

June 30, 2026

VIA E-MAIL: harry.black@cityofvallejo.net; hector.rojas@cityofvallejo.net

Harry Black, City Manager
Hector Rojas, Long-Range Planning Manager
City of Vallejo, Planning & Development Services
555 Santa Clara Street
Vallejo, CA 94590

Re: Corrections to City's February 7, 2026 Comment Letter regarding Vallejo Flood and Wastewater District Comments on the Draft Mare Island Specific Plan (File No. SPA24-0001):

Dear Mr. Black and Mr. Rojas:

This letter is sent on behalf of our client, Vallejo Flood and Wastewater District ("**VFWD**" or "**District**"), to address errors and inaccuracies in the City of Vallejo ("**City**") characterization of VFWD's comments in the City's February 7, 2026 comment letter to Mare Island Company / Nimitz Group ("**City Comment Letter**"). We write to request your immediate correction of the official record of VFWD's comments on the above-referenced Specific Plan.

On February 6, 2025, VFWD submitted a seven-page letter to the City raising critical concerns about the Specific Plan's description of stormwater and wastewater infrastructure, system capacity, phasing, and jurisdictional authority ("**VFWD Comment Letter**"). The VFWD Comment Letter is attached here as Exhibit A.

On February 7, 2026, approximately one year later, and without prior circulation to VFWD for review, the City transmitted its City Comment Letter to Mare Island Company, purporting to summarize VFWD's comments in Section A (Requested Changes, items A79-A91) and Section C (Items for Future Study, items C39-C52). The City's Comment Letter was then posted publicly on the City's website in June 2026, apparently without notice to VFWD. We have only now had an opportunity to review it, and our concerns are summarized below.

OVERVIEW OF CONCERNS

The errors in the City's Comment Letter fall into three categories. First, several of VFWD's most important substantive comments were *entirely omitted* from Section A. Second, some comments were *narrowed or reframed* in ways that obscure their significance. Third, and most seriously, certain comments were *rewritten in ways that do not accurately reflect VFWD's stated positions* -- in one case, a position that is the direct opposite of VFWD's actual and long-standing legal stance.

The single most consequential misstatement is the City's Section C item C42, discussed immediately below and in Section III, which improperly converts VFWD's identification of an

unresolved infrastructure ownership dispute into an affirmative statement that VFWD owns all sewer and storm infrastructure on the island. VFWD has never made that assertion. To the contrary, VFWD's position is that the 2005 purported transfer was legally defective, was never confirmed as executed, and that ownership remains an open question to be resolved before major development occurs. The City's formulation, if left uncorrected in the public record, would constitute a false admission by VFWD on a question of substantial legal and financial consequence.

We respectfully request that the City: (1) acknowledge the discrepancies identified in this letter; (2) issue a corrected or supplemental comment letter that accurately reflects VFWD's comments; (3) confirm in writing that VFWD's original Comment Letter is part of the official record for the Specific Plan proceeding; and (4) confirm the process by which corrections will be communicated to Mare Island Company and the public.

PROCEDURAL CONCERNS

Several procedural irregularities compound the substantive errors described below.

VFWD submitted its Comment Letter on February 6, 2025. The City's Comment Letter is dated February 7, 2026, more than twelve months later. There is no indication that the City shared a draft of its summary of VFWD's comments with VFWD for review or verification during the intervening year. Its comments should have been included verbatim and not interpreted, summarized, or recast by the City. But if an agency's technical comments are being summarized, then at a minimum that agency should have the opportunity to confirm that its comments have been accurately represented.

The City's Comment Letter was released publicly on the City's website in June 2026 without apparent prior notice to VFWD. The City, in fact, never notified VFWD that the Comment Letter had been released at all. VFWD became aware of the inaccuracies in the characterization of its comments through public posting rather than through direct communication from the City.

VFWD's technical expertise and jurisdictional authority are precisely what the comment process is designed to capture. An erroneous official record could prejudice VFWD in subsequent EIR review, infrastructure plan negotiations, and Development Agreement discussions.

We raise these process concerns not to impede the Specific Plan but because the integrity of the public record is essential to ensuring that development on Mare Island proceeds on terms compatible with VFWD's statutory obligations.

ITEMS REQUIRING CORRECTION: VFWD'S POSITION INACCURATELY STATED

Three items in the City's Comment Letter go beyond omission or narrowing and reflect positions that VFWD did not express. These are addressed first given their potential legal and planning significance.

A. City Section C, Item C42: Inaccurate Statement of VFWD's Ownership Position

What the City's Comment Letter states: *"VFWD owns all sewer and storm infrastructure on the island per the grant deed and agreement. MIC should identify which is public and which is private for all infrastructure."*

What VFWD actually said: VFWD's comment letter stated: "The Specific Plan does not identify who owns and is responsible for the various sections of wastewater pipe and pump stations. This is an ongoing topic of discussion and should be settled before major development occurs." (VFWD Comment Letter, Section IV.B.2.) VFWD further noted in its Global Comments that backbone infrastructure may be transferred to VFWD only if it is designed to VFWD standards and has a remaining useful life of at least 50 years: language that presupposes a future transfer, not a completed one.

The discrepancy: VFWD did not state that it owns all sewer and storm infrastructure. VFWD stated that ownership is an unresolved question. The City's summary converts that identified dispute into an affirmative ownership assertion. This is not a paraphrase or simplification; it misstates what VFWD said.

The legal consequences of this error are significant. VFWD's position is that the instruments purporting to transfer Mare Island infrastructure to VFWD in 2005 were defective: the Quitclaim Deed and Assignment were rejected by the Solano County Recorder on August 23, 2005 for failing to include a complete legal description; two of the underlying deeds referenced exhibits that were never attached; and the City's own City Manager acknowledged in July 2019 that "the parties have not been able to confirm if these documents were ever executed." The City's own 2019 letter used forward-looking language, describing a goal "to eventually transfer ownership", which confirmed that as of that date the transfer was not accomplished. VFWD has maintained this position consistently.

If the City's Comment Letter is included in the official Specific Plan record without correction, it could appear that VFWD has acknowledged owning all of the infrastructure and that the only remaining question is distinguishing public from private systems. That characterization would not be accurate, could affect ongoing legal discussions regarding ownership, and could be relied upon in connection with the infrastructure repair and rehabilitation obligations that are at the center of the current dispute. VFWD demands that item C42 be corrected.

B. Item A91: Modification of VFWD's Jurisdictional Authority Statement

What the City's Comment Letter states: *"Insert statement that 'VFWD shall determine adequate levels of service with regards to stormwater and wastewater systems, consistent with the Mare Island Infrastructure Assessment and the VFWD Wastewater Master Plan, and these phased commitments shall be codified in the Infrastructure Plan.'"*

What VFWD actually said: "Insert statement that only VFWD shall determine adequate levels of service with regards to stormwater and wastewater." (VFWD Comment Letter, Section IV.D.1., emphasis added here) The word "only" was deliberate and unqualified. VFWD proposed no limiting conditions on that authority.

The discrepancy: The City added qualifying language requiring VFWD's determinations to be "consistent with the Mare Island Infrastructure Assessment and the VFWD Wastewater Master Plan." VFWD requested no such limitation. If this language is incorporated into the Specific Plan, a developer could argue that VFWD's service level determinations are invalid if they depart from those specific studies, which may not anticipate future conditions, engineering developments, or changes in regulatory requirements. This qualification was not part of VFWD's comment and would limit VFWD's authority in ways VFWD did not request or accept. VFWD respectfully requests that item A91 be corrected.

C. Item A90: Characterization of VFWD's Factual Correction

What the City's Comment Letter states: *"The statement 'Discussions with VFWD regarding the available capacity for the project treatment demands at final build out are on-going and a final resolution is pending' is misleading. Delete this statement for now as there have not been discussions regarding treatment plant expansion necessary to accommodate a buildout demand of 9 MGD."*

What VFWD actually said: VFWD stated that this language was misleading and asked that it be modified -- not deleted "for now." VFWD's position was that the Plan could not imply ongoing productive discussions about treatment capacity that have not occurred. (VFWD Comment Letter, Section IV.B.4.)

The discrepancy: The phrase "for now" implies this is a temporary omission and that the statement might be restored in a future draft once discussions have occurred. That framing does not reflect VFWD's position. VFWD placed on the record a factual correction: as of the date of its comment, no discussions about a 9 MGD treatment plant expansion had taken place. The Plan cannot, in any future draft, represent that such discussions are ongoing until they actually are. Framing the correction as a provisional deletion understates the concern.

ADDITIONAL ERRORS

We have identified in two attachments to this letter a complete set of the errors and inaccuracies that VFWD must be corrected by the City.

Attachment 1 is a comparison of each VFWD-related item in Section A of the City's Comment Letter against what VFWD actually stated. Items C42, A91, and A90, the three most significant errors, appear first, followed by the remaining items in their original numbering order.

Attachment 2 is a list of the VFWD comments that were either omitted from the City's Comment Letter or improperly classified as Items for Future Study (Section C) rather than Requested Changes (Section A), despite VFWD framing them as immediate, mandatory concerns.

REQUESTED ACTIONS

In light of the foregoing, VFWD respectfully requests the following:

- **Correct Item C42.** VFWD requests that the City correct the statement that "VFWD owns all sewer and storm infrastructure on the island per the grant deed and agreement." VFWD has not made that assertion. VFWD's position is that infrastructure ownership remains unresolved and should be settled before major development occurs. The record should reflect VFWD's actual position.
- **Correct Item A91.** Remove the qualifying language added by the City. The corrected item should read: "Insert statement that only VFWD shall determine adequate levels of service with regards to stormwater and wastewater." No further qualifications.
- **Correct Item A90.** Remove the phrase "for now" and clarify that VFWD's comment reflects a factual correction: no discussions about 9 MGD treatment plant expansion have occurred, and the Plan may not imply otherwise in any future draft.

- **Issue a corrected or supplemental comment letter.** The City should issue a corrected or supplemental comment letter to Mare Island Company that accurately reflects VFWD's February 6, 2025 comments in their entirety, including all Global Comments (I.A through I.H) and all section-specific comments omitted from Section A.
- **Confirm VFWD's Comment Letter is in the official record.** The City should confirm in writing that VFWD's original February 6, 2025 Comment Letter is part of the official record for the Specific Plan proceeding and will be treated as such in all subsequent EIR review, Infrastructure Plan preparation, and Development Agreement negotiations.
- **Establish a verification process for future comment compilations.** Prior to issuance of any future comment letter or compilation of agency comments, the City should provide each commenting agency a copy of the City's proposed summary of that agency's comments for review and verification before transmission to the applicant or public posting.
- **Confirm response timeline.** The City should confirm its timeline for responding to this letter and the process by which corrections to the record will be communicated to Mare Island Company and the public.

The concerns identified in this letter are substantive, not merely procedural. The inaccurate statement of VFWD's ownership position in item C42 is relevant to the ongoing dispute between VFWD, the City, and Mare Island Company. The modification of VFWD's jurisdictional authority statement in item A91, if not addressed, could limit the authority VFWD relies upon to fulfill its statutory obligations. The characterization of VFWD's 9 MGD correction in item A90 as a provisional deletion affects a factual record that VFWD may need to rely on in future proceedings.

Please immediately make the corrections described in this letter and advise us when and how those corrections will be communicated to Mare Island Company and publicly documented.

Sincerely,



Christopher L. Powell
Partner

CLP

Enclosure: Exhibit A – VFWD Comment Letter dated February 6, 2025

cc: Kristin Pollot, Planning & Dev. Services Director (kristin.pollot@cityofvallejo.net);
Gillian Haen, Assistant City Manager (gillian.haen@cityofvallejo.net);
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Attachment 1

ITEM-BY-ITEM COMPARISON OF ALL VFWD-RELATED ITEMS IN THE CITY'S COMMENT LETTER

The following table compares each VFWD-related item in Section A of the City's Comment Letter against what VFWD actually stated. Items C42, A91, and A90, the three most significant errors, appear first, followed by the remaining items in their original numbering order.

Item	City's Comment Letter Says	What VFWD Actually Said	Discrepancy / Analysis
C42 (Section C, Item 42)	<i>"VFWD owns all sewer and storm infrastructure on the island per the grant deed and agreement. MIC should identify which is public and which is private for all infrastructure."</i>	VFWD stated: "The Specific Plan does not identify who owns and is responsible for the various sections of wastewater pipe and pump stations. This is an ongoing topic of discussion and should be settled before major development occurs." (VFWD Comment Letter, Section IV.B.2.) VFWD also stated that ownership clarification was "separate and in addition" to other studies, and that this question is unresolved.	INACCURATE CHARACTERIZATION OF VFWD'S POSITION. VFWD's comment identified infrastructure ownership as an open, contested, and unresolved question that "should be settled before major development occurs." The City's summary converts that flag of an unresolved dispute into an affirmative assertion that VFWD owns everything "per the grant deed and agreement." VFWD made no such claim. In fact, VFWD's position is the opposite: the 2005 transfer instruments are defective on their face and have never been confirmed as executed, and the ownership question remains open.
A91	<i>"Insert statement that 'VFWD shall determine adequate levels of service with regards to stormwater and wastewater systems, consistent with the Mare Island Infrastructure Assessment and</i>	VFWD stated: "Insert statement that only VFWD shall determine adequate levels of service with regards to stormwater and wastewater." (VFWD Comment Letter, Section IV.D.1.) The word "only" was deliberate. VFWD proposed no qualifying conditions on that authority.	MODIFICATION OF VFWD'S POSITION. VFWD requested an unqualified statement of jurisdictional authority. The City's summary added language requiring VFWD's determinations to be "consistent with the Mare Island Infrastructure Assessment and the VFWD Wastewater Master Plan," which could allow a developer to challenge VFWD's service

Item	City's Comment Letter Says	What VFWD Actually Said	Discrepancy / Analysis
	<i>the VFWD Wastewater Master Plan, and these phased commitments shall be codified in the Infrastructure Plan."</i>		level determinations as inconsistent with a particular study. VFWD requested no such limitation, and this qualification should be removed.
A90	<i>"The statement 'Discussions with VFWD regarding the available capacity for the project treatment demands at final build out are on-going and a final resolution is pending' is misleading. Delete this statement for now as there have not been discussions regarding treatment plant expansion necessary to accommodate a buildout demand of 9 MGD."</i>	VFWD stated the Plan language was misleading and asked that the statement be modified -- not merely deleted. VFWD's position was that no discussions about treatment plant expansion for 9 MGD buildout had occurred. (VFWD Comment Letter, Section IV.B.4.)	INACCURACY. The phrase "for now" in the City's summary implies this is a temporary housekeeping edit and that the statement might be restored. VFWD's point was far more serious: the Plan contains a false factual premise about the state of interagency coordination on one of the most consequential infrastructure questions. The Plan cannot, at any future draft, imply that discussions about 9 MGD treatment capacity have occurred with VFWD. Framing this as a provisional deletion obscures that severity.
A79	"Add VFWD as an additional organization on page 3." (Correctly characterized.)	VFWD requested to be added as an additional organization. (VFWD Comment Letter, Section II.A.1.)	No discrepancy on this item itself. However, this minor formatting request was elevated to a standalone line item while the critical substantive global comments (Global Comments I.A through I.H) were omitted entirely from Section A.
A80	"Add an ownership map to the New MISP, indicating all of the areas not	VFWD asked that all areas of ownership be designated on a map, because the existing figure only showed conservation easements.	The City's framing is limited to non-MIC areas. VFWD's concern was broader: all ownership areas of any party needed mapping. The specific

Item	City's Comment Letter Says	What VFWD Actually Said	Discrepancy / Analysis
	controlled by Mare Island Company."	(VFWD Comment Letter, Section II.B.1.)	critique that the existing figure showed only conservation easements is lost.
A81	"Clarify intended uses for all existing buildings, including Buildings 69, 71, and 77."	VFWD raised two concerns: (1) uses in the Connolly Corridor were unclear as to whether Buildings 69 and 71 would each be 200-room hotels or 200 rooms combined, and whether Building 77 was part of the 29,000 sf of office space; and (2) the land uses described on page 65 do not match the table on page 67. (VFWD Comment Letter, Sections II.D and II.E.)	The City's summary omits the critical finding that the land uses on page 65 are in direct conflict with the table on page 67. That is a substantive internal inconsistency in the Plan, not merely a request for clarification about individual buildings.
A82	"Where known, indicate which plan areas are reserved for existing and future public infrastructure. Land should be reserved, and shown, to provide the area necessary for upgraded pump stations, on-site treatment, and water-quality facilities."	VFWD stated that land must be reserved for upgraded pump stations, on-site treatment, and water-quality facilities, connected directly to the wastewater capacity crisis. (VFWD Comment Letter, Section II.F and Global Comment I.E.)	Reasonable on its face, but the City's letter severs this comment from the overarching capacity crisis that gives it urgency. The need to reserve land for pump stations is not a standalone design preference; it flows from the existential infrastructure problem VFWD identified in its Global Comments.
A83	"Add a regulatory compliance section to Chapter 7 of the New MISP, covering topics such as private land drainage areas, trash capture, and other environmental regulatory items."	VFWD stated: "Address the requirement for regulatory compliance issues such as Private Land Drainage Areas, trash capture, and other environmental regulatory items." (VFWD Comment Letter, Section II.I.)	Broadly consistent, though VFWD framed these as existing regulatory requirements that must be addressed, not a suggestion to add a new section.

Item	City's Comment Letter Says	What VFWD Actually Said	Discrepancy / Analysis
A84	Reflects VFWD's objection to the misleading statement about watershed optimization studies.	The Mare Island Reuse Infrastructure Study recommended plugging some outfalls and installing new outfalls. The Plan's statement that studies aimed to avoid new outfalls is misleading. (VFWD Comment Letter, Section III.A.4.)	No material discrepancy on this item.
A85	"Update Figure 7-5 to indicate stormwater system components and methodology for handling drainage as indicated on Page 170, Section 7.6.C."	VFWD requested that Figure 7-5 be updated. (VFWD Comment Letter, Section III.B.2.)	No material discrepancy, though VFWD also asked that the stormwater map (Figure 7-4) be color-coded to show ownership and responsible party -- a point deferred to Section C (C46) rather than included as a Requested Change.
A86	"If permanent BMPs are installed or hydromodification designs are included, the owner shall be required to enter into an operations and maintenance agreement. VFWD or the City would be responsible for inspecting for compliance with NPDES."	Consistent with VFWD Comment Letter, Section III.B.2.	VFWD explicitly stated that while VFWD or the City would inspect for NPDES compliance, they would NOT own or maintain the BMP infrastructure. The City's summary omits this distinction, which matters for cost allocation.
A87	"Trash capture devices will be required to be incorporated into the storm drainage system."	VFWD: "Trash capture devices will be required to be incorporated into the storm drainage system." (VFWD Comment Letter, Section III.C.4.)	No discrepancy.

Item	City's Comment Letter Says	What VFWD Actually Said	Discrepancy / Analysis
A88	"Update Section 7.7A and Figure 7-6 to reflect that there are currently nine active sanitary sewer lift stations on Mare Island that are operated by the VFWD."	Consistent with VFWD Comment Letter, Section IV.A.5.	No discrepancy.
A89	"Update Section 7.7A and Figure 7-6 to reflect that DOM 4 connects to an 18-inch force main."	Consistent with VFWD Comment Letter, Section IV.A.7.	No discrepancy.

Attachment 2

VFWD COMMENTS NOT ADDRESSED IN SECTION A

The following VFWD comments were either omitted from the City's Comment Letter or improperly classified as Items for Future Study (Section C) rather than Requested Changes (Section A), despite VFWD framing them as immediate, mandatory concerns.

Global Comment I.A (Infrastructure End of Life)

VFWD stated that much of the existing stormwater and wastewater infrastructure is at or near the end of its useful life; that the Plan and any environmental review must acknowledge this; that all existing infrastructure must be condition-assessed against VFWD standards before development approval; and that infrastructure with less than 50 years of useful life must be replaced by the Developer. VFWD explicitly noted that this condition assessment is separate from and in addition to the West Yost Infrastructure Assessment. No equivalent item appears in Section A.

Global Comment I.B (Wastewater Already Over Capacity)

VFWD stated that current wastewater flow from Mare Island already exceeds allocated capacity; that new development must be phased with concurrent I/I reduction; and that conditions of approval will be required for all new development requiring equivalent I/I reductions before any new flow is added to the system. This existential constraint on development was relegated to a note in Section C (C49) with no mandatory Requested Change counterpart.

Global Comment I.C (Backbone Infrastructure Transfer Standards)

VFWD stated that backbone infrastructure may be transferred to VFWD only if designed to VFWD standards with at least 50 years of remaining useful life; that such infrastructure must be within public ROW or dedicated easements; and that an infrastructure plan delineating backbone vs. private infrastructure must be developed as part of the Specific Plan. This is entirely absent from Section A.

Global Comment I.D (9 MGD Capacity Gap)

VFWD stated that the Plan's projected 9 million gallons per day wastewater demand cannot be handled by existing infrastructure; that significant expansion of the VFWD treatment plant will be required; and that the Plan must acknowledge this. The City's letter does not treat this as a Requested Change.

Global Comment I.F (EIR Technical Studies Required)

VFWD stated that the EIR must be accompanied by infrastructure technical studies to assess condition and capacity, including mitigations for impacts. Not addressed as a standalone Requested Change.

Global Comment I.G (Tenant Improvements Trigger Infrastructure Requirements)

VFWD stated that infrastructure improvements cannot be triggered solely by major development phase improvements, and that even small tenant improvements require

infrastructure improvements, at minimum reducing I/I equal to the flow produced by that tenant improvement. This comment was omitted from the City's letter.

Global Comment I.H (All Infrastructure Must Be Assessed)

VFWD stated that all existing pipes, structures, and pumping infrastructure must be assessed for compliance with current District standards and a plan for reuse, expansion, or replacement provided before development approval, including tributary area flow analysis. This comment was omitted from Section A.

Section II.C (Connolly Corridor Has No Sewer Capacity)

VFWD stated that the Connolly Corridor, described as an 'early activation site,' has no sewer capacity for the approved development uses. This is a direct capacity disqualifier for the first major development area in the Plan. This comment was omitted from the City's letter.

Section II.G (Infrastructure Phasing: I/I Reduction Prerequisite)

VFWD stated that all additional flows created by tenant improvements must be countered by I/I reduction prior to approval. This comment was not included as a Requested Change.

Section II.H (Setback and Utility Corridor Conflict)

VFWD asked that the Plan clarify how setback dimensions will impact utility corridor placements, noting that VFWD standards prohibit backyard or sideyard sewer infrastructure and that exceptions require prior VFWD approval. This comment is not in Section A.

Section III.A.3 (Stormwater Pump Station 15)

VFWD noted that Stormwater Pump Station 15 near SR-37 is not mentioned in the Plan. The pump station must remain operational in the interim before it is eventually removed. This comment was not included as a Requested Change (deferred to C43).

Section III.B.1 (Stormwater Improvement Ownership)

VFWD asked that the Plan identify who will replace each stormwater pipe section and who will subsequently own the improvements. This comment was not included as a Requested Change.

Section III.B.3 (Land for Stormwater Basins)

VFWD stated that land must be identified if stormwater basins are to be created, and asked where natural treatment methodologies would be located. This comment was not included as a Requested Change.

Section III.C.3 (Sea Level Rise Clarification)

VFWD recommended clarifying that the anticipated sea level rise results in a mean sea level elevation of 16 feet, not 16 feet of sea level rise, to avoid misleading the public. This comment was not included as a Requested Change.

Sections IV.A.1 and IV.A.2 (Trunkline Reuse Standards and Pipe Replacement)

VFWD stated that trunklines identified for 'reuse' must meet VFWD standards and have at least 50 years of remaining useful life, and that many wastewater pipes need replacement before new development will be approved. This comment was not included as Requested Changes.

Section IV.A.3 (VFWD Master Plan Does Not Include Mare Island Buildout)

VFWD stated that its existing Treatment Plant Master Plan does not include the Mare Island buildout capacity projection of 9 MGD, and that it must be updated at developer expense. Not in Section A.

Section IV.A.6 (Sewer Sizing Study Required Per Development Area)

VFWD stated that a sewer infrastructure sizing study is required for each specific development area, sized for the build-out condition of the entire tributary area. Not in Section A.

Section IV.B.1 (Land Reservation for Wastewater Infrastructure)

VFWD stated that land necessary for wastewater infrastructure upgrades must be identified on the map and reserved. Not separately addressed in Section A.

Section IV.B.2 (Ownership of Wastewater Pipe and Pump Stations Unresolved), see also C42 discussion above

VFWD stated that the Plan does not identify who owns the various sections of wastewater pipe and pump stations, describing this as 'an ongoing topic of discussion' that 'should be settled before major development occurs.' The City's Section C item C42 converted this unresolved dispute into an affirmative assertion that VFWD owns everything. See Section III above.

Section IV.B.3 (Developer Cost Share for Treatment Plant Expansion)

VFWD stated that a portion of the costs for treatment capacity expansion and regulatory permit updates shall be borne by the developer. Not in Section A.

Section IV.C.1 (Define Utility Corridors)

VFWD asked that utility corridors be defined and space reserved for them. Partially captured in C41 but not as a Requested Change.

Section IV.C.2 (Infrastructure Plan Required for Phasing)

VFWD asked that the Plan include a statement that an Infrastructure Plan will be required to determine phasing and wastewater improvements. Not in Section A.

EXHIBIT A



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Vallejo, CA 94590

February 6, 2025

City of Vallejo, Planning & Development Services
555 Santa Clara Street
Vallejo, CA 94590
Attention: Hector Rojas, Long Range Planning Manager

RE: VFWD Revised Comments to DRAFT Mare Island Specific Plan, dated October 1, 2024

As you may know, the Draft Mare Island Specific Plan ("Specific Plan") was released for comment by the City on October 10, 2024. The Vallejo Flood & Wastewater District ("VFWD") is interested in the contents of the Specific Plan, given its role in the wastewater and stormwater management on Mare Island. VFWD has reviewed the Specific plan and is providing the following comments:

I. GLOBAL COMMENTS

- A.** Much of the existing stormwater and wastewater infrastructure is at/near the end of its useful life. The Specific Plan and any associated environmental review should acknowledge this situation and the need to replace/rehabilitate significant portions of the infrastructure. The condition of existing infrastructure shall be analyzed in conjunction with development, to confirm compliance with VFWD standards, before development approval. All existing infrastructure needs to be condition-assessed against VFWD standards and a plan for re-use, expansion, and/or replacement proposed before development approval. If existing infrastructure has less than 50 years of useful life or is over capacity, then the infrastructure shall be replaced in accordance with VFWD standards by the Developer. VFWD should be afforded the opportunity to provide comments on the condition assessment and capacity assessment of the existing infrastructure. *The required condition assessment and capacity assessment of the existing infrastructure is separate and in addition to the Mare Island Infrastructure Assessment currently being performed by West Yost.*
- B.** Current wastewater flow from Mare Island exceeds allocated capacity. Given that the wastewater system is already exceeding its permitted capacity, new development must be analyzed and phased with concurrent infrastructure replacement/rehabilitation to ensure that additional wastewater volume created by new development is balanced by reduction in inflow and infiltration ("I/I"), and is designed to meet VFWD standards. This will ensure the system is not additionally overburdened beyond capacity. Conditions of approval will be required for all new development considered within this Specific Plan which

require equivalent I/I reductions are achieved prior to any new development adding volume to the wastewater system. Due to excessive I&I within the Specific Plan boundary, the Developer may be required to undertake projects to reduce I&I in areas outside of the phased improvement boundary to create capacity in the system for the proposed development.

- C.** Backbone infrastructure may be transferred to/owned by VFWD, if it is designed to VFWD standards and has a remaining useful life of at least 50 years. Backbone infrastructure should be within public right of ways, or dedicated easement, for access by VFWD for maintenance purposes. Project-specific infrastructure shall be privately owned and designed to VFWD standards. An infrastructure plan shall be developed, as part of the Specific Plan, showing limits of backbone infrastructure and private infrastructure.
- D.** The Specific Plan states that wastewater demand will be 9 million gallons per day. The Specific Plan should acknowledge that the existing wastewater infrastructure is not capable of handling this volume, and upgrades will be required in pipes, pumps and other facilities. Importantly, a significant expansion to VFWD's wastewater treatment plant capacity will be required to handle this proposed volume, as a result of the development on Mare Island.
- E.** Land should be reserved, and shown, to provide the area necessary for upgraded pump stations, on-site treatment, and water-quality facilities.
- F.** The EIR should be accompanied by infrastructure technical studies to assess condition and capacity, including mitigations for impacts.
- G.** Infrastructure improvements shall not be triggered solely by the current development phase improvements. Specific infrastructure improvements will be required to support the additional demands created by "small tenant improvements". Such improvements shall, at minimum, reduce the existing inflow and infiltration amount equal to flow produced by the tenant improvement projects. Development phase improvements will require infrastructure replacement.
- H.** All existing pipes, structures, and pumping infrastructure shall be assessed for compliance with current District standards and a plan for reuse, expansion, and/or replacement as part of the phased development shall be provided prior to approval by the District. Analysis shall include tributary areas to account for flow through capacity, I.E. flow produced upstream of the phased development improvements.

II. GENERAL SECTIONS

A. Page 3 – Organizations.

1. Add VFWD as an additional organization.

B. Pages 61-4 – Ownerships.

1. Various uses and ownership lands are described; however, only the conservation easements are indicated on the provided figure. Please designate all areas of ownership on a map.

C. Page 65 – Capacity.

1. Connolly Corridor – a 20-acre “early activation site”, has no sewer capacity for the approved development uses.

D. Page 65 – Described Uses.

1. Uses described in Connolly Corridor are not clear. For example, are buildings 69 and 71, identified for repurposed hotels collectively creating 200 rooms, or will each be a 200-room hotel? Is Building 77 part of the 29,000 sf of office space or separate and additional?

E. Page 65 – Conflicting Land Uses.

1. Land uses in Connolly Corridor do not match uses identified in the table on Page 67.

F. Page 67 – Reservation of Land.

1. Should any land use plan areas be reserved for public infrastructure, such as the creation of detention basins, sewer/storm/water infrastructure, those reservations should be indicated?

G. Page 162 – Infrastructure Phasing.

1. Existing sewer flows exceed current capacity. All additional flows created by tenant improvements will need to be countered by a reduction of inflow

and infiltration by development applicant, prior to approval of tenant improvements.

- H. Clarify how setback dimensions will impact utility corridor placements; VFWD Standards mandate no backyard or sideyard sewer infrastructure/easements. Exceptions to standards require prior approval.
- I. Address the requirement for regulatory compliance issues such as Private Land Drainage Areas, trash capture, and other environmental regulatory items.

III. STORMWATER

A. Page 168 - Stormwater Map.

- 1. This map shows existing stormwater lines on the island. Consider color coding the lines or areas to show ownership and responsible party.
- 2. The discussion on the Stormwater Map does not note the different responsibilities of the City vs. VFWD for the different areas. Please add discussion here on that distinction.
- 3. Section 7.6.A: No mention is made of Stormwater Pump Station 15 near State Route 37. While this pump station is expected to be removed as part of the phased improvements it is still required in the interim to provide drainage for areas of North Mare Island.
- 4. Section 7.6.A: The statement, "*Multiple studies have been done over the years with the goal of optimizing the watersheds without the need for new outfalls and agencies permitting.*" is misleading. Optimizing the watersheds was a cost-effective option to explore if watersheds could be adjusted by utilizing existing outfalls from a hydraulic standpoint. The Mare Island Reuse Infrastructure Study recommended plugging some outfalls and installing new outfalls. Modify statement accordingly.

B. Page 169 – Stormwater.

- 1. This map shows proposed stormwater improvements. The discussion here notes that pipes will be replaced "closely matching existing routes." Please identify who will replace each section and who will subsequently own the improvements.

2. Update Figure 7-5 to indicate SW system components and methodology for handling drainage as indicated on Page 170, Section 7.6.C.
3. Land must be identified if SW basins are to be created or used. If natural treatment methodologies are to be evaluated, where would those go?

C. Page 170 – Stormwater Infrastructure.

1. The Specific Plan references construction of new “bioretention areas” for stormwater. Who will be responsible for these areas and where will they be located? Please show proposed locations for bioretention areas and any other infrastructure that will require dedicated land.
2. If permanent BMPs are installed or hydromodification designs are included as part of the development, the owner shall be required to enter into an operations and maintenance agreement. The Specific Plan should acknowledge this requirement. VFWD or the City would be responsible for inspecting for compliance with NPDES, but not own/maintain the infrastructure.
3. Section 7.6.B: Recommend clarifying that the anticipated sea level rise is approximately X feet, resulting in a mean sea level elevation of 16 feet. As is currently written, there could be some confusion with the public believing there will be 16 feet of sea level rise.
4. Section 7.6.C: Trash capture devices will be required to be incorporated into the storm drainage system. Recommend including trash capture devices under this section.

IV. WASTEWATER

A. Page 171 – Reuse and Rehabilitation.

1. Certain 21-27 inch trunklines are identified for “reuse”. The Specific Plan should acknowledge that only rehabilitated trunklines that meet VFWD standards and have a remaining useful life of at least 50 years, may be reused, as indicated by the findings of the condition assessment.
2. The Specific Plan should acknowledge that many wastewater pipes need replacement before new development will be approved.

3. VFWD's existing Master Plan does not include the Mare Island buildout capacity projection and does not plan for this increased demand. VFWD's Master Plan will need to be updated/amended to identify and address the Specific Plan's projected flows. Such update/amendment shall be funded by Developers.
4. The environmental impact report ("EIR") for the Specific Plan should assess the capacity and condition of existing infrastructure with technical studies and include mitigation or mandatory project components necessary to avoid or mitigate impacts related to wastewater impacts due to the additional demand from development, prior to approval of the subject development.
5. There are currently nine active sanitary sewer lift stations on Mare Island that are operated by the District.
6. Primary pipes identified for reuse cannot be determined without a condition and sewer capacity impact assessment based on proposed development. Once development areas move forward, a sewer infrastructure sizing study will be required for each specific development areas, sizing must be provided for build-out condition for entire tributary area. Pipes identified for reuse must have a minimum of 50 years of remaining useful life at time of transfer to VFWD.
7. DOM 4 connects to an 18-inch force main.

B. Page 172 – Proposed Wastewater Pipe and Pump Station Layout.

1. Land that is necessary for wastewater infrastructure upgrades should be identified on the map and reserved for infrastructure purposes.
2. The Specific Plan does not identify who owns and is responsible for the various sections of wastewater pipe and pump stations. This is an ongoing topic of discussion and should be settled before major development occurs.
3. The existing VFWD Treatment Plant Master Plan (Master Plan) does not include projected MI buildout demands of 9 MGD. The Master Plan shall be updated/amended to identify and address the projected flows. A portion of the costs associated with treatment capacity expansion and regulatory permit updates that will be required to accommodate the increased flows shall be borne by the developer.

4. The statement “*Discussions with VFWD regarding the available capacity for the project treatment demands at final build out are on-going and a final resolution is pending*” is misleading. Modify statement as there have not been discussions regarding treatment plant expansion necessary to accommodate a buildout demand of 9 MGD.

C. Page 173– Proposed Wastewater Improvements.

1. Define utility corridors and reserve space for them.
2. Add statement that an Infrastructure Plan will be required to determine phasing and wastewater improvements.

D. Page 274– Phasing.

1. Insert statement that only VFWD shall determine adequate levels of service with regards to stormwater and wastewater.

If you have any questions regarding these comments, please contact David Espinoza at despinoza@vallejowastewater.org.

Sincerely,



Tracy Rideout, P.E.
Director of Technical Services

(TR/de)