sanitary sewer service. The only excess material is located north of Dublin Blvd., in the northerly portion of the property. Moving dirt from the north to the south will be difficult and more costly once the roadway is constructed.
- 7-2 | Therefore, we request that the City and property owner cooperatively work together to minimize or eliminate this impact. For instance, we should consider a coordinated effort in conjunction with Project construction.
- 7-3 | • Executive Summary – Table 1.1 “Areas of Concern” lists concerns about the Project encouraging development in eastern Dublin and whether the Project would indirectly result in population increase due to future residential development in eastern Dublin.
- 7-2 | Development in eastern Dublin is consistent with not only the General Plan and Eastern Dublin Specific Plan but also the approved Fallon Village Stage I PD. The Land use and Planning Section of the EIR should reinforce that future development is, in fact, planned for and on the eastern Dublin properties bordering the Project consistent with not only the General Plan and Eastern Dublin Specific Plan but also the approved Fallon Village Stage I PD that establishes pre-zoning for future development of the properties.
- 7-3 | • “No Project Alternative 1” – Discussion of Alternative 1 should note that “no project” would not be consistent / in compliance with the General Plans of the City of Dublin, City of Livermore and Alameda County.

**Biological Resources:**

- 7-4 | • Appendix E – Section 6.1 describes “permanent indirect impacts” of approximately 133.47-acres south of the new roadway but no figure is provided to define this area. We would request that this area be added to one of the Figures in Appendix E for clarity, since it is also outside of the Biological Study Area (BSA). We would also like to coordinate on the effort of obtaining Resource Agency permitting that would include compensatory mitigation for permanent indirect impacts identified on our property.

**Hydrology and Water Quality:**

- 7-5 | • Drainage concern: The proposed drainage improvements described in Appendix H and Figure 3 indicate that earth drainage ditches will be constructed along the north edge of the roadway to

**RIGHETTI PARTNERS L.P**  
 PO BOX 11429 – ZEPHYR COVE, NV. 89448  
 PHONE 510.861.1669 | FAX 775.588.3112  
 2 OF 4

- 7-5 cont. intercept existing overland surface runoff and convey this runoff to the proposed cross-culverts under the Dublin Blvd. roadway to maintain the general drainage patterns that exist onsite.
- If not handled appropriately, we are concerned that these proposed earth drainage ditches could become potential wetland or environmentally regulated features over time and will further complicate the Resource Agency permitting for future property development. We request that Appendix E and the Hydrology and Water Quality Section of the EIR address this concern by noting these drainage ditches as concrete lined ditches or by noting that drainage easements will be established that allow property owner maintenance and modifications to the ditches in the future, as part of the final design.
- 7-6 • Appendix H – Section 4.2 notes “the possibility of laterals or secondary mains for future connections stubbed out to Right-of-Way in pre-determined locations; for the purpose of limiting if not eliminating future connections and disturbing the newly built roadway.”
- We would welcome the opportunity to coordinate potential storm drain laterals or secondary mains to provide for future ultimate development connections and will work cooperatively with the City during final design to do so.

**Transportation:**

- 7-7 • Traffic Analysis concern: Appendix D – Transportation Impact Assessment (Traffic Analysis) nor the Transportation and Traffic Section of the EIR describe the assumed signalized intersections between Fallon Road and Croak Road or between Croak Road and the City Limit, that will be required for future development of the properties. It is understood that future Environmental Impact Reports as may be necessary for future development will need to analyze these proposed intermediate signalized intersections, but we want to ensure that the adopted precise alignment plan and the traffic analysis do not preclude additional signalized intersections being proposed / constructed in between the intersections defined in the Project EIR.
- We request that the EIR respond with assumed maximum number of intermediate intersections and assumed minimum distance between intersections and a statement acknowledging that future intermediate signalized intersections may be needed and provided for in conjunction with future projects.
- 7-8 • Mitigation Measure TRAF-2 describes intersection / lane configuration modifications at the Fallon Road / Dublin Blvd. intersection, including additional turn lanes to be added in the Northbound and Eastbound directions which are not reflected on any of the Figures of the Transportation Section or within the Project Description and Project limits mapping.

**RIGHETTI PARTNERS L.P**  
 PO BOX 11429 – ZEPHYR COVE, NV. 89448  
 PHONE 510.861.1669 | FAX 775.588.3112  
 3 OF 4

7-8 cont.

The Project Description and Transportation Sections of the EIR (along with all appropriate Figures) should be revised to clearly depict these intersection modifications on existing Northbound Fallon Road and Eastbound Dublin Blvd. being included in the Project.

This concludes our comments on the Draft EIR for the Dublin Blvd. – North Canyons Pkwy. Extension Project and we appreciate the opportunity to review and comment on the EIR document.

Once again, we reiterate that we, as owners of the Righetti Property (APN 905-0001-005-002) for many decades, are in support of the proposed Project and support certification of the EIR, with the above notes and comments addressed.

Please let us know if you have any questions related to the above comments and concerns.

Sincerely,

**Righetti Partners, LP**



Milton E. Righetti, GP

cc: Randy Branaugh  
Brad Cavanagh  
Yang Zhang – GH PacVest  
Mark McClellan – MacKay & Soms

**RIGHETTI PARTNERS L.P**  
PO BOX 11429 – ZEPHYR COVE, NV. 89448  
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4 OF 4

COMMENT LETTER 8

Letter 5: Randy Branaugh

Randy Branaugh  
19077 Madison Avenue  
Castro Valley, CA 94546

April 17, 2019

City of Dublin  
Public Works Department  
100 Civic Plaza  
Dublin, CA 94568

Attn: Obaid Khan – Transportation and Operations Manager  
Re: Dublin Boulevard Extension – Draft EIR Comments  
From: Owners of the Branaugh Property in east Dublin (APN 905-1-4-4)

Dear Mr. Khan,

I represent the Branaugh property referenced above. Thank you for the opportunity to comment on the draft EIR report. We are in support of the Dublin Boulevard – North Canyons Parkway Extension Project and look forward to working with the City of Dublin and Alameda County Transportation Commission to meet our mutual goals of a successful project.

Below is a brief list of comments/concerns that we feel need to be addressed as we move forward.

General Comments:

- 8-1 • Grading Concerns: Once constructed, the roadway Project will bifurcate our property. This will significantly impact the ability to efficiently grade the property for future development, due to the fact that the elevation of the southerly portion of the property (south of Dublin Blvd.) needs to be raised by approximately 4-6 feet to provide adequate depth for sanitary sewer service. The only excess material is located north of Dublin Blvd., in the northerly portion of the property. Moving dirt from the north to the south will be difficult and more costly once the roadway is constructed.  
  
Therefore, we request that the City and property owner cooperatively work together to minimize or eliminate this impact. For instance, we should consider a coordinated effort in conjunction with Project construction.
- 8-2 • Executive Summary – Table 1.1 “Areas of Concern” lists concerns about the Project encouraging development in eastern Dublin and whether the Project would indirectly result in population increase due to future residential development in eastern Dublin.

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8-2 cont. | Development in eastern Dublin is consistent with not only the General Plan and Eastern Dublin Specific Plan but also the approved Fallon Village Stage I PD. The Land use and Planning Section of the EIR should reinforce that future development is, in fact, planned for and on the eastern Dublin properties bordering the Project consistent with not only the General Plan and Eastern Dublin Specific Plan but also the approved Fallon Village Stage I PD that establishes pre-zoning for future development of the properties.

8-3 | • “No Project Alternative 1” – Discussion of Alternative 1 should note that “no project” would not be consistent / in compliance with the General Plans of the City of Dublin, City of Livermore and Alameda County.

**Biological Resources:**

8-4 | • Appendix E – Section 6.1 describes “permanent indirect impacts” of approximately 133.47-acres south of the new roadway but no figure is provided to define this area. We would request that this area be added to one of the Figures in Appendix E for clarity, since it is also outside of the Biological Study Area (BSA). We would also like to coordinate on the effort of obtaining Resource Agency permitting that would include compensatory mitigation for permanent indirect impacts identified on our property.

**Hydrology and Water Quality:**

8-5 | • Drainage concern: The proposed drainage improvements described in Appendix H and Figure 3 indicate that earth drainage ditches will be constructed along the north edge of the roadway to intercept existing overland surface runoff and convey this runoff to the proposed cross-culverts under the Dublin Blvd. roadway to maintain the general drainage patterns that exist onsite.

8-5 | If not handled appropriately, we are concerned that these proposed earth drainage ditches could become potential wetland or environmentally regulated features over time and will further complicate the Resource Agency permitting for future property development. We request that Appendix E and the Hydrology and Water Quality Section of the EIR address this concern by noting these drainage ditches as concrete lined ditches or by noting that drainage easements will be established that allow property owner maintenance and modifications to the ditches in the future, as part of the final design.

8-6 | • Appendix H – Section 4.2 notes “the possibility of laterals or secondary mains for future connections stubbed out to Right-of-Way in pre-determined locations; for the purpose of limiting if not eliminating future connections and disturbing the newly built roadway.”

8-6 cont.

We would welcome the opportunity to coordinate potential storm drain laterals or secondary mains to provide for future ultimate development connections and will work cooperatively with the City during final design to do so.

Transportation:

8-7

- Traffic Analysis concern: Appendix D – Transportation Impact Assessment (Traffic Analysis) nor the Transportation and Traffic Section of the EIR describe the assumed signalized intersections between Fallon Road and Croak Road or between Croak Road and the City Limit, that will be required for future development of the properties. It is understood that future Environmental Impact Reports as may be necessary for future development will need to analyze these proposed intermediate signalized intersections, but we want to ensure that the adopted precise alignment plan and the traffic analysis do not preclude additional signalized intersections being proposed / constructed in between the intersections defined in the Project EIR.

We request that the EIR respond with assumed maximum number of intermediate intersections and assumed minimum distance between intersections and a statement acknowledging that future intermediate signalized intersections may be needed and provided for in conjunction with future projects.

8-8

- Mitigation Measure TRAF-2 describes intersection / lane configuration modifications at the Fallon Road / Dublin Blvd. intersection, including additional turn lanes to be added in the Northbound and Eastbound directions which are not reflected on any of the Figures of the Transportation Section or within the Project Description and Project limits mapping.

The Project Description and Transportation Sections of the EIR (along with all appropriate Figures) should be revised to clearly depict these intersection modifications on existing Northbound Fallon Road and Eastbound Dublin Blvd. being included in the Project.

Thanks for your efforts keeping us informed and for your attention to this project.

Sincerely,



Randy Branaugh

## COMMENT LETTER 9

**From:** Yang Zhang <yzhang@gh-pacific.com>  
**Sent:** Tuesday, April 9, 2019 4:43 PM  
**To:** Obaid Khan <Obaid.Khan@dublin.ca.gov>  
**Cc:** Haiyang He <hhe@gh-pacific.com>  
**Subject:** RE: comments to DEIR

Thanks.

9-1 | We'd like have information related with the wetland delineation beyond the 'project footprint' removed from all exhibits and narratives.

9-2 | Also, it'd be appreciated if you could forward to us the revised delineation map before HT Harvey resubmit it to USACE after the site visit, which would only include wetlands within the project footprint.

Thank you very much for the help!

**Yang Zhang** AIA, LEED AP  
Director of Real Estate Development and Operations



**GH PacVest, LLC**

3000 Executive Parkway, Suite 375 | San Ramon, CA 94583

COMMENT LETTER 10

**Subject:** Fw: Notice of Availability (NOA) of a Draft Environmental Impact Report - Dublin Boulevard-North Canyons Parkway Extension Project

Good day all,

10-1

I would like to know each of your positions on letting Dublin extend the boulevard to north canyons parkway and the level of cooperation by the city to discourage this from happening. I personally think it would be disastrous and devastating to that area of Livermore. I've lived

10-1  
Cont'd

on that side of town for over 16 years and have had to deal with the Los Positas, Costco, church and all the other traffic from the business parks there. The draft report says as much as 17,000 to 19,000 potential trips on the extension each day! The only place for the traffic to go is down north canyons to the portola overpass that turns into a one lane road each direction, I believe a majority will travel that way as the only other alternatives is getting on I 580 or Airway past the airport to highway 84.

I STRONGLY urge you to do all that within your powers as our elected city officials to stop this extension from going through and letting Dublin get a toehold on the northwest side of our city.

This extension is a no win for our town with more traffic congestion and the housing that Dublin will no doubt build up as close to the city limits as they can.

Thank you, I look forward to your response on this matter from all of you.

Regards

Kenneth Masterman 10 Meritage commons # 102 Livermore Ca.