

Final

# JOHNSON DRIVE ECONOMIC DEVELOPMENT ZONE

Partial Recirculated Supplemental Environmental Impact Report –  
Response to Comments

Prepared for  
City of Pleasanton

November 2019





Final

# JOHNSON DRIVE ECONOMIC DEVELOPMENT ZONE

Partial Recirculated Supplemental Environmental Impact Report  
– Response to Comments

Prepared for  
City of Pleasanton

November 2019

550 Kearny Street  
Suite 800  
San Francisco, CA 94108  
415.896.5900  
esassoc.com



Bend	Oakland	San Diego
Camarillo	Orlando	San Francisco
Delray Beach	Pasadena	Santa Monica
Destin	Petaluma	Sarasota
Irvine	Portland	Seattle
Los Angeles	Sacramento	Tampa

D140421.02

**OUR COMMITMENT TO SUSTAINABILITY** | ESA helps a variety of public and private sector clients plan and prepare for climate change and emerging regulations that limit GHG emissions. ESA is a registered assessor with the California Climate Action Registry, a Climate Leader, and founding reporter for the Climate Registry. ESA is also a corporate member of the U.S. Green Building Council and the Business Council on Climate Change (BC3). Internally, ESA has adopted a Sustainability Vision and Policy Statement and a plan to reduce waste and energy within our operations. This document was produced using recycled paper.

# TABLE OF CONTENTS

---

## Johnson Drive Economic Development Zone Partial Recirculated Supplemental Environmental Impact Report – Response to Comments Document

### Volume 1

---

	<u>Page</u>
<b>1. Introduction.....</b>	<b>1-1</b>
1.1 California Environmental Quality Act Process.....	1-1
1.2 Method of Organization.....	1-2
<b>2. Persons Commenting on the Partial Recirculated Draft SEIR .....</b>	<b>2-1</b>
2.1 List of Comment Letters Received .....	2-1
<b>3. Written Comments on the Partial Recirculated Draft SEIR and Responses to     Comments.....</b>	<b>3-1</b>
3.1 Introduction.....	3-1
3.2 Responses to Comments .....	3-1
Letter 1. Laborers’ International Union of North America (Michael R. Lozeau).....	3-1
Letter 2. Pleasanton Citizens for Responsible Growth (Mark R. Wolfe) .....	3-44
Letter 3. Kellie Collier .....	3-63
Letter 4. Karen Cooper .....	3-66
Letter 5. Vicki Cunniffe.....	3-66
Letter 6. Sherrie Howell.....	3-69
Letter 7. Robert Jacobsen.....	3-70
Letter 8. Patricia Lanning .....	3-72
Letter 9. Don Maday .....	3-73
Letter 10. Ann Pfaff-Doss.....	3-74
Letter 11. Randall Reber .....	3-76
Letter 12. Craig Schwab .....	3-77
Letter 13. Matt Sullivan .....	3-86
Letter 14. Dorinda Wong.....	3-119
Other Letters .....	3-120
<b>4. Summary of Changes to the Partial Recirculated Draft SEIR.....</b>	<b>4-1</b>
<b>5. Mitigation Monitoring and Reporting Program (Revised November 2019) .....</b>	<b>5-1</b>
5.1 Introduction.....	5-1
5.2 Format.....	5-1
5.3 Enforcement.....	5-2

**Figures**

No figures presented.

**Tables**

Table 3-1	Project Development Program Assumed in Air Quality Analysis, Current Project vs. 2015 DSEIR Project .....	3-19
Table 3-2	REVISED Air Quality Table 7, Phase 1 (2021) Average Daily Unmitigated Operational Emissions by Source.....	3-21
Table 3-3	REVISED Air Quality Table 10, Average Daily Unmitigated Construction Plus Operational Emissions .....	3-22
Table 3-4	REVISED Air Quality Table 12, Full Buildout (2031) Average Daily Unmitigated Operational Emissions by Source .....	3-24
Table 3-5	REVISED Air Quality Table 5, Average Daily Unmitigated Construction Emissions by Source.....	3-51
Table 3-6	REVISED Air Quality Table 6, Average Daily Mitigated Construction Emissions by Source.....	3-52
Table 3-7	REVISED HRA Table 6, Project Maximum Incremental Increase in Cancer Risk .....	5-53
Table 3-8	REVISED HRA Table 7, Project Maximum Chronic Hazard Index .....	5-53
Table 3-9	REVISED HRA Table 8, Project Maximum Annual PM <sub>2.5</sub> Concentrations .....	5-54
Table 3-10	Costco Gasoline Fuel Station Average Member Wait Times .....	3-79
Table 5-1	Mitigation Monitoring and Reporting Program.....	5-3

**Volume 2**

**Appendices**

Appendix A	Comment Letters
Appendix B	Revised Emissions Results Tables
Appendix C	Modeling Results
Appendix D	Memorandum: Wait Time for Costco Gasoline Fuel Stations (Kittelsohn & Associates)

## Acronyms and Other Abbreviations

Acronym/Abbreviation	Definition
µg/m <sup>3</sup>	micrograms per cubic meter
2017 Scoping Plan Update	2017 Climate Change Scoping Plan Update
AB	Assembly Bill
ABAG	Association of Bay Area Governments
AQ	Air Quality
ARB	California Air Resources Board
BAAQMD	Bay Area Air Quality Management District
BART	Bay Area Rapid Transit
BEV	battery electric vehicle
BMC	Berkeley Municipal Code
CalEEMod	CALifornia Emissions Estimator MODel
CALGreen Code	California Green Building Standards Code
Caltrans	California Department of Transportation
CAP	Climate Action Plan
CAPCOA	California Air Pollution Control Officers Association
CARB	California Air Resources Board
CARE	Community Air Risk Evaluation Program
CBD	<i>Center for Biological Diversity v. California Department of Fish and Wildlife</i> (62 Cal.4th 204)
CBE v. SCAQMD	<i>Communities for a Better Environment v. South Coast Air Quality Management Dist.</i> ([2010] 48 Cal.4th 310, 327)
C.C.R., CCR	California Code of Regulations
CDFW	California Department of Fish and Wildlife
CEC	California Energy Commission
CEQA	California Environmental Quality Act
City	City of Pleasanton
CO <sub>2</sub> e	carbon dioxide equivalent
CO <sub>2</sub> e/SP/yr	carbon dioxide equivalent per service population per year
CY	cubic yard(s)
dBA	A-weighted decibels
Draft SEIR	Draft Supplemental Environmental Impact Report
EBEW	East Bay Energy Watch
EDZ	Johnson Drive Economic Development Zone
EMFAC2017	California Air Resources Board's EMISSION FACTors Model, 2017 version
ESA	Environmental Science Associates
g/L	grams per liter
GDF	gasoline dispensing facility
General Plan	<i>Pleasanton General Plan 2005–2025</i>
GHG	greenhouse gas
HHDT	heavy-heavy-duty truck
HRA	Health Risk Assessment
I-580	Interstate 580
I-680	Interstate 680
I-710	Interstate 710
ITE	Institute of Transportation Engineers

Acronym/Abbreviation	Definition
JDEDZ	Johnson Drive Economic Development Zone
Kings County	<i>Kings County Farm Bureau v. City of Hanford</i> (1990) 221 Cal.App.3d 692
km	kilometer(s)
lbs/day	pounds per day
Lead Agency	City of Pleasanton
L <sub>eq</sub>	energy-equivalent sound level
m <sup>2</sup>	square meters
MEIR	maximally exposed individual receptor
MEIW	maximally exposed individual worker
MHDT	medium-heavy-duty truck
MT	metric ton(s)
MT/yr	metric tons per year
MTC	Metropolitan Transportation Commission
MTCO <sub>2e</sub>	metric tons of carbon dioxide equivalent
NB	northbound
NO <sub>x</sub>	oxides of nitrogen
NZE	near-zero emission
ORVR	onboard refueling vapor recovery
Partial Recirculated Draft SEIR	Partial Recirculated Draft Supplemental Environmental Impact Report
Petitioners	Pleasanton Citizens for Responsible Growth
PM <sub>2.5</sub>	particulate matter less than or equal to 2.5 microns in diameter
PM <sub>10</sub>	particulate matter less than or equal to 10 microns in diameter
proposed project	Johnson Drive Economic Development Zone
Pub. Resources Code	California Public Resources Code
Recirculated Air Quality Analysis	Updated Air Quality Technical Memorandum—Criteria Pollutant Emissions Analysis (2019)
Recirculated GHG Analysis	recirculated Greenhouse Gas Analysis (2019)
Recirculated HRA	recirculated Health Risk Assessment (2019)
ROG	reactive organic gas
Save Our Peninsula	<i>Save Our Peninsula Committee v. County of Monterey</i> (2001) 87 Cal.App.4th 99, 124-125
SB	Senate Bill; southbound
SCAQMD	South Coast Air Quality Management District
SEIR	supplemental environmental impact report
sf	square foot/feet
TAC	toxic air contaminant
TOG	total organic gas
U.S. 101	U.S. Highway 101
Updated Air Analysis	July 2019 Final Technical Memo on Updated Air Quality Analysis
VMT	vehicle miles traveled
VOC	volatile organic compound
WB	westbound

# CHAPTER 1

---

## Introduction

### 1.1 California Environmental Quality Act Process

On September 14, 2015, the City of Pleasanton (City), the Lead Agency under the California Environmental Quality Act (CEQA), released for public review a Draft Supplemental Environmental Impact Report (Draft SEIR) for the City’s proposed Johnson Drive Economic Development Zone (JDEDZ or proposed project), and associated *Pleasanton General Plan 2005–2025* (General Plan) Amendment and rezonings (State Clearinghouse No. 2014082081). The public review and comment period on the Draft SEIR began on September 14, 2015, was extended beyond the 45-day public review period, and closed on November 23, 2015.

In March 2016, the City published the Response to Comments document that, together with the Draft SEIR, constitutes the Final SEIR for the proposed project. The Final SEIR is an informational document prepared by the Lead Agency that decision-makers must consider before approving the proposed JDEDZ. The Final SEIR must reflect the Lead Agency’s independent judgment and analysis of the anticipated physical impacts of the proposed JDEDZ on the environment (CEQA Guidelines, Section 15090). The CEQA Guidelines (Section 15132) specify the following:

The Final EIR shall consist of:

- a) The Draft EIR or a revision of that draft.
- b) Comments and recommendations received on the Draft EIR either verbatim or in a summary.
- c) A list of persons, organizations, and public agencies commenting on the Draft EIR.
- d) The responses of the Lead Agency to significant environmental points raised in review and consultation process.
- e) Any other information added by the Lead Agency.

The City Council certified the Final SEIR and approved the proposed project on November 7, 2017. Following the City’s certification of the SEIR and project approval, an “unincorporated association” of persons calling themselves Pleasanton Citizens for Responsible Growth (referred to in this Response to Comments document as the “Petitioners”) filed a lawsuit asking the court to rescind the City Council’s JDEDZ approvals because of alleged violations of CEQA. The Petitioners alleged that the SEIR included an incomplete air quality analysis for the Stoneridge Apartment Community, located on the west side of Interstate 680 near Stoneridge Mall at 6250 through 6450 Stoneridge Mall Road. In September 2018, the City and Costco, which would be the major occupant of Phase 1 of the proposed project, agreed to rescind the JDEDZ approvals to

perform a supplemental air quality analysis for the JDEDZ. In return, the Petitioners dismissed the lawsuit.

On July 9, 2019, the City published a partial recirculated draft SEIR. For the Partial Recirculated Draft SEIR, the City decided to expand the scope of work beyond the supplemental air quality analysis to more comprehensively identify and mitigate any additional impacts created by the JDEDZ. Accordingly, the City directed Environmental Science Associates to prepare the following analyses:

- Health Risk Assessment
- Updated Air Quality Technical Memorandum—Criteria Pollutant Emissions Analysis
- Greenhouse Gas Analysis
- Energy Resources Technical Memorandum

As with the 2015 Draft SEIR, the Partial Recirculated Draft SEIR was made available for public review for 45 days, as required by CEQA. The City received nearly 300 comment letters (via email) on the Partial Recirculated Draft SEIR, the vast majority of which merely expressed support for or opposition to the proposed project (about 85 percent and 14 percent, respectively).

This second Response to Comments document has been prepared pursuant to CEQA and in conformance with the CEQA Guidelines. Section 15088.5(f)(2) of the CEQA Guidelines requires the Lead Agency only to respond to comments regarding the recirculated portions of the Draft SEIR. Nonetheless, for informational purposes, the City has responded to the other comments received during this comment period. This document incorporates comments from public agencies and the general public, and contains appropriate responses by the Lead Agency to those comments. The Final SEIR reflects the City's independent judgment and analysis.

## 1.2 Method of Organization

This Response to Comments document for the proposed project presents information in response to the comments raised during the public comment period. This document is organized as follows:

- This chapter, *Introduction*, describes the CEQA process and the organization of this Response to Comments document.
- Chapter 2, *Persons Commenting on the Partial Recirculated Draft SEIR*, lists all agencies, organizations, and persons who submitted written comments on the Partial Recirculated Draft SEIR during the public review and comment period.
- Chapter 3, *Written Comments on the Partial Recirculated Draft SEIR and Responses to Comments*, contains the comments received during the public review and comment period that address environmental issues or the substance of the Partial Recirculated Draft SEIR. These comments are transcribed and responses to the comments are provided after each comment. All remaining comments, including those that only express support for or opposition to the project, are provided in Attachment A.

- Chapter 4, *Summary of Changes to the Partial Recirculated Draft SEIR*, briefly summarizes the updated emissions modeling conducted for the project and explains other changes to the Partial Recirculated Draft SEIR.
- Chapter 5, *Mitigation Monitoring and Reporting Program*, describes the identified mitigation measures and the responsible parties, tasks, and schedule for monitoring mitigation compliance.
- This Response to Comments document includes the following *appendices*:
  - Appendix A, *Comment Letters*, presents the comment letters received on the Partial Recirculated Draft EIR in their original form.
  - Appendix B, *Revised Emissions Results Tables*, presents tables showing the results of updated emissions modeling for the project conducted to provide a complete response to a number of public comments.
  - Appendix C, *Modeling Results*, presents the results of modeling conducted for the project for the Health Risk Assessment and the Air Quality, Greenhouse Gas, and Energy analyses.
  - Appendix D, *Memorandum: Wait Time for Costco Gasoline Fuel Stations (Kittelson & Associates)*, presents the results of a study analyzing average wait times for other Costco gas stations in California, Arizona, and Oregon.

This page intentionally left blank

## CHAPTER 2

# Persons Commenting on the Partial Recirculated Draft SEIR

This chapter documents the comments on the Partial Recirculated Draft SEIR that were submitted by organizations and individuals during the public review period (July 10 through August 23, 2019). No public agencies submitted comments. During this period, comments could be submitted by letter or email. All of the comments received that address environmental issues or the substance of the Partial Recirculated Draft SEIR and the responses to those comments are presented in Chapter 3 of this Response to Comments document. The remaining comments received, including many that expressed only support for or opposition to the proposed project, are included in Appendix A.

## 2.1 List of Comment Letters Received

The letters received on the Partial Recirculated Draft SEIR that contained comments on environmental issues or the substance of the Partial Recirculated Draft SEIR are identified below.

Letter #	Author	Type	Media
1	Laborers' International Union of North America (Michael R. Lozeau)	Organization	Emailed letter
2	Pleasanton Citizens for Responsible Growth (Mark R. Wolfe)	Organization	Emailed letter
3	Kellie Collier	Individual	Email
4	Karen Cooper	Individual	Email
5	Vicki Cunniffe	Individual	Email
6	Sherrie Howell	Individual	Email
7	Robert Jacobsen	Individual	Email
8	Patricia Lanning	Individual	Email
9	Don Maday	Individual	Email
10	Ann Pfaff-Doss	Individual	Email
11	Randall Reber	Individual	Email
12	Craig Schwab	Individual	Email
13	Matt Sullivan	Individual	Email
14	Dorinda Wong	Individual	Email

The City also received approximately 280 additional letters during the public comment period that did not address environmental issues or the Partial Recirculated Draft SEIR. Most of these comments simply expressed support for or opposition to the proposed project.

This page intentionally left blank

## CHAPTER 3

---

# Written Comments on the Partial Recirculated Draft SEIR and Responses to Comments

### 3.1 Introduction

This chapter contains copies of the comment letters received during the public review period on the Partial Recirculated Draft SEIR, and the individual responses to those comments. Each written comment letter is designated with a number (1–14) in the upper right-hand corner of the letter, based on the order in which it was received. Each individual comment that addressed a substantive environmental issue or the substance of the Partial Recirculated Draft SEIR is transcribed here. Responses follow immediately below each comment. Full copies of the comment letters are reproduced in Appendix A.

### 3.2 Responses to Comments

This section presents responses to comments on substantive environmental issues or the substance of the Partial Recirculated Draft SEIR. The CEQA Guidelines indicate that a Final EIR should address comments on the Draft EIR. Comments that state opinions about the overall merit of the proposed project are also reproduced herein, following the comments that raise physical environmental issues or issues pertaining to the substance of the Partial Recirculated Draft SEIR. CEQA does not require responses to comments on non-environmental issues; therefore, no responses to those comments are provided. Nevertheless, these comments will be taken into account by the decision-makers (the Pleasanton City Council) when they consider the proposed project.

## Letter 1 – Laborers’ International Union of North America (Michael R. Lozeau)

### Comment 1-1

*IV. THE EIR FAILS TO ANALYZE AND MITIGATE ALL POTENTIALLY SIGNIFICANT IMPACTS.*

*An EIR must disclose all potentially significant adverse environmental impacts of a project. (Pub. Resources Code [California Public Resources Code], § 21100(b)(1); CEQA Guidelines, § 15126(a); Berkeley Jets, 91 Cal. App. 4th 1344, 1354.) CEQA requires that an EIR must not only identify the impacts, but must also provide “information about how adverse the impacts will be.” (Santiago County Water Dist. v. County of Orange (1981) 118 Cal.App.3d 818, 831). The lead*

agency may deem a particular impact to be insignificant only if it produces rigorous analysis and concrete substantial evidence justifying the finding. (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692 (“Kings County”).)

Every CEQA document must start from a “baseline” assumption. The CEQA “baseline” is the set of environmental conditions against which to compare a project’s anticipated impacts. Section 15125(a) of the CEQA Guidelines (14 C.C.R., [California Code of Regulations] § 15125(a)) states in pertinent part that a lead agency’s environmental review under CEQA:

“...must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time [environmental analysis] is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a Lead Agency determines whether an impact is significant.” (Emphasis added.)

(See, *Save Our Peninsula Committee v. County of Monterey* (2001) 87 Cal.App.4th 99, 124-125 (“Save Our Peninsula.”) As the court of appeal has explained, “the impacts of the project must be measured against the ‘real conditions on the ground,’” and not against hypothetical permitted levels. (87 Cal.App.4th 99, 121-123.)

CEQA requires public agencies to avoid or reduce environmental damage when feasible by requiring mitigation measures. (CEQA Guidelines, § 15002(a)(2) and (3); See also, *Berkeley Jets*, 91 Cal. App. 4th at p. 1354; *Citizens of Goleta Valley*, 52 Cal.3d at p. 564.) The EIR serves to provide agencies and the public with information about the environmental impacts of a proposed project and to “identify ways that environmental damage can be avoided or significantly reduced.” (CEQA Guidelines, §15002(a)(2).) If the project will have a significant effect on the environment, the agency may approve the project only if it finds that it has “eliminated or substantially lessened all significant effects on the environment where feasible” and that any unavoidable significant effects on the environment are “acceptable due to overriding concerns.” (Pub. Resources Code, § 21081; CEQA Guidelines, § 15092(b)(2)(A) & (B).)

In general, mitigation measures must be designed to minimize, reduce, or avoid an identified environmental impact or to rectify or compensate for that impact. (CEQA Guidelines, § 15370.) Where several mitigation measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified. (*Id.*, at § 15126.4(a)(1)(B).) A lead agency may not make the required CEQA findings unless the administrative record clearly shows that all uncertainties regarding the mitigation of significant environmental impacts have been resolved.

CEQA requires the lead agency to adopt feasible mitigation measures that will substantially lessen or avoid the Project’s potentially significant environmental impacts (Pub. Resources Code, §§ 21002, 21081(a)), and describe those mitigation measures in the CEQA document. (Pub. Resources Code, § 21100(b)(3); CEQA Guidelines, § 15126.4.) A public agency may not rely on mitigation measures of uncertain efficacy or feasibility. (*Kings County*, 221 Cal.App.3d at p. 727 (finding groundwater purchase agreement inadequate mitigation measure because no record evidence existed that replacement water was available).) “Feasible” means capable of being

*accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors. (CEQA Guidelines, § 15364.) To demonstrate economic infeasibility, “evidence must show that the additional costs or lost profitability are sufficiently severe as to render it impractical to proceed with the project.” (Citizens of Goleta Valley v. Board of Supervisors (1988) 197 Cal.App.3d 1167, 1181.) The EIR must provide evidence and analysis to show project cannot be economically implemented. (Kings County, supra, 221 Cal.App.3d at pp. 734-737.) This requires not just cost data, but also data showing insufficient income and profitability. (See Burger v. County of Mendocino (1975) 45 Cal.App.3d 322, 327 (infeasibility claim unfounded absent data on income and expenditures showing project unprofitable); San Franciscans Upholding the Downtown Plan v. City and County of San Francisco (2002) 102 Cal.App.4<sup>th</sup> 656, 694 (upholding infeasibility finding based on analysis of costs, projected revenues, and investment requirements).) Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments. (CEQA Guidelines, § 15126.4, subd. (a)(2).)*

*A lead agency may not conclude that an impact is significant and unavoidable without requiring the implementation of all feasible mitigation measures to reduce the impacts of a project to less than significant levels. (CEQA Guidelines, §§ 15126.4, 15091.)*

### **Response 1-1**

The comment sets forth the commenter’s version of the CEQA requirements to “analyze and mitigate all potentially significant impacts.” The comment makes no specific allegations regarding the Partial Recirculated Draft SEIR, but rather serves to introduce the specific comments that follow. Because no specific comments are made, no further response is required. See the responses to the comments that follow.

### **Comment 1-2**

*1. The Project’s EIR Fails to Apply a Baseline Supported by Substantial Evidence to its Evaluation of Potential Wildlife Impacts of the Project on Biological Resources.*

*The SEIR relies on a single reconnaissance level field survey in September 2014 to determine the baseline of biological resources at the site from which to evaluate wildlife impacts. SEIR, p. 4.E-2. Although noting that various databases indicate that 12 special status plant species and 24 special-status animal species have been reported to occur in the vicinity of the Project, the SEIR only identifies the Cooper’s hawk and three bat species as having a “moderate potential” to occur on the Project site. SEIR, p. 4.E-8. The SEIR also generically mentions that birds may breed in trees on the site. Id., p. 4.E-9. The SEIR also claims that, at the time, “[n]o small mammal burrows were observed in the parcel and grassland appears to be managed throughout the year.” Id., p. 4.E-8.*

*Dr. Smallwood visited the Project site on July 29, 2019. During his two hour reconnaissance of the site along Johnson Drive, he observed and photographed a number of special status species at the site, including White-tailed kite, Cooper’s hawk, Red-tailed hawk and California gull. Smallwood Comments, p. 2 (attached as Exhibit A). Dr. Smallwood also observed and*

*photographed a red fox and a number of fox dens on the site. Id., pp. 2, 5. His review of data submitted to the eBird database and his expert knowledge of various mammalian species further reveals that 33 special-status species of birds likely occur on the site as well as eight mammalian species with potential to occur on site. Id., pp. 6-7 (Table 2).*

*In addition to the lack of a robust biological site survey during appropriate nesting seasons, the EIR eliminates numerous species from the baseline based on a “plausible likelihood of compromising habitat loss or disturbance to species that would occur during construction and operation of the proposed EDZ [Johnson Drive Economic Development Zone (JDEDZ)].” SEIR, p. 4.E-1. This effort to constrain the baseline puts the cart before the horse, eliminating many species from disclosure based on some undocumented, internal decision concluding the Project would have no impact on particular species despite their possible presence at the site and without properly surveying for them. See Smallwood Comments, p. 8.*

*Because the SEIR ignores the documented presence of numerous special status species on the site, the evaluation and disclosure of possible significant impacts to those species is absent from the SEIR. As Dr. Smallwood notes:*

*Even with a brief site visit on one day I proved that some special-status species persist on the project site, including white-tailed kite, Cooper’s hawk, red-tailed hawk, and California gull. I’m confident that additional species listed in Table 2 would be detected with additional survey effort, especially at the level of appropriate detection surveys. In the case of birds, eBird records provide ample evidence in support of my conclusion, as all of the bird species listed in Table 2 have been reported in the project area via eBird. Preparation of a project-specific EIR is warranted.*

*Smallwood Comments, pp. 8-9. The various preconstruction surveys called for in the SEIR do nothing to rectify the EIR’s numerous shortcomings in disclosing impacts. Nor would those surveys to be conducted just prior to construction stand-in as a proper baseline from which to disclose and evaluate impacts. (See id.)*

*Establishing an accurate baseline is the sine qua non to adequately analyzing and mitigating the significant environmental impacts of the Project. (See CEQA Guidelines, § 15125(a); Save Our Peninsula, 87 Cal.App.4th at 121-123.) Unfortunately, the SEIR’s failure to investigate and identify the occurrences of sensitive biological resources at the Project site results in a skewed baseline. Such a skewed baseline ultimately “mislead(s) the public” by engendering inaccurate analyses of environmental impacts, mitigation measures and cumulative impacts for biological resources. (See San Joaquin Raptor Rescue Center, 149 Cal.App.4th at 656; Woodward Park Homeowners, 150 Cal.App.4th at 708-711.) The SEIR’s failure to acknowledge the special status species that likely will be adversely affected by the extensive building proposed in the Project “lacks analysis” and “omits the magnitude of the impact” to biological resources. (Sierra Club v. County of Fresno, 6 Cal.5th at 514.) As a result, the SEIR is insufficient as a matter of law.*

## **Response 1-2**

Firstly, this comment and Comments 1-3, 1-4, 1-5, and 1-6 do not address the analysis contained in the Partial Recirculated Draft SEIR. The biological resources analysis is included in the Draft SEIR released for public comment in 2015 and available on the City's website.

The comment states that the single biological resources survey that supported the biological resources analysis for the Draft SEIR published in 2015 was insufficient to identify a baseline for avian resources that occur on-site, and that avian surveys should have been performed during the "appropriate nesting season." The comment relies on a July 29, 2019, site survey by Dr. Shawn Smallwood, who purportedly recorded a number of bird and mammal species that were not reported in the Draft SEIR. The comment goes on to state that the Draft SEIR (as opposed to the Partial Recirculated Draft SEIR) does not disclose which special-status species could occur on-site, or provide a basis for concluding that the project would have no impact on particular species despite their possible presence at the site.

It is important to note that the Partial Recirculated Draft SEIR did not recirculate the section containing the biological resources impact analysis; rather that section was circulated for public comment in September 2015. Thus, this comment and all other comments on biological resources are outside the scope of what was recirculated pursuant to CEQA Guidelines Section 15088.5.

It is also important to note that the use of the term "special-status species" in comment 1-2 refers specifically to the avian species identified during Dr. Smallwood's site visit. Five such species were described as "special-status." Because of the specificity of the comment, this response is narrowly focused on the biological baseline for special-status bird species on the site. Aside from bats, potential impacts on which are described in the Draft SEIR on pages 4.E-10 through 4.E-12, no other species-status species are expected to occur on site.

With regard to survey timing, biological resources surveys that support CEQA reviews are often performed during the non-nesting season and need not be done during the bird nesting season to adequately establish a biological baseline. Such was the case for the JDEDZ project. When performed in this manner, non-breeding season surveys are prescriptive, intended to estimate which special-status birds could nest on the site. The emphasis on bird nesting is important: CEQA generally does not recognize impacts on birds that fly over a site without nesting there. Hence, overflights by soaring birds such as California gulls, as noted by Dr. Smallwood, would not normally factor into the baseline for an urban infill site.

As is standard for this type of analysis, the biological resources survey for the Draft SEIR inventoried on-site habitats to identify bird species that could nest on-site. The Biological Resources section of the Draft SEIR accurately described the site as a partially urbanized area that supports landscaping trees, shrubs, and managed turf grass, and also includes areas with disturbed non-native annual grasslands and minimal wildlife habitat values. Based on this review, the Draft SEIR analysis found that the site had the potential to support nesting by several special-status birds that nest in urban areas. This finding was presented in Table 4.E-1, *Special-Status Species Reported or with Potential to Occur within the Proposed EDZ Area* (Draft SEIR page 4.E-4).

Of the five special-status birds that Dr. Smallwood describes, the Draft SEIR anticipated that white-tailed kite may forage on the site on a transient basis. Dr. Smallwood's assessment agreed with the Draft SEIR's conclusion that white-tailed kite nesting would occur on a foraging-only basis; hence, no impact on active nests of this species would occur, and no impact would occur under CEQA.

The Draft SEIR identified that Cooper's hawk may nest and forage on the site, which Dr. Smallwood confirms. Based on the professional biological opinion that Cooper's hawk and other avian species could nest on the site, the Draft SEIR proposed Mitigation Measure 4.C-1a, *Pre-construction Breeding Bird Surveys*. As identified in the Draft SEIR, because Sections 3503 and 3503.5 of the California Fish and Game Code prohibit impacts on active bird nests, the Draft SEIR requires a "no-impact" mitigation approach for all nesting birds. As such, no impacts on any nesting birds on the site, including all of those identified by Dr. Smallwood, would occur.

Of the three other special-status birds noted in the comment, the western gull was characterized in the comment letter as an "overflight" species. The turkey vulture is similarly considered an overflight species. Neither of these soaring species is expected to physically land on the site, and the site does not provide nesting habitat for either species; hence, it is appropriate to exclude include them from the biological resources baseline.

The comment takes issue with the fact that red-tailed hawk was not observed during the September 17, 2014, biological resources survey and not described in the Draft SEIR. The observation of foraging red-tailed hawk is not surprising for this location. As a raptor, this species is protected by Section 3503.5 of the California Fish and Game Code. Although red-tailed hawk is protected under this statute, describing this species as a special-status species is inaccurate. This hawk is not on the California Department of Fish and Wildlife (CDFW) Special Animals List, which is a common standard for defining a "special-status species," and red-tailed hawks are common throughout California and other Western states. The foraging observation of this species falls into the category of avian species that may occasionally forage in a given area, but are not present in an area at all times.

The occasional foraging presence of red-tailed hawk on the site does not change the impact status for this species (no impact) or the mitigation approach. Neither the Draft SEIR nor the commenter's survey suggests that red-tailed hawk would nest on the site. In the absence of an active nest, no impact on this species would occur.

As indicated above and identified in the Draft SEIR, because California Fish and Game Code Sections 3503 and 3503.5 prohibit impacts on active bird nests, the Draft SEIR requires a "no-impact" mitigation approach for all nesting birds. The additional presence of a few additional common birds, identified by the commenter using eBird or other means, would not change the project approach to avoiding all impacts on active bird nests, as required by the Fish and Game Code. Based on this approach, the project would result in no impacts on any active bird nests, including those species identified by Dr. Smallwood.

It is noted that Dr. Smallwood observed evidence of pocket gophers and a non-native red fox on the site. These species are not protected by CDFW. Impacts on these species would not be significant under CEQA and no mitigation would be required.

## Comment 1-3

### 2. The SEIR Fails to Adequately Address Wildlife Movement Through the Site.

The SEIR fails to address the 40-acre Project's adverse impacts on wildlife movement through the site. The SEIR does mention the adjacent Alamo Canal channel, downplaying that channel's importance to amphibians but noting it likely is used by grey fox, deer, skunks, raccoons, opossum, and bullfrogs. SEIR, p. 4.E-8. However, Dr. Smallwood points out that the SEIR fails to address wildlife movement through the 40 acre project site and the Project's likely impacts on that movement. Based on his observations of numerous birds and fox moving through the site and review of species using the site, Dr. Smallwood states:

*A site such as the proposed project site is critically important for wildlife movement because it composes an increasingly diminishing patch of tree canopy cover within a growing expanse of anthropogenic uses, forcing more volant wildlife to use the site as stop-over and staging habitat during migration, dispersal, and home range patrol (Warnock 2010, Taylor et al. 2011, Runge et al. 2014). The project would cut wildlife off from stop-over and staging habitat, and would therefore interfere with wildlife movement in the region.*

*Smallwood Comments, p. 9. The SEIR must review this potentially significant impact.*

## Response 1-3

The commenter states that the Draft SEIR fails to address the 40-acre project's adverse impacts on wildlife movement through the site, including numerous birds and foxes that move through the site, and that development of the site would interfere with wildlife movement in the region.

The Draft SEIR's discussion of potential wildlife movement on the site was more than adequate. The Draft SEIR stated that the site is partly developed and otherwise of poor quality as a result of previous uses, and is physically separated from the nearby Alamo Canal—described by the Draft SEIR as a wildlife movement corridor—by a six-foot-tall chain-link fence that impedes wildlife movement between the creek and the project site.

The Draft SEIR correctly describes the site as a partially urbanized area that supports landscaping trees, shrubs, and managed turf grass, and includes areas with disturbed non-native annual grasslands and minimal wildlife habitat values. In a regional setting, the site is an infill site in a densely developed urban setting surrounded by major roadways. As the Draft SEIR explains on page 4.E-3, "A single undeveloped parcel is present within the southwest portion of the proposed EDZ area which comprises non-native grassland species; the remainder of the EDZ area is largely developed with buildings, paved areas including parking lots, and landscaping."

Thus, the comment that the regional movement of birds and wildlife in the region is dependent upon the continued existence of the project site in its existing condition is not correct. Birds do not depend on the site in any manner as a wildlife movement corridor, although several bird species may occasionally use the site. The non-native red fox, cited in the comment, is considered a nuisance wildlife species by CDFW and its movements are not regulated. The site is not considered to be within or part of a wildlife movement corridor, and as stated in the Draft SEIR,

site development would adhere to General Plan goals, policies, and implementation programs aimed at protecting the movement of wildlife in corridors.

As with the other biological resources comments, it is important to note that the Partial Recirculated Draft SEIR did not recirculate the section containing the biological resources impact analysis; rather, that section was circulated for public comment in September 2015. Thus, this comment is outside the scope of what was recirculated pursuant to CEQA Guidelines Section 15088.5.

### **Comment 1-4**

*3. The EIR Fails to Analyze the Project's Impacts on Wildlife from Additional Traffic Generated by the Project.*

*According to the SEIR, the Project will generate between 12,000 and 15,600 new daily car and truck trips. SEIR, p. 4.D-25 (Table 4.D-3). Yet the SEIR provides no analysis of the impacts on wildlife that will be caused by an enormous increase in traffic on the roadways servicing the Project.*

*"Increased use of existing roads will increase wildlife fatalities." Smallwood Comments, p. 9 (citation omitted). As a result, the Project's traffic increases will have potentially significant impacts on species occurring even off-site of the Project, including threatened and endangered species. Id.*

*Vehicle collisions with special-status species is not a minor issue, but rather results in the death of millions of species each year. Dr. Smallwood explains:*

*Across North America traffic impacts have taken devastating tolls on wildlife (Forman et al. 2003). In Canada, 3,562 birds were estimated killed per 100 km [kilometers] of road per year (Bishop and Brogan 2013), and the US estimate of avian mortality on roads is 2,200 to 8,405 deaths per 100 km per year, or 89 million to 340 million total per year (Loss et al. 2014). Local impacts can be more intense than nationally.*

*In a recent study of traffic-caused wildlife mortality, investigators found 1,275 carcasses of 49 species of mammals, birds, amphibians and reptiles over 15 months of searches along a 2.5 mile stretch of Vasco Road in Contra Costa County, California (Mendelsohn et al. 2009). Using carcass detection trials performed on land immediately adjacent to the traffic mortality study (Brown et al. 2016) to adjust the found fatalities for the proportion of fatalities not found due to scavenger removal and searcher error, the estimated traffic-caused fatalities was 12,187. This fatality estimate translates to a rate of 3,900 wild animals per mile per year killed along 2.5 miles of road in 1.25 years. In terms comparable to the national estimates, the estimates from the Mendelsohn et al. (2009) study would translate to 243,740 animals killed per 100 km of road per year, or 29 times that of Loss et al.'s (2014) upper bound estimate and 68 times the Canadian estimate. An analysis is needed of whether increased traffic on roads in and around Pleasanton would similarly result in intense local impacts on wildlife.*

*Smallwood, pp. 9-10.*

*As part of his review, Dr. Smallwood has prepared a model based on his review of relevant wildlife traffic mortality studies. Smallwood Comments, pp. 10-11. Taking into existing traffic levels on Johnson Drive, Dr. Smallwood estimates that the Project's increased traffic would increase collisions of vehicles with wildlife by about 35 percent in the vicinity of the Project. Id., p. 11. Based on wildlife fatality counts for other Bay area roads, that would equate to 3,413 wildlife fatalities from the Project traffic. Id. Dr. Smallwood notes that the estimate model "should be applied to roads that are closer to the project site," but "surveys for traffic-caused wildlife mortality would be needed before project impacts could be accurately predicted." Id. Because no such background information was gathered as part of the City's review and the SEIR does not address wildlife fatalities at all, the SEIR is insufficient and lacks analysis. The SEIR must be revised to include an analysis and mitigation of the result increased traffic from the Project will have on wildlife.*

### **Response 1-4**

The commenter provides an extensive account of bird and wildlife mortality across North America and in rural portions of Contra Costa County (Vasco Road), and states that the project would increase wildlife collisions with vehicles by about 35 percent in the project vicinity. The commenter then states that because the Draft SEIR provides no background information on wildlife collisions with vehicles, the analysis is insufficient and must be revised.

As stated in Response to Comment 1-3, the project site is an urban location that provides minimal value to terrestrial wildlife species. This location is in no way similar to conditions at Vasco Road, where a four-lane highway bisects habitat used by a multitude of migratory terrestrial wildlife species. The Alamo Canal is separated from the project site by a permanent chain-link fence that inhibits wildlife movement onto Johnson Drive; hence, there is not currently an issue with wildlife mortality from vehicles on Johnson Drive. The Alamo Canal does not support any rare or special-status wildlife species that would constitute a significant impact on wildlife (as seen at Vasco Road). The commenter's guess that collisions of vehicles with wildlife substantially increase in the project vicinity is speculative and does not accurately represent site conditions. Because of the absence of sensitive terrestrial wildlife species in the area and the presence of fencing along the creek corridor, significant wildlife mortality would not be expected from interactions with vehicles.

As with the other biology comments, it is important to note that the Partial Recirculated Draft SEIR did not recirculate the section containing the biological resources impact analysis; rather, that section was circulated for public comment in September 2015. Thus, this comment is outside the scope of what was recirculated pursuant to CEQA Guidelines Section 15088.5.

### **Comment 1-5**

*4. The EIR fails to adequately address the Project's impacts on wildlife resulting from bird strikes.*

*The SEIR makes no mention of the Project's impact on birds from collisions with the Project's building windows and other features. See SEIR, pp. 4.E.-1 - 4.E-14. As a result, the EIR's discussion is manifestly insufficient to describe the Project's impacts on birds colliding with the*

*glass facades and other structures that will be constructed as a result of the Project. By omitting this serious impact, the SEIR misrepresents the Project's potential impacts and fails to give any sense of the magnitude of this potential impact.*

*Full disclosure of the potential impact on wildlife of window collisions is especially important because “[w]indow collisions are often characterized as either the second or third largest source of human-caused bird mortality.” Dr. Smallwood Comments, p. 12. “Glass façades of buildings intercept and kill many birds, but these façades are differentially hazardous to birds based on spatial extent, contiguity, orientation, and other factors.” Id.*

*As a preliminary matter, a proper EIR for the Project should include, among other things, details of window placements, window extent, types of glass, and anticipated interior and exterior landscaping and lighting. Smallwood Comments, pp. 16-19. The EIR then should discuss the likely magnitude of bird collisions with the Project as well as the particular species that would be most likely to collide with the Project and evaluate the direct and cumulative impacts of those bird fatalities.*

*Dr. Smallwood reviewed a number of studies and, based on some reasonable projections of windows in hotels and a big box retail outlet, calculated an estimate of the number of bird collisions per m<sup>2</sup> [square meter] of glass windows per year. Id., p. 15. The absence of any details for the proposed Costco warehouse and two hotels requires Dr. Smallwood to estimate the amount of windows to be included on those Projects. Just considering those components of the Project, Dr. Smallwood conservatively estimates that about 900 birds per year will collide with those buildings' facades. Id. at p. 11. Looking ahead, Dr. Smallwood notes that “[The 50-year toll from this average annual fatality rate would be 46,874 bird deaths.” Id. Dr. Smallwood's bird fatality estimate underscores the SEIR's absent discussion and lack of any, never mind “sufficient[,] detail to enable those who did not participate in its preparation to understand and to consider meaningfully the issues the proposed project raises[.]” Sierra Club v. County of Fresno, 6 Cal.5th at 510.*

*In order to mitigate the impact of the window collisions on bird species, Dr. Smallwood has suggested several possible mitigation measures. Dr. Smallwood suggests: (1) marking the windows (e.g. decals, film, fritted glass); (2) managing outdoor landscape to reduce reflection of vegetation; (3) managing indoor landscape; and (4) managing nocturnal lighting. Smallwood Comments, pp. 19-20. For mitigation measures involving the siting and design of the Project, Dr. Smallwood suggests: (1) deciding on the location of structures; (2) deciding on the façade and orientation of structures; (3) selecting types and sizes of windows; (4) minimizing transparency through two parallel façades; (5) minimizing views of interior plants; and (6) landscaping so as to increase distance between windows and vegetation. Id., p. 20. Dr. Smallwood also suggests that the City also look to the guidelines developed by the American Bird Conservancy to minimize injuries and fatalities to bird species. Id., p. 16. Even with Dr. Smallwood's proposed mitigations, however, it is not likely that the Project can fully mitigate this potentially significant impact. Only a robust discussion in a new EIR subjected to public review and comment would indicate the extent of the impact and the necessary mitigation measures and fully disclose unmitigated impacts the Project may cause.*

**Response 1-5**

The commenter is correct that the Draft SEIR makes no mention of the project's impact on birds from collisions with the project's building windows, because such impacts are not anticipated from the project.

In addition, the City of Pleasanton has not adopted an ordinance regulating the design of structures to be "bird safe," as some larger Bay Area municipalities such as San Francisco and Oakland have done. Because the State of California does not stipulate that the design of buildings be bird safe, the decision whether or not to develop and adopt such guidance is left to individual municipalities. In the absence of a local planning policy that mandates the use of bird-safe design elements, no impact would be expected under CEQA.

Further, the buildings on the site would present a minimal hazard to birds. The structures proposed are relatively short buildings within an urbanized envelope, which would minimize the exposure of birds to the development. Costco stores are generally designed without windows, which are the primary impact mechanism for bird strikes, as cited by the commenter. The potential hazard to birds from collisions with the proposed Costco building would be negligible, given the absence of substantial window coverage and the building's location outside of a bird movement area, such as adjacent to a riparian area with many trees. Birds would not be likely to become confused and believe the Costco store to be anything other than a solid building; thus, the store building would not present a significant hazard to birds.

The proposed hotels would have windows, but they would be located in a developed area and would not be adjacent to any high-quality bird habitat. The Alamo Canal waterway, west of Johnson Drive, does not support any tree or shrub vegetation that makes the area particularly attractive to resident or migratory birds. The hotels would not be located adjacent to any water features or other bird habitat. No landscaped areas are proposed behind glass, and spotlights would not illuminate the buildings.

Finally, the Phase 1 and Phase 2 retail buildings, anticipated to be one-story structures, would have display windows that would face the street and parking lot; however, consistent with other nearby retail structures, those buildings would also likely have large areas of solid façades. Importantly, many retail buildings are divided into multiple storefronts with panels of glass separated by mullions and sometimes by solid façade elements; some retail buildings also feature covered arcades, which further reduce the amount of glass visible to birds. Moreover, like the hotels, the retail buildings would be located in a developed area and not adjacent to any high-quality bird habitat. Accordingly, the Phase 1 and Phase 2 retail buildings would not present a significant collision hazard to birds.

In summary, the proposed buildings lack many of the risk factors associated with bird collisions with structures. In light of the negligible anticipated effect, no additional studies are warranted to examine this potential impact, and mitigation measures are not required.

## **Comment 1-6**

*5. The EIR's Cumulative Biological Resources Analysis Violates CEQA and is Not Supported by Substantial Evidence.*

*CEQA documents, such as the SEIR, must discuss cumulative impacts, and mitigate significant cumulative impacts. 14 CCR § 15130(a). This requirement flows from CEQA section 21083, which requires a finding that a project may have a significant effect on the environment if "the possible effects of a project are individually limited but cumulatively considerable. ...*

*'Cumulatively considerable' means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." A legally adequate cumulative impacts analysis views a particular project over time and in conjunction with other related past, present, and reasonably foreseeable probable future projects whose impacts might compound or interrelate with those of the project at hand.*

*The EIR fails to analyze the Project's cumulative impact on biological resources. See SEIR, pp. 4.E.-1 - 4.E-14. The SEIR "does not include all projects that would contribute to cumulative impacts along with the proposed EDZ; rather, it includes a number of concurrent projects in the area to demonstrate the scope and nature of development in this part of the City." SEIR, pp. 4-4 - 4-5 (Table 4-1). The SEIR's incomplete list is not applied to the review of impacts to biological resources. Cumulative impacts to wildlife are particularly important to considering cumulative impacts on wildlife movement, wildlife traffic fatalities, and bird collisions. As an example, Dr. Smallwood uses the list of projects to estimate the amount of window surface and estimates that those four projects alone would kill almost 6,000 birds per year from collisions with their facades. Smallwood Comment, p. 21. Over 50 years, his estimate amounts to almost 300,000 bird kills from the listed projects alone. Id. The cumulative tally on birds and other wildlife must [be] addressed in order for the SEIR to be sufficient.*

## **Response 1-6**

The commenter states that the Draft SEIR does not include all projects that would contribute cumulative impacts along with the proposed project, and states that cumulative impacts are important relative to the impact areas described in the comment letter: wildlife movement, wildlife traffic fatalities, and bird collisions.

As a supplemental EIR, the analysis relies on the prior cumulative analyses in the Housing Element/Climate Action Plan EIR and the General Plan EIR to examine cumulative project effects on biological resources. The General Plan Draft EIR considered full implementation of the General Plan plus buildout assumed in the Tri-Valley area and found less-than-significant cumulative impacts on biological resources (see pages 3.8-28 and 3.8-29). The City's scoping and review of the project similarly determined that impacts on biological resources were unlikely and therefore should be analyzed in lesser detail (see Draft SEIR, page 1-4). The Draft SEIR concluded that impacts on biological resources would be less than significant with the appropriate mitigation (see Draft SEIR, pages 4.E-9 through 4.E-14). The addition of these negligible impacts—even considering the range of approved and pending projects (see pages 4-4 and 4-5)—

would not result in any significant cumulative impacts. The comment fails to identify any other projects that the Draft SEIR did not adequately consider.

Further, and as described in Responses to Comments 1-2, 1-3, 1-4, and 1-5, the Draft SEIR impact analysis did not identify any new significant impacts related to wildlife movement or wildlife fatalities caused by traffic or bird collisions. Specifically:

- (1) The project is located in a developed portion of the city of Pleasanton that is fenced from the nearby drainage channel and is not within a wildlife movement corridor.
- (2) Because of the site's isolation from natural habitat and location in a developed portion of the city, no wildlife traffic hazards were identified for the proposed development.
- (3) A bird strike impact is not anticipated for the project because the project does not conflict with any adopted City ordinance or policy governing bird strikes, and because the project would actually follow bird-safe standards by (a) minimizing the use of windows (Costco buildings have very few windows) and (b) being located at a site that is not adjacent to extensive vegetation, such as a riparian corridor.

Again, the project site is in an urban location that provides minimal value to terrestrial wildlife species. Therefore, the project's negligible impacts on biological resources would not cumulatively contribute to significant impacts on biological resources.

## **Comment 1-7**

*The original SEIR concludes that operation of the Project will have significant air quality impacts due to NO<sub>x</sub> [oxides of nitrogen] and PM<sub>10</sub> [particulate matter less than or equal to 10 microns in diameter] emissions and would obstruct implementation of BAAQMD's [Bay Area Air Quality Management District's] 2010 Clean Air Plan. SEIR, pp. 2-3. The recirculated SEIR would change that conclusion to less than significant with mitigation for the full Project buildout. For the Project's construction phases, the SEIR states that construction-related air pollution impacts will be less than significant after implementation of mitigation measures. Id., pp. 2-8 – 2-9. Environmental consulting firm SWAPE has reviewed the recently updated air quality analysis prepared for the Project. SWAPE Comments, Exhibit B; July 2019 Final Technical Memo on Updated Air Quality Analysis ("Updated Air Analysis"). SWAPE's review of the CalEEMod [CALifornia Emissions Estimator MODEL] modeling indicates that the inputs to the model are not consistent with the scope of the Project being reviewed. As a result, the modeled emissions are underestimated and the basis for the SEIR's air quality impact analysis is not supported by substantial evidence.*

## **Response 1-7**

The commenter expresses concern that the 2019 Updated Air Quality Technical Memorandum–Criteria Pollutant Emissions Analysis (Recirculated Air Quality Analysis) underestimates emissions because the modeling files are not consistent with the project. See Responses to Comments 1-8 through 1-10 below.

## Comment 1-8

*In regard to the SEIR's and recent air modeling review of the Project's construction emissions, the CalEEMod files do not include any emissions associated with the expected vendor trucks that will occur throughout construction. The Updated Air Analysis estimates that there will be 3,330 vendor truck trips associated with construction of the Project. Updated Air Analysis Memo, pp. 11-12. However, no vendor trips are included in the CalEEMod modeling. SWAPE Comments, pp. 2-4. As SWAPE states, "by failing to account for the correct number of vendor trips that would be required during the entire construction duration, the construction emissions estimates provided in the AQ [Air Quality] Memo are incorrect and should not be used to determine Project significance." Id., p. 4. Because the modeling omits a substantial number of truck trips from its review, the SEIR's updated conclusions regarding air quality impacts are not supported by substantial evidence and are insufficient for failing to address those pollution sources.*

## Response 1-8

The commenter states that the air quality modeling does not include emissions associated with vendor trips during construction. The commenter points to the CalEEMod output files (2019 Recirculated Air Quality Analysis, Section 3.0, *Construction Detail* [subsection *Trips and VMT*]), which show zero vendor trips. The commenter concludes that because the air quality analysis omits vendor trips from the analysis, emissions are underestimated, and the impacts determined in the updated SEIR are inaccurate.

As noted in the 2019 Recirculated Air Quality Analysis on pages 11–12, 3,330 total vendor trips would occur during construction of the Phase 1 and Phase 2 buildings. Of these 3,330 vendor trips, 1,050 would be required for Phase 1A, 970 would be required for Phase 1B, and 1,310 would be required for Phase 2. In addition to these vendor trips, there would be 1,360 truck trips for soil import, 2,040 concrete truck trips, and 39 paving truck trips over the entire construction duration for both Phase 1 and Phase 2. To simplify the CalEEMod modeling and present a conservative assessment of all on-road truck emissions during construction activities, all truck trips (including vendor trips) were modeled as haul trips in CalEEMod.

As shown in the CalEEMod model output in the 2019 Recirculated Air Quality Analysis (Section 3.0, *Construction Detail* [subsection *Trips and VMT*]), vendor trips are included in the "Hauling Trip Number" category for the building construction phases. The total trips noted on page 12 of the memo are round trips; CalEEMod entries are one-way trips. Therefore, the accurate numbers of one-way vendor trips as presented in the 2019 Recirculated Air Quality Analysis for Phase 1A, Phase 1B, and Phase 2 are 2,100, 1,940, and 2,620, respectively, for a total of 6,660 one-way vendor trips.<sup>1</sup> As indicated in Section 3.0, *Construction Detail* (subsection *Trips and VMT*), of the 2019 Recirculated Air Quality Analysis, the vendor trips for Phase 1A, Phase 1B, and Phase 2 are included as haul trips. See the following excerpted table.

<sup>1</sup> It should be noted that because of the updated modeling conducted for Phase 2 construction as discussed in Response to Comment 2-2, the total number of one-way vendor truck trips for Phase 2 is 3,164, for a total of 7,208 one-way vendor trips for Phase 1 and Phase 2 combined. This is slightly greater than the total 6,660 vendor trips as reported in the 2019 Recirculated Air Quality Analysis, but does not change any of the air quality impact determinations.

Phase Name	Offroad Equipment Count	Worker Trip Number	Vendor Trip Number	Hauling Trip Number	Worker Trip Length	Vendor Trip Length	Hauling Trip Length	Worker Vehicle Class	Vendor Vehicle Class	Hauling Vehicle Class
Phase 1A-Grading/Excavation	10	26.00	0.00	800.00	10.80	7.30	20.00	LD_Mix	HHDT	HHDT
Phase 1A-Drainage/Utilities/Sub-Phase 1A-	11	28.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HHDT	HHDT
Phase 1A-Foundations/Concrete Construction	65	164.00	0.00	1,200.00	10.80	7.30	20.00	LD_Mix	HHDT	HHDT
Phase 1A-Building Construction	14	300.00	0.00	2,100.00	10.80	7.30	20.00	LD_Mix	HHDT	HHDT
Phase 1A-Architectural Conditions	1	60.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HHDT	HHDT
Phase 1A-Paving	12	30.00	0.00	14.00	10.80	7.30	20.00	LD_Mix	HHDT	HHDT
Phase 1B-Grading/Excavation	7	18.00	0.00	680.00	10.80	7.30	20.00	LD_Mix	HHDT	HHDT
Phase 1B-Drainage/Utilities/Sub-Phase 1B-	7	18.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HHDT	HHDT
Phase 1B-Foundations/Concrete Construction	9	24.00	0.00	1,020.00	10.80	7.30	20.00	LD_Mix	HHDT	HHDT
Phase 1B-Building Construction	11	138.00	0.00	1,944.00	10.80	7.30	20.00	LD_Mix	HHDT	HHDT
Phase 1B-Architectural Conditions	1	28.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HHDT	HHDT
Phase 1B-Paving	6	16.00	0.00	22.00	10.80	7.30	20.00	LD_Mix	HHDT	HHDT
Phase 2-Demolition	4	10.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HHDT	HHDT
Phase 2-Grading/Excavation	14	36.00	0.00	1,240.00	10.80	7.30	20.00	LD_Mix	HHDT	HHDT
Phase 2-Drainage/Utilities/Sub-Phase 2-	7	18.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HHDT	HHDT
Phase 2-Foundations/Concrete Construction	9	24.00	0.00	1,860.00	10.80	7.30	20.00	LD_Mix	HHDT	HHDT
Phase 2-Building Construction	9	304.00	0.00	2,612.00	10.80	7.30	20.00	LD_Mix	HHDT	HHDT
Phase 2-Architectural Conditions	1	62.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HHDT	HHDT
Phase 2-Paving	6	6.00	0.00	42.00	10.80	7.30	20.00	LD_Mix	HHDT	HHDT

By classifying vendor trips as haul trips in CalEEMod, the analysis presents a highly conservative assessment of vendor trip emissions, for two reasons. First, haul trips are assumed to be 100 percent heavy-heavy-duty trucks (HHDTs), while vendor trips are assumed to be 50 percent medium-heavy-duty trucks (MHDTs) and 50 percent HHDTs. Thus, assuming that all vendor trips are HHDTs results in higher emissions than using the 50/50 split of MHDTs and HHDTs because HHDTs have much higher emission rates than MHDTs. Second, haul trips are assumed to have a one-way trip length of 20 miles, while vendor trips are assumed to have a one-way trip length of 7.3 miles. The longer trip length for haul trips results in greater vehicle miles traveled (VMT) and greater emissions.

Therefore, contrary to the commenter’s claim that the analysis omitted vendor trips and that the impacts determined by the modeling are inaccurate, the 2019 Recirculated Air Quality Analysis accounted for all vendor trips in a conservative manner that likely overstates actual emissions from vendor trips. As a result, the 2019 Recirculated Air Quality Analysis adequately documents the project’s air quality impacts.

**Comment 1-9**

*In terms of the evaluation of emissions during operation of the Project, the modeling also omits key elements of the Project. These include failing to include the redevelopment of the industrial zoned parcel and the full scope of retail development authorized by the Project. SWAPE Comments, pp. 4-6. Thus, the 27,550 square feet of industrial development allowed by the Project is not included in the modeling. Id., p. 4. Similarly, the new modeling arbitrarily omits 38,903 square feet of future retail development authorized by the Project. Contrary to the modeling, the Project’s “[f]ull buildout would include development as described for Phase I, and would include the development of up to 246,440 square feet of general retail uses, up to 148,000 square feet of club retail uses, up to 27,550 square feet of industrial uses, and up to 88,000 square feet of hotel uses, for a total of up*

to 509,990 square feet of uses.” 2015 SEIR, p. 3-9. See *id.*, p. 4.B-16 (citing those same square footage figures and “all parcels within the EDZ area would ultimately be redeveloped with new uses”). Because the air modeling for the Project’s operations excludes 60,000 square feet of industrial and retail square footage, the model underestimates emissions and fails to provide substantial evidence to support the SEIR’s air quality discussion and conclusions.

### **Response 1-9**

The commenter states that the air quality emissions modeling for the project erroneously excluded land uses that currently exist and would also be present as part of the project at full buildout. This includes 27,550 square feet of light industrial land use and 53,360 square feet of retail land use.<sup>2</sup> The commenter cites the Draft SEIR, which indicates a total project development of 246,440 square feet of retail uses and up to 27,550 square feet of light industrial uses. The commenter states that because these land uses were omitted from the modeling, the project’s emissions and associated impacts are understated.

First, the land use development figures have changed from the 2015 Draft SEIR, so the cited statement is no longer accurate. At buildout, the total project development would include 227,940 total square feet of retail uses and 27,550 square feet of light industrial use, along with 148,000 square feet of club retail space and 231 hotel rooms. Existing conditions at the project site include 15,070 square feet of commercial office, 20,000 square feet of church use, 136,255 square feet of light industrial use, and 53,360 square feet of retail space. During Phase 1, all existing uses at the project site would remain. Therefore, for the operational emissions scenario during Phase 1, only those new uses associated with the project were modeled, as is appropriate because operational emissions from existing uses that would remain are not a result of the proposed project. These new Phase 1 uses would include:

- 148,000 square feet of club retail
- A 20-pump gasoline dispensing facility
- 132,000 square feet of hotel
- 5,000 square feet of retail

These proposed uses are described in the section *Project Description* on page 3 of the 2019 recirculated Health Risk Assessment (Recirculated HRA). These Phase 1 uses would all be newly constructed and, as discussed below, construction emissions were also calculated for these new uses. (There would be no demolition in Phase 1.)

During Phase 2, all existing land uses except for 27,550 square feet of existing light industrial in Parcel 6B (the Dublin San Ramon Services District building at 7035 Commerce Circle) would be demolished. The 27,550 square feet of existing light industrial would remain with the project

---

<sup>2</sup> It is noted that the 2015 Draft SEIR project description considered only 38,903 square feet of this space to be retail and described the remaining space (a limousine service) as “commercial service,” a category not used in the transportation analysis. Because the air quality analysis of transportation emissions relies on the travel demand calculations in the SEIR transportation analysis, this number is corrected here to reflect the 53,360 square feet of existing retail space assumed in the transportation analysis.

(would not be demolished). All 53,360 square feet of existing retail that would be demolished in Phase 2 and 222,940 square feet of new retail would be constructed (for a total of 227,940 square feet of new retail space).

In the 2019 Recirculated Air Quality Analysis, the operational emissions scenario for full buildout properly included only those *net new* land uses associated with project buildout:

- 148,000 square feet of club retail
- A 20-pump gasoline dispensing facility
- 132,000 square feet of hotel
- 189,037 square feet of retail (net new retail space only)

The full-buildout emissions scenario appropriately *did not* include the existing light industrial or existing retail space that were part of both existing conditions and project buildout, because, with project implementation, these land uses would generate the same operational emissions as they do today and, therefore, their operational emissions are not attributable to the project.

CEQA requires the EIR to identify impacts of the project on the environment. The impacts are determined based on the change from existing conditions (the baseline). Therefore, to determine the net impact of the project, the modeling in the 2019 Recirculated Air Quality Analysis correctly omitted those land uses that currently exist on the site and would also be part of the project at full buildout. (As discussed below, construction emissions do include all structures to be demolished and constructed, regardless of whether some newly built structures would be occupied by retail uses not net new to the site.)

In analyzing emissions of criteria pollutants at full project buildout in 2031, the 2019 Recirculated Air Quality Analysis (page 26) subtracts emissions under existing conditions from emissions under project conditions to calculate the project's total net new emissions. Operational emissions for existing conditions, as analyzed in the 2019 Recirculated Air Quality Analysis, were taken from the Air Quality section of the Draft SEIR. These emissions *include* operations of the retail and light industrial uses that currently exist and would also be part of the project at full buildout.

Both the Draft SEIR and the 2019 Recirculated Air Quality Analysis subtracted operational emissions by all existing retail and light industrial uses from total operational emissions. However, unlike the Draft SEIR, the 2019 Recirculated Air Quality Analysis did not include operational emissions from these continuing uses as part of the total operational emissions. Therefore, the 2019 Recirculated Air Quality Analysis underestimated net new emissions of criteria pollutants associated with the project at full buildout.

Accordingly, the City has now revised the emissions modeling to fully account for the project's impacts. The City has re-modeled the project's operational emissions at full buildout for the following:

- 148,000 square feet of club retail
- 132,000 square feet of hotel

- A 20-pump gas station
- 227,940 square feet of retail (5,000 square feet of new Phase 1 retail and 222,940 square feet of new Phase 2 retail, which includes the existing retail uses that were previously omitted from the modeling)
- 27,550 square feet of light industrial that would remain (i.e., would not be demolished and replaced but instead would continue in operation)

The City has also re-modeled Phase 2 construction emissions to include:

- Demolition of all 53,363 total square feet of existing retail
- Construction of 222,940 total square feet of retail (instead of 184,037 square feet of net new retail as modeled in the 2019 Recirculated Air Quality Analysis)

Table RTC-1 provides a comparison of the square footages of existing and proposed land uses, construction, and demolition, by phase, assumed in the 2015 Draft SEIR and the 2016 Response to Comments document; the square footages from the latter constitute the project modeled in the revised air quality and health risk modeling presented herein.

This modeling includes emissions from new off-road construction equipment and new on-road truck trips and worker commutes. (See Response to Comment 2-2 for details on the construction modeling adjustments.)

In addition, for consistency in comparing the project's operational emissions with operational emissions under existing conditions, the City has re-modeled existing conditions using CalEEMod 2016.3.2—the same model used for the project—to more accurately assess the project's net new emissions. (The Draft SEIR used an older version of CalEEMod, 2013.2.2.) The existing-conditions model run assumes an operational year of 2018, while the Draft SEIR assumed 2015. To determine the project's net new operational emissions, the re-modeled 2018 existing emissions were subtracted from the re-modeled operational emissions associated with full project buildout. Therefore, operational emissions associated with the existing retail and light industrial uses are now included on both sides of the equation.

**TABLE 3-1  
PROJECT DEVELOPMENT PROGRAM ASSUMED IN AIR QUALITY ANALYSIS, CURRENT PROJECT VS. 2015 DSEIR PROJECT<sup>1</sup>**

Land Use	Existing	Phase 1 Total	Change fr. Existing <sup>2</sup>	Buildout Total	Change fr. Existing <sup>3</sup>	Continuing Land Use, New Bldg. <sup>4</sup>	Continuing Land Use, Exist. Bldg. <sup>5</sup>	New Construction in Phase 2	Total New Construction	Total Demolition
<b>Current Project<sup>6</sup></b>										
General Retail	53,363	58,363	5,000	227,940	174,577	53,363	0	222,940	227,940	53,363
Club Retail	0	148,000	148,000	148,000	148,000	0	0	0	148,000	0
Office	15,070	15,070	0	0	(15,070)	0	0	0	0	15,070
Light Industrial	136,255	136,255	0	27,550	(108,705)	0	27,550	0	0	108,705
Hotel	0	132,000 (231 rooms)	132,000 (231 rooms)	132,000 (231 rooms)	132,000 (231 rooms)	0	0	0	132,000	0
Church	20,000	20,000	0	0	(20,000)	0	0	0	0	20,000
<b>Total</b>	<b>224,688</b>	<b>509,688</b>	<b>285,000</b>	<b>535,490</b>	<b>310,802</b>	<b>53,363</b>	<b>27,550</b>	<b>222,940</b>	<b>507,940</b>	<b>197,138</b>
<b>2015 Draft SEIR</b>										
General Retail	53,363	76,863	23,500	246,440	193,077	53,363	0	246,440	246,440	53,363
Club Retail	0	148,000	148,000	148,000	148,000	0	0	0	148,000	0
Office	15,070	15,070	0	0	(15,070)	0	0	0	0	15,070
Light Industrial	136,255	136,255	0	27,550	(108,705)	0	27,550	0	0	108,705
Hotel	0	88,000 (150 rooms)	88,000 (150 rooms)	88,000 (150 rooms)	88,000 (150 rooms)	0	0	0	88,000	0
Church	20,000	20,000	0	0	(20,000)	0	0	0	0	20,000
<b>Total</b>	<b>224,688</b>	<b>484,188</b>	<b>259,500</b>	<b>509,990</b>	<b>285,302</b>	<b>53,363</b>	<b>27,550</b>	<b>246,440</b>	<b>482,440</b>	<b>197,138</b>

## NOTES:

<sup>1</sup> Air quality analysis in both 2015-2016 and 2019 revised modeling is based on square footages by land use in SEIR transportation analysis

<sup>2</sup> Represents new construction (Phase 1 includes no demolition)

<sup>3</sup> Positive numbers represent new construction; negative numbers represent demolition

<sup>4</sup> Represents new construction

<sup>5</sup> Represents an existing use (Dublin San Ramon Services District) in an existing building, both of which would remain with project implementation

<sup>6</sup> Represents the same project analyzed in the 2016 Response to Comments document

SOURCES: City of Pleasanton, Environmental Science Associates, 2019

The City has also adjusted the modeling for operational emissions in response to several public comments. These adjustments include the following:

- (1) The gas station's annual throughput is now 24,000,000 gallons, instead of 26,640,000 gallons, based on an update to the project sponsor's air permit (and to respond to Comment 12-6).
- (2) The gas station's total organic gas (TOG) emissions factors for the Health Risk Assessment (HRA) are now consistent with the emissions factors used in the 2019 Recirculated Air Quality Analysis (and to respond to Comment 2-6).
- (3) Gasoline delivery truck trips are now eight trucks per day, instead of six trucks per day, based on the revised gas station throughput (and to respond to Comment 12-6).
- (4) The consumer product emission rate is now applied to all land uses to reflect the statewide 2017 consumer product emissions inventory, instead of using the default CalEEMod emission rate for hotel land uses only (to respond to Comment 2-7).
- (5) The number of Phase 2 retail delivery vehicles is now updated based on the changes to full-buildout land uses, as discussed above, and the number of transportation refrigeration units associated with these trucks is also updated.

As noted above, in the updated analysis contained herein, existing emissions were modeled using the latest version of CalEEMod (Version 2016.3.2), the same model used to estimate emissions for the project. This improves upon the 2015 Draft SEIR's estimate of existing-conditions emissions, which used an older version of CalEEMod (Version 2013.2.2). The City used the same trip generation rates as prepared for the project, which are documented in the traffic study conducted for the Draft SEIR, prepared by Fehr & Peers (May 2015) and updated by Environmental Science Associates (ESA) for the 2016 Response to Comments document to reflect minor changes made to the project after publication of the Draft SEIR. Consistent with the modeling conducted for the project, all other default values in CalEEMod were used, except as noted above.

**Revised Air Quality Table 7, Phase 1 (2021) Average Daily Unmitigated Operational Emissions by Source**, below presents the revised results for Phase 1 operations, considering items #1 (gas station throughput), #2 (gasoline TOG factors), #3 (gas station fuel trucks), and #4 (consumer products). The table shows average daily unmitigated emissions. This table can be compared to Table 7 in the 2019 Recirculated Air Quality Analysis.

As shown in Revised Air Quality Table 7, all pollutants would be below the applicable BAAQMD significance thresholds. Average daily emissions of reactive organic gases (ROG) would be 53.27 pounds per day (lbs/day), compared to 54.60 lbs/day as presented in the 2019 Recirculated Air Quality Analysis, which did exceed BAAQMD significance thresholds before mitigation. The primary reason for the decrease is the gas station's reduced throughput of 24.0 million gallons compared to 26.64 million gallons, which results in ROG emissions of 32.34 lbs/day (compared to 35.90 lbs/day in the 2019 Recirculated Air Quality Analysis).

**TABLE 3-2**  
**REVISED AIR QUALITY TABLE 7**  
**PHASE 1 (2021) AVERAGE DAILY UNMITIGATED OPERATIONAL EMISSIONS BY SOURCE**

Source <sup>a</sup>	Average Daily Emissions (pounds/day)			
	ROG	NO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
Area	5.86	<0.01	<0.01	<0.01
Energy	0.14	1.23	0.09	0.09
Non-delivery Vehicles (running)	13.98	36.49	54.67	14.98
Light-Duty Vehicles (idling at gas station)	0.30	0.38	0.03	0.03
Delivery Vehicles (running + starting)	0.17	8.77	0.41	0.22
Delivery Vehicles (idling)	0.06	0.87	<0.01	<0.01
Transportation Refrigeration Units	0.23	3.43	0.02	0.02
Gas Station (evaporative)	32.34	–	–	–
Costco Generator	0.09	1.37	0.04	0.04
Hotel Generator	0.09	1.37	0.04	0.04
<b>Total <sup>b</sup></b>	<b>53.27</b>	<b>53.91</b>	<b>55.32</b>	<b>15.43</b>
BAAQMD Thresholds	54	54	82	54
Thresholds Exceeded?	No	No	No	No

## NOTES:

BAAQMD = Bay Area Air Quality Management District; CalEEMod = CALifornia Emissions Estimator MODel; EMFAC2017 = the California Air Resources Board's EMISSION FACTors Model, 2017 version; NO<sub>x</sub> = oxides of nitrogen; PM<sub>10</sub> = particulate matter less than or equal to 10 microns in diameter; PM<sub>2.5</sub> = particulate matter less than or equal to 2.5 microns in diameter; ROG = reactive organic gases

<sup>a</sup> Categories defined as follows:

Area = Emissions from landscaping equipment, consumer products, and architectural coatings. See Table 1 for the land use type and sizes assumed in the modeling. Emissions were modeled using CalEEMod. Consumer product emissions are only attributed to the hotel land use.

Energy = Emissions from natural gas combustion for space heating and cooking. See Table 1 for the land use type and sizes assumed in the modeling. Emissions were modeled using CalEEMod.

Non-delivery Vehicles (running) = Operating emissions from daily commercial non-delivery vehicle trips. Emissions from these trips were estimated using CalEEMod.

Light-Duty Vehicles (idling at gas station) = Idling emissions from autos queueing in line at the gas station. Emissions estimated using EMFAC2017 emissions factors and an idling time of 10 minutes.

Delivery Vehicles (running + starting) = Operating emissions from daily commercial delivery vehicle trips. See Table 4 for the daily vehicle trips for each land use type. Emissions were estimated using emission factors from EMFAC2017.

Delivery Vehicles (idling) = Operating emissions from daily commercial delivery vehicles idling. Emissions were estimated using emission factors from EMFAC2017 and an idling duration of 15 minutes.

Transportation Refrigeration Units = Operating emissions from daily transportation refrigeration unit usage at commercial land uses. Emissions were estimated outside of CalEEMod using emission factors from the California Air Resources Board's airborne toxics control measures and Tier 4 final emissions standards for diesel engines.

Gas Station (evaporative) = Operating daily evaporative ROG emissions from the gas station, which includes underground storage tank loading and breathing, as well as refueling and fuel spillage.

Costco and Hotel Generators = Operating emissions from diesel-powered emergency generators.

<sup>b</sup> Totals may not add up exactly due to rounding.

SOURCE: Data compiled by Environmental Science Associates in 2019

It should be noted that area-source ROG emissions do increase with application of the consumer product emission rate to all project land uses, instead of just the hotel (#4 above); this results in Phase 1 area-source ROG emissions of 5.86 lbs/day (compared to 3.71 lbs/day in the 2019 Recirculated Air Quality Analysis). However, the decrease in ROG emissions from the gas station would be more than enough to offset the increase in area-source ROG emissions. As such, ROG emissions would not exceed BAAQMD's significance threshold, and mitigation is not needed. Consequently, Mitigation Measure M-AQ-2, *Low-VOC Architectural Coatings*, from the 2019

Recirculated Air Quality Analysis is not required. No new significant impacts are identified; in fact, one significant impact, related to ROG emissions, has been reduced to less than significant.

**Revised Air Quality Table 10, *Average Daily Unmitigated Construction Plus Operational Emissions***, below presents the average daily unmitigated emissions by source (e.g., area) for the Phase 1 Operation and Phase 2 Construction scenarios, respectively. This considers the change to Phase 2 construction activities described below in Response to Comment 2-2, along with the changes to Phase 2 operations as described above. This table can be compared to Table 10 in the 2019 Recirculated Air Quality Analysis.

**TABLE 3-3  
REVISED AIR QUALITY TABLE 10  
AVERAGE DAILY UNMITIGATED CONSTRUCTION PLUS OPERATIONAL EMISSIONS**

Source	Average Daily Emissions (pounds/day)			
	ROG	NO <sub>x</sub>	PM <sub>10</sub> <sup>a</sup>	PM <sub>2.5</sub> <sup>a</sup>
Phase 2 Construction	13.08	18.72	0.39	0.39
Phase 1 Operation	48.48	39.73	56.05	15.49
<i>Construction + Operation Subtotal</i>	<i>61.56</i>	<i>58.45</i>	<i>56.44</i>	<i>15.88</i>
Existing Operational Emissions <sup>b</sup>	11.61	35.91	20.53	5.81
<i>Net Project Emissions<sup>c</sup></i>	<i>49.95</i>	<i>22.55</i>	<i>35.91</i>	<i>10.07</i>
BAAQMD Thresholds	54	54	82	54
Thresholds Exceeded?	No	No	No	No

NOTES:

BAAQMD = Bay Area Air Quality Management District; NO<sub>x</sub> = oxides of nitrogen; PM<sub>10</sub> = particulate matter less than or equal to 10 microns in diameter; PM<sub>2.5</sub> = particulate matter less than or equal to 2.5 microns in diameter; ROG = reactive organic gases

<sup>a</sup> Construction emissions of PM<sub>10</sub> and PM<sub>2.5</sub> are exhaust emissions only; operational emissions of PM<sub>10</sub> and PM<sub>2.5</sub> are exhaust and fugitive dust.

<sup>b</sup> Existing emissions based on new CalEEMod Version 2016.3.2 model run.

<sup>c</sup> Net Project Emissions = construction + operation subtotal for the project minus existing operational emissions. Totals may not add up exactly due to rounding.

SOURCE: Data compiled by Environmental Science Associates in 2019

As shown in Revised Air Quality Table 10, daily construction plus operational ROG emissions are approximately 3 percent greater than shown in the 2019 Recirculated Air Quality Analysis; emissions of oxides of nitrogen (NO<sub>x</sub>) are approximately 16 percent greater; and emissions of both PM<sub>10</sub> and particulate matter less than or equal to 2.5 microns in diameter (PM<sub>2.5</sub>) are approximately 3 percent greater. Net project emissions after subtracting existing-condition emissions are approximately 7 percent greater for ROG, but approximately 3 percent lower for NO<sub>x</sub> and approximately 20 percent lower for PM<sub>10</sub> and PM<sub>2.5</sub>.

As in the 2019 Recirculated Air Quality Analysis, all criteria pollutant emissions are below the applicable BAAQMD significance thresholds and no mitigation is required. This is the same finding as in the 2019 Recirculated Air Quality Analysis. Therefore, no new significant impacts are identified.

**Revised Air Quality Table 12, Full Buildout (2031) Average Daily Unmitigated Operational Emissions by Source**, below presents average daily unmitigated operational emissions by source (e.g., area) for the Full Buildout Operation (2031) scenario. This considers the changes to full buildout operations described above. This table can be compared to Table 12 in the 2019 Recirculated Air Quality Analysis.

Average daily emissions of ROG for the project at full buildout would be 59.09 lbs/day, compared to 55.14 lbs/day as presented in the 2019 Recirculated Air Quality Analysis. When accounting for existing operational emissions, net new full-buildout emissions are 47.48 lbs/day, compared to 42.14 lbs/day as presented in the 2019 Recirculated Air Quality Analysis. The reason for the increase is application of the consumer product emission rate to all project land uses instead of just the hotel. This results in area-source ROG emissions of 10.90 lbs/day at full buildout (compared to 4.30 lbs/day in the 2019 Recirculated Air Quality Analysis under mitigated conditions).

It should also be noted that the gas station's reduced throughput of 24.0 million gallons compared to 26.64 million gallons results in a decrease in ROG emissions from the gas station to 32.34 lbs/day (compared to 35.90 lbs/day in the 2019 Recirculated Air Quality Analysis).

As shown in Revised Air Quality Table 12, emissions during full-buildout operations are below the applicable BAAQMD significance thresholds; therefore, potential impacts would be less than significant and mitigation measures are not needed. This is the same finding as in the 2019 Recirculated Air Quality Analysis. Therefore, no new significant impacts are identified.

As shown in the tables above, even with revisions to the land use values, gas station throughput, heavy-duty delivery vehicles, and consumer products, total net new emissions associated with the project would not exceed any significance thresholds for any criteria air pollutant. Therefore, these revisions do not result in any new or substantially more severe significant impacts.

The new results shown herein indicate that unmitigated Phase 1 operational emissions of ROG would not exceed the BAAQMD threshold, as presented in Revised Air Quality Table 7 above, which is different from the 2019 Recirculated Air Quality Analysis, which identified a ROG exceedance for Phase 1. As such, Mitigation Measure M-AQ-2, *Low-VOC Architectural Coatings*, from the 2019 Recirculated Air Quality Analysis is not required and has been withdrawn from the Partial Recirculated Draft SEIR. This impact has therefore changed from *less than significant with mitigation* to *less than significant*. All other findings are the same as reached in the 2019 Recirculated Air Quality Analysis.

**TABLE 3-4  
REVISED AIR QUALITY TABLE 12  
FULL BUILDOUT (2031) AVERAGE DAILY UNMITIGATED OPERATIONAL EMISSIONS BY SOURCE**

Source <sup>a</sup>	Average Daily Emissions (pounds/day)			
	ROG	NO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
Area	10.90	<0.01	<0.01	<0.01
Energy	0.17	1.53	0.12	0.12
Non-delivery Vehicles (running)	14.43	35.67	95.17	25.84
Light-Duty Vehicles (idling at gas station)	0.09	0.14	0.02	0.02
Delivery Vehicles (running + starting)	0.15	18.29	0.78	0.38
Delivery Vehicles (idling)	0.19	2.43	<0.01	<0.01
Transportation Refrigeration Units	0.63	9.28	0.06	0.06
Gas Station (evaporative)	32.34	–	–	–
Costco Generator	0.09	1.37	0.04	0.04
Hotel Generator	0.09	1.37	0.04	0.04
<i>Full Buildout Operational Emissions</i>	<i>59.09</i>	<i>70.07</i>	<i>96.22</i>	<i>26.49</i>
Existing Operational Emissions <sup>b</sup>	11.61	35.91	20.53	5.81
Net Emissions <sup>c</sup>	<i>47.48</i>	<i>34.16</i>	<i>75.70</i>	<i>20.68</i>
BAAQMD Thresholds	54	54	82	54
Thresholds Exceeded?	No	No	No	No

NOTES:

BAAQMD = Bay Area Air Quality Management District; CalEEMod = CALifornia Emissions Estimator MODel; EMFAC2017 = the California Air Resources Board’s Emission FACTors Model, 2017 version; NO<sub>x</sub> = oxides of nitrogen; PM<sub>10</sub> = particulate matter less than or equal to 10 microns in diameter; PM<sub>2.5</sub> = particulate matter less than or equal to 2.5 microns in diameter; ROG = reactive organic gases

<sup>a</sup> Categories defined as follows:

- Area = Emissions from landscaping equipment, consumer products, and architectural coatings. See Table 1 for the land use type and sizes assumed in the modeling. Emissions were modeled using CalEEMod. Consumer product emissions are only attributed to the hotel land use.
- Energy = Emissions from natural gas combustion for space heating and cooking. See Table 1 for the land use type and sizes assumed in the modeling. Emissions were modeled using CalEEMod.
- Non-delivery Vehicles (running) = Operating emissions from daily commercial non-delivery vehicle trips. Emissions from these trips were estimated using CalEEMod.
- Light-Duty Vehicles (idling at gas station) = Idling emissions from autos queueing in line at gas station. Emissions estimated using EMFAC2017 emissions factors and an idling time of 10 minutes.
- Delivery Vehicles (running + starting) = Operating emissions from daily commercial delivery vehicle trips. See Table 4 for the daily vehicle trips for each land use type. Emissions were estimated using emission factors from EMFAC2017.
- Delivery Vehicles (idling) = Operating emissions from daily commercial delivery vehicles idling. Emissions were estimated using emission factors from EMFAC2017 and an idling duration of 15 minutes.
- Transportation Refrigeration Units = Operating emissions from daily transportation refrigeration unit usage at commercial land uses. Emissions were estimated outside of CalEEMod using emission factors from the California Air Resources Board’s airborne toxics control measures and Tier 4 final emission standards for diesel engines.
- Gas Station (evaporative) = Operating daily evaporative ROG emissions from the gas station, which includes underground storage tank loading and breathing, as well as refueling and fuel spillage.
- Costco and Hotel Generators = Operating emissions from diesel-powered emergency generators.

<sup>b</sup> Existing emissions based on new CalEEMod Version 2016.3.2 model run.

<sup>c</sup> Net Emissions = full buildout operational emissions for the project minus existing operational emissions. Totals may not add up exactly due to rounding.

SOURCE: Data compiled by Environmental Science Associates in 2019

## Comment 1-10

*Correcting for these inconsistencies, SWAPE has re-run the CalEEMod analysis, assuming all of the other input parameters are correct. SWAPE Comments, pp. 7-8. The model indicates that during construction the Project will emit 96.22 lbs/day of NO<sub>x</sub>, well above the BAAQMD significance threshold of 54 lbs/day. Id., p. 7. For operation of the Project, the corrected model run indicates that the Project will emit 17.32 tons per year of PM<sub>10</sub>, above the BAAQMD significance threshold of 15 tons/year. Based on these analyses, the SEIR's conclusion that the Project's construction emission of NO<sub>x</sub> and operational emissions of PM<sub>10</sub> will be less than significant are not supported by substantial evidence.*

## Response 1-10

The commenter presents the results of their own CalEEMod modeling, with adjustments made based on their comments and suggestions above (see Responses to Comments 1-8 and 1-9), which are much higher than those reported in the 2019 Recirculated Air Quality Analysis. Specifically, the commenter reports construction emissions of NO<sub>x</sub> of 96.22 lbs/day, exceeding the BAAQMD threshold of 54 lbs/day, and operational emissions of PM<sub>10</sub> of 17.32 tons per year, exceeding the BAAQMD threshold of 15 tons per year. The commenter concludes that the finding of the 2019 Recirculated Air Quality Analysis that air quality impacts would be less than significant is not supported by substantial evidence.

With regard to vendor trips and the resulting total construction emissions, see Response to Comment 1-8. As discussed there, the air quality analysis did include all 3,330 vendor trips, which were conservatively modeled as haul trips instead of vendor trips in CalEEMod.

In addition, the City reviewed SWAPE's CalEEMod model output file to understand why SWAPE's estimate of total construction-related NO<sub>x</sub> emissions for Phase 1, 96.22 lbs/day, is much higher than the estimate reported in the 2019 Recirculated Air Quality Analysis for Phase 1 under mitigated conditions, 41.93 lbs/day (Table 6, page 21). The City determined that SWAPE miscalculated vendor trucks in CalEEMod. Specifically, SWAPE modeled 1,110 one-way vendor truck trips *per day* during each of the project's three building construction phases, which occur for 60 workdays for Phase 1A, 148 workdays for Phase 1B, and 140 workdays for Phase 2. The table below highlights this error:

3. Written Comments on the Partial Recirculated Draft SEIR and Responses to Comments

Phase Name	Offroad Equipment Count	Worker Trip Number	Vendor Trip Number	Hauling Trip Number	Worker Trip Length	Vendor Trip Length	Hauling Trip Length	Worker Vehicle Class	Vendor Vehicle Class	Hauling Vehicle Class
Phase 1A-Grading/Excavation	10	26.00	0.00	800.00	10.80	7.30	20.00	LD_Mix	HHDT	HHDT
Phase 1B-Grading/Excavation	7	18.00	0.00	680.00	10.80	7.30	20.00	LD_Mix	HHDT	HHDT
Phase 1A-Drainage/Utilities/Sub...	11	28.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HHDT	HHDT
Phase 1A-Foundations/Concrete...	65	164.00	0.00	1,200.00	10.80	7.30	20.00	LD_Mix	HHDT	HHDT
Phase 1A-Building Constructi...	14	300.00	1,110.00	2,100.00	10.80	7.30	20.00	LD_Mix	HHDT	HHDT
Phase 1A-Architectural Coatings	1	60.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HHDT	HHDT
Phase 1B-Drainage/Utilities/Sub...	7	18.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HHDT	HHDT
Phase 1B-Foundations/Concrete...	9	24.00	0.00	1,020.00	10.80	7.30	20.00	LD_Mix	HHDT	HHDT
Phase 1A-Paving	12	30.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HHDT	HHDT
Phase 1B-Building Constructi...	11	138.00	1,110.00	1,944.00	10.80	7.30	20.00	LD_Mix	HHDT	HHDT
Phase 1B-Architectural Coatings	1	28.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HHDT	HHDT
Phase 1B-Paving	6	16.00	0.00	22.00	10.80	7.30	20.00	LD_Mix	HHDT	HHDT
Phase 2-Demolition	4	10.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HHDT	HHDT
Phase 2-Grading/Excavation	14	36.00	0.00	1,240.00	10.80	7.30	20.00	LD_Mix	HHDT	HHDT
Phase 2-Drainage/Utilities/Sub...	7	18.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HHDT	HHDT
Phase 2-Foundations/Concrete...	9	24.00	0.00	1,860.00	10.80	7.30	20.00	LD_Mix	HHDT	HHDT
Phase 2-Building Constructi...	9	304.00	1,110.00	2,612.00	10.80	7.30	20.00	LD_Mix	HHDT	HHDT
Phase 2-Architectural Coatings	1	62.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HHDT	HHDT
Phase 2-Paving	6	6.00	0.00	42.00	10.80	7.30	20.00	LD_Mix	HHDT	HHDT

This error was made because the units in CalEEMod for vendor trips are one-way trips per day, not total trips per phase (as it is for haul trips). See the second screenshot below.

Phase Name	# Trips Worker (/day)	# Trips Vendor (/day)	Total # Trips Hauling	TripLength Worker (miles)	TripLength Vendor (miles)	TripLength Hauling (miles)	Vehicle Class Worker	Vehicle Class Vendor	Vehicle Class Hauling
Phase 1A-Grading/Excavation	26	0	800	10.8	7.3	20	LDA,LDT1,LDT2	HHDT	HHDT
Phase 1B-Grading/Excavation	18	0	680	10.8	7.3	20	LDA,LDT1,LDT2	HHDT	HHDT
Phase 1A-Drainage/Utilities/...	28	0	0	10.8	7.3	20	LDA,LDT1,LDT2	HHDT	HHDT
Phase 1A-Foundations/Concr...	164	0	1,200	10.8	7.3	20	LDA,LDT1,LDT2	HHDT	HHDT
Phase 1A-Building Constructi...	300	0	2,100	10.8	7.3	20	LDA,LDT1,LDT2	HHDT	HHDT

This modeling error results in 193,140 total round-trip vendor truck trips during all phases of construction (386,280 total one-way trips) and 230,880 total round-trip vendor truck trips during Phase 1 (115,440 total one-way trips). Because the total number of round-trip vendor trips associated with the project is 3,330 (6,660 total one-way trips)<sup>3</sup> and 2,020 for Phase 1 (4,040 total one-way trips), SWAPE substantially overestimated vendor trips and resulting NO<sub>x</sub> emissions. Therefore, SWAPE’s claim that Phase 1 construction emissions should be 96.22 lbs/day, well in excess of BAAQMD’s threshold of 54 lbs/day, is inaccurate.

With regard to operational square footage and total operational emissions, see Response to Comment 1-9. As discussed there, even with revisions to the land use values, gas station throughput, heavy-duty delivery vehicles, and consumer products, the project’s total net new emissions do not exceed the applicable BAAQMD thresholds for any criteria air pollutant. Therefore, these revisions do not result in any new significant impacts. As such, all less-than-significant impact conclusions reached in the 2019 Recirculated Air Quality Analysis are accurate

<sup>3</sup> As discussed above, because of the updated modeling conducted for Phase 2 construction as discussed in Response to Comment 2-2, the total number of one-way vendor truck trips for Phase 2 is 3,164, for a total of 7,208 one-way vendor trips for Phase 1 and Phase 2 combined. This is slightly greater than the total 6,660 vendor trips as reported in the 2019 Recirculated Air Quality Analysis.

and are supported by substantial evidence. The only change is that Phase 1 operational emissions are now less than significant instead of less than significant with mitigation.

In addition, the City reviewed SWAPE's CalEEMod model output file to understand why SWAPE's estimate of total operational PM<sub>10</sub> emissions, 17.32 tons per year, is higher than the estimate reported in the 2019 Recirculated Air Quality Analysis, 16.11 tons per year (Table 13). The slight increase in PM<sub>10</sub> emissions is consistent with emissions from the revised land use numbers used in this revised analysis. As discussed in Response to Comment 1-9 above (see Revised Air Quality Table 13 in Appendix B of this Response to Comments document), revised PM<sub>10</sub> emissions associated with new land uses are 17.56 tons per year, slightly greater than the emissions estimated by SWAPE. When accounting for the 3.75 tons per year of PM<sub>10</sub> emissions associated with existing conditions, which SWAPE failed to do, net new emissions are 13.81 tons per year. This is below the BAAQMD threshold of 15 tons per year; therefore, no new significant impact is identified.

### **Comment 1-11**

*The SEIR's discussion of GHG [greenhouse gas] emissions has little basis in the current baseline or focus on the Project's actual GHG emissions. The original SEIR would have one pretend the Project was implemented in 2005 with the available 2005 technologies and then compare that to implementing the Project in 2020 with the year 2020 technologies. That comparison says nothing about the actual 2020 GHG emissions and whether the Project's 20,800 MT [metric tons] CO<sub>2e</sub> [carbon dioxide equivalent] per year emissions may have a significant impact on GHG emissions.*

*The updated air quality modeling and memo does not alter substantially the SEIR's analysis. It continues to rely on consistency with the City's Climate Action Plan, the 2017 Climate Change Scoping Plan Update, and Plan Bay Area 2040. However, consistency with these plans does not explain how a Project expected to emit 20,800 MT CO<sub>2e</sub> per year would not have a significant impact or how available mitigation measures would be applied to the Project to eliminate any significant GHG emissions. As SWAPE's review notes, the City's CAP [climate action plan] is only considered a qualified plan through 2020. The Project will be built out and operating, for the most part, if not in its entirety, after that plan expires. The City does not have a climate action plan that has been qualified as consistent with SB [Senate Bill] 32's GHG target for 2030. The other two documents referenced by the SEIR and the update modeling memo do not meet the criteria for a climate action plan pursuant to CEQA Guidelines §§ 15064.4(b)(3) and 15183.5(b)(1). See SWAPE Comments, p. 9. Accordingly, the City cannot demonstrate that any of the cited plans, taken together, will achieve the SB 32 2030 goals. As a result, the SEIR's GHG analysis is conjecture unsupported by any substantial evidence that the Project's 20,800 MT CO<sub>2e</sub> per year emissions are unsubstantial.*

*Because the City's CAP is not sufficient to address the Project, the BAAQMD's significance thresholds indicate that the Project will have a significant environmental impact. The BAAQMD has established a GHG significance threshold for land use development:*

*The Thresholds of Significance for operational-related GHG emissions are:*

- *For land use development projects, the threshold is compliance with a qualified GHG Reduction Strategy; or annual emissions less than 1,100 metric tons per year (MT/yr) of CO<sub>2</sub>e; or 4.6 MT CO<sub>2</sub>e/SP/yr [metric tons carbon dioxide equivalent per service population per year] (residents + employees). Land use development projects include residential, commercial, industrial, and public land uses and facilities.*

*BAAQMD Guidelines, p. 2-4 ([http://www.baaqmd.gov/~media/files/planning-andresearch/ceqa/ceqa\\_guidelines\\_may2017-pdf.pdf?la=en](http://www.baaqmd.gov/~media/files/planning-andresearch/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en)). See also *id.*, p. 2-2 (Table 2-1) [footnote 1]. The Project will obviously greatly exceed the BAAQMD numeric threshold. The City must revise the EIR to directly address the Project's GHG emissions and ensure mitigation measures that would reduce the GHG emissions to less than significant levels.*

*When a Project exceeds a duly adopted CEQA significance threshold, as here, this alone establishes substantial evidence that the project will have a significant adverse environmental impact. Indeed, in many instances, such air quality thresholds are the only criteria reviewed and treated as dispositive in evaluating the significance of a project's air quality impacts. (See, e.g. Schenck v. County of Sonoma (2011) 198 Cal.App.4th 949, 960 (County applies BAAQMD's "published CEQA quantitative criteria" and "threshold level of cumulative significance"). See also Communities for a Better Environment v. California Resources Agency (2002) 103 Cal.App.4th 98, 110-111 ("A 'threshold of significance' for a given environmental effect is simply that level at which the lead agency finds the effects of the project to be significant").) The California Supreme Court made clear the substantial importance that an air district significance threshold plays in providing substantial evidence of a significant adverse impact. (Communities for a Better Environment v. South Coast Air Quality Management Dist. (2010) 48 Cal.4th 310, 327 ("As the [South Coast Air Quality Management] District's established significance threshold for NO<sub>x</sub> is 55 pounds per day, these estimates [of NO<sub>x</sub> emissions of 201 to 456 pounds per day] constitute substantial evidence supporting a fair argument for a significant adverse impact").) Since expert evidence demonstrates that the Project will exceed the BAAQMD's CEQA significance threshold, there is substantial evidence that an "unstudied, potentially significant environmental effect[]" exists. (See Friends of Coll. of San Mateo Gardens v. San Mateo County Community Coll. Dist. (2016) 1 Cal.5th 937, 958 (emphasis added).) As a result, the EIR for the Project must address this impact and identify enforceable mitigation measures.*

### **Response 1-11**

The commenter challenges the use of the qualitative "consistency with plans" significance threshold used in the 2019 recirculated Greenhouse Gas Analysis (Recirculated GHG Analysis) to determine the project's impacts on the environment with regard to GHG emissions. The commenter first claims that the Draft SEIR's approach to determining the significance of the project's GHG emissions is inadequate. This approach represents a "percent reduction below 2005 emissions levels" for the project, consistent with the City's CAP target of 15 percent below

[Footnote 1] *Even if the Project were considered as a plan-level action, it would grossly exceed BAAQMD's GHG emissions threshold. The BAAQMD significance threshold for GHG emission of a plan level project is "Compliance with Qualified GHG Reduction Strategy OR 6.6 MT CO<sub>2</sub>e/SP/yr (residents + employees)." BAAQMD Guidelines, p. 2-3. GHG emissions from the two projects already under review – the Costco retail warehouse and the two hotels – would still have to be reviewed pursuant to the project-level threshold.*

2005 levels by 2020, which the commenter claims is the same approach used in the Draft SEIR. However, as explained in the Greenhouse Gas Technical Report and discussed in detail below, the current 2019 Recirculated GHG Analysis does not use this approach, so it is no longer relevant, and the commenter's critique of the Draft SEIR's analysis methods is incorrect.

The commenter also claims that the project's consistency with the City's current CAP is not appropriate for determining the project's significance because the project would be completed after the 2020 target year of the CAP. The commenter also claims that relying on the project's consistency with the other two plans, the 2017 Climate Change Scoping Plan Update (2017 Scoping Plan Update) and the Plan Bay Area 2040, as a method of determining significance does not comply with CEQA, because these plans do not meet the criteria of a CAP pursuant to CEQA Guidelines Sections 15064.4(b)(3) and 15183.5(b)(1).

Further, the commenter requests that the analysis use a quantitative threshold of significance for determining the project's impacts, including both the current BAAQMD GHG thresholds for land use projects and a "substantial progress" efficiency threshold for the year 2030 to represent the state's 2030 target.

Finally, the commenter suggests that under this approach, the project's GHG emissions would be significant and additional mitigation would be required. Each of these issues is responded to below.

### **The City's Current Climate Action Plan**

The commenter states that the City does not have a CEQA-qualified CAP that is consistent with the SB 32 target for 2030, and that the City's current CAP is only considered qualified through 2020.

This statement is accurate, and is noted in the 2019 Recirculated GHG Analysis (page 34), which is cited by the commenter in the SWAPE letter. As stated in the 2019 Recirculated GHG Analysis, the Pleasanton CAP is considered qualified through the year 2020, and because full project buildout would not occur until 2031, "compliance or consistency with the City of Pleasanton CAP in its current state does not represent a sufficient, stand-alone threshold for analyzing the GHG impacts of the project because it is not qualified out to 2030."

Accordingly, the Pleasanton CAP, in itself, was not relied upon for a determination of significance. Instead, impacts were evaluated using a "consistency with plans" approach, which is consistent with the CEQA Guidelines and case law, as discussed at length below. The CAP is included in the consistency analysis because it is an existing plan that remains in effect, although it does not currently include a strategy for GHG reduction beyond 2020. It is noted, however, that the City is in the process of updating its CAP so that it will soon likely be a CEQA-qualified GHG Reduction Plan beyond 2020.

### **CEQA Guidelines Definition of "Greenhouse Gas Reduction Plan"**

The commenter states that the method by which the 2019 Recirculated GHG Analysis determines the significance of the project's GHG impacts (a consistency analysis with the City's CAP, the 2017 Scoping Plan Update, and Plan Bay Area 2040, and the applicable executive orders) does

not comply with CEQA because these plans do not meet the criteria of CEQA Guidelines Sections 15064.4(b)(3) and 15183.5(b)(1) for a “climate action plan.”

First, the commenter suggests that CEQA Guidelines Sections 15064.4(b)(3) and 15183.5(b)(1) define a CAP. This is incorrect. CEQA does not define a CAP, nor does it require a CAP for significance determinations. CEQA Guidelines Section 15064.4(b)(3) states that a lead agency should consider, when determining the significance of GHG emissions, the “extent to which the project complies with regulations or requirements adopted to implement a **statewide**, regional, or local **plan for the reduction or mitigation of greenhouse gas emissions**...,” and that in “determining the significance of impacts, the lead agency may consider a project’s consistency with the **State’s long-term climate goals or strategies**.” [Emphasis added]

It is precisely in light of this direction in the CEQA Guidelines that the 2019 Recirculated GHG Analysis relies heavily on the 2017 Scoping Plan Update, the foundational document that sets forth the “State’s long-term climate goals or strategies.” In fact, all local CAPs, including the City’s current CAP, derive from the original 2008 Scoping Plan, the 2014 update, the most recent 2017 Scoping Plan Update, or a combination thereof. As explained in the 2019 Recirculated GHG Analysis, the state’s first major legislative effort aimed at reducing GHGs, the California Global Warming Solutions Act of 2006 (Assembly Bill [AB] 32), explicitly required that the California Air Resources Board (CARB) prepare “a Climate Change Scoping Plan for achieving the maximum technologically feasible and cost-effective GHG emission reduction by 2020.” The 2017 Scoping Plan Update has extended the horizon year to 2030, with additional discussion of 2050 targets.

Second, the commenter claims that the plans used in the consistency analysis do not meet the CEQA Guidelines definition of “Plans for the Reduction of Greenhouse Gas Emissions,” and therefore, that this consistency analysis is inadequate under CEQA. CEQA does not require a consistency analysis to rely on plans that meet the CEQA Guidelines Section 15183.5(b)(1) definition of GHG plans.

CEQA Guidelines Section 15183.5 refers to tiering and streamlining the analysis of GHG emissions under CEQA. However, this section of the CEQA Guidelines is not relevant to the project. The 2019 Recirculated GHG Analysis for the project does not tier from an existing plan, nor does it streamline the project’s GHG analysis. The 2019 Recirculated GHG Analysis instead quantifies project-related GHG emissions for multiple years and uses a thorough consistency analysis with relevant plans as the project’s threshold of significance. As such, the commenter’s claim that the plans used in the 2019 Recirculated GHG Analysis to evaluate consistency must comply with the definition for GHG plans in CEQA Guidelines Section 15183.5(b)(1) is inaccurate.

### **The Analysis Complies with CEQA**

The 2019 Recirculated GHG Analysis analyzed the project’s GHG impacts consistent with CEQA Guidelines Section 15064.4, which states the following:

- (a) The determination of the significance of greenhouse gas emissions calls for a careful judgment by the lead agency consistent with the provisions in section 15064. A lead

agency should make a good-faith effort, based to the extent possible on scientific and factual data, to describe, calculate or estimate the amount of greenhouse gas emissions resulting from a project. A lead agency shall have discretion to determine, in the context of a particular project, whether to:

- (1) Quantify greenhouse gas emissions resulting from a project; and/or
- (2) Rely on a qualitative analysis or performance based standards.

The 2019 Recirculated GHG Analysis satisfied these requirements by calculating the project's GHG emissions and qualitatively evaluating the project's consistency with applicable GHG reduction plans. CEQA Guidelines Section 15064.7(d) allows a lead agency to choose an "environmental standard" as a threshold of significance; such standard must be, among other things, "a quantitative, qualitative or performance requirement found in an ordinance, resolution, rule, regulation, order, plan or other environmental requirement." The City chose a qualitative performance standard as its threshold of significance.

As discussed above, CEQA Guidelines Section 15064.4(b)(3) specifically provides that a GHG impact analysis should consider the project's compliance with adopted state, regional, or local GHG reduction plans adopted by an agency through a public process to reduce GHG emissions. The 2019 Recirculated GHG Analysis satisfied this requirement by assessing the project's consistency with the identified executive orders, the 2017 Scoping Plan Update, Plan Bay Area 2040, and the City's CAP, as discussed in detail above.

Further, CEQA Guidelines Section 15064.4(b) states that a lead agency, when "determining the significance of impacts from greenhouse gas emissions on the environment" should consider the following factors:

- (1) The extent to which the project may increase GHG emissions as compared to the existing environmental setting;
- (2) Whether project emissions exceed a threshold of significance that the lead agency has determined applicable to the project; and
- (3) The extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions (see, e.g., Section 15183.5[b]).

CEQA Guidelines Section 15064.4(b)(3) also states that a lead agency "may consider a project's consistency with the State's long-term climate goals or strategies" when determining the significance of a project's impacts. The 2019 Recirculated GHG Analysis clearly explains why the City's approach for analyzing the project's GHG emissions is consistent with the CEQA Guidelines, and that this can be done without using a quantitative criteria of significance: "The CEQA Guidelines do not require or recommend a specific analytical methodology or provide quantitative criteria for determining the significance of GHG emissions, nor do they set a numerical threshold of significance for GHG emissions" (page 7).

The 2019 Recirculated GHG Analysis clearly and reasonably identifies the threshold of significance used to determine whether the project’s GHG emissions would be significant (pages 35–36). The analysis does so by:

- Discussing the amendments to Section 15064.4 of the CEQA Guidelines, which were adopted to assist lead agencies in determining the significance of the impacts of GHG emissions;
- Explaining that Section 15064.4 gives lead agencies the discretion to determine whether to assess GHG emissions quantitatively or qualitatively;
- Discussing relevant court cases that apply to the selection of GHG significance criteria for EIRs;
- Presenting the current BAAQMD thresholds and describing how they are not appropriate for analyzing the GHG impacts of the project, given their inconsistency with the project’s buildout year;
- Describing how, although the analysis quantifies the project’s estimated GHG emissions (as recommended by Section 15064.4), there are no applicable project-level significance threshold for GHG emissions that have been adopted by CARB, BAAQMD, or the City; and
- Clearly identifying the threshold of significance used to assess the project’s impact with regard to GHG emissions.

As stated in the 2019 Recirculated GHG Analysis (pages 35–36):

Although GHG emissions can be quantified as discussed under the Methodology section above, CARB, BAAQMD, and the City have not adopted quantitative project-level significance thresholds for GHG emissions that would be applicable to the project. ***Given that there is no applicable or available quantitative threshold, and given the absence of a qualified GHG reduction plan, the significance of the Project’s GHG emissions is evaluated consistent with CEQA Guidelines Section 15064.4(b) by considering whether the Project complies with applicable plans, policies, regulations and requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions.*** CARB’s 2017 Scoping Plan Update is intended to reduce GHG emissions to meet the statewide targets set forth in SB 32. ABAG/MTC’s [Association of Bay Area Governments/Metropolitan Transportation Commission’s] Plan Bay Area 2040 is designed to achieve regional GHG reductions from the land use and transportation sectors as required by SB 375 and the state’s long-term climate goals. The City of Pleasanton Climate Action Plan is designed to reduce local GHG emissions to support the statewide target for 2020 set forth in AB 32, and to put the City on an emissions trajectory that is consistent with the State’s longer term targets. ***Thus, the City as Lead Agency has determined that the Project would not have a significant effect on the environment if the Project is found to be consistent with the applicable regulatory plans and policies to reduce GHG emissions, including the emissions reduction measures discussed within the 2017 Climate Change Scoping Plan Update, Plan Bay Area 2040, and the City’s Climate Action Plan.*** [Emphasis added]

The 2019 Recirculated GHG Analysis acknowledges that the project has the potential to result in direct and indirect GHG emissions, and estimates annual emissions as 11,778 metric tons carbon dioxide equivalent (MTCO<sub>2e</sub>) for 2021 (Phase 1) and 15,617 MTCO<sub>2e</sub> for 2031 (full buildout). However, the City has revised the GHG modeling for the project; see Responses to Comments 1-9 and 2-2. The revised direct and indirect GHG emissions are estimated to be 11,897 MTCO<sub>2e</sub> for 2021 (Phase 1) and 16,258 MTCO<sub>2e</sub> for 2031 (full buildout). These values are approximately 1 percent and 4 percent higher, respectively, than the values in the 2019 Recirculated GHG Analysis. These estimates include emissions from project construction, mobile sources (both delivery vehicles and customer traffic), stationary sources (including emergency generators and truck-mounted transportation refrigeration units), solid waste, water, and wastewater. The analysis also calculates emission reductions from electric vehicle charging infrastructure and rooftop solar photovoltaic panels.

The analysis then methodically demonstrates, in a section entitled “Consistency with Plans,” that the project would not have a significant GHG impact based on the project’s consistency with the GHG reduction plans identified in Section 4.4, *Project Significance Criteria* (pages 40–46). Specifically, the analysis demonstrates in narrative form the project’s consistency with key state plans and regulatory requirements referenced in the 2017 Scoping Plan Update, including the Renewables Portfolio Standard; the Low Carbon Fuel Standard; vehicle fuel economy standards; targets for zero-emission and hybrid vehicles; reduction targets for VMT; and the use of high-efficiency appliances, water heaters, and heating, ventilation, and air conditioning systems.

For example, the analysis states, “The project would utilize energy efficiency appliances and equipment, as required by Title 24, and it would provide electric vehicle charging stations to support the future use of electric and hybrid-electric vehicles by employees and visitors traveling to and from the site.” Following this discussion, the analysis concludes, “For these reasons, the project’s post-2020 emissions trajectory is expected to follow a declining trend, consistent with the 2017 Scoping Plan Update, and the project would not conflict with or obstruct implementation of the 2017 Scoping Plan Update.”

The 2019 Recirculated GHG Analysis also shows, in narrative form, the project’s consistency with the statewide target for 2050 established by Executive Order B-30-15 by explaining how the project’s emissions are expected to decline from its full buildout year of 2031 through 2050 as a result of continued regulatory and technological advancements. The analysis demonstrates that the project’s consistency with Plan Bay Area 2040 by:

- Illustrating that a portion of the project is located within a Transit Priority Project area, which is a key strategy for meeting the targets for VMT reduction in Plan Bay Area 2040;
- Describing how the project is consistent with the land use policies of the City’s General Plan, which are reflected in Plan Bay Area’s growth projections; and
- Discussing how the project would further reduce GHG emissions from passenger vehicles and light-duty trucks by providing electrical charging stations, per the requirements of the California Green Building Standards Code (CALGreen Code) and the City’s conditions of approval.

Finally, the analysis demonstrates, in the text and in Table 7, the project’s consistency with the City of Pleasanton’s CAP, including consistency of specific measures, such as the project’s design as a mixed-use infill development near local-serving commercial areas and the project’s requirement to install solar panels to promote on-site renewable energy.

In summary, the 2019 Recirculated GHG Analysis fully complies with the requirements of CEQA Guidelines Section 15064.4(b). It estimates the extent to which the project may increase GHG emissions. The 2019 Recirculated GHG Analysis presents a thorough, qualitative analysis of the project’s consistency with applicable plans and demonstrates how the project would neither prevent nor inhibit attainment of the goals in the plans and policies associated with the identified executive orders, the 2017 Scoping Plan Update, Plan Bay Area 2040, and the City’s CAP. Through this process, the 2019 Recirculated GHG Analysis provides decision-makers and the public with all of the information needed to understand the project’s anticipated GHG emissions and to make an informed decision regarding the project’s GHG emissions impact.

The commenter has provided no arguments or evidence demonstrating that the project is inconsistent with the applicable GHG reduction policies and plans.

### **Consistency with Plans is Appropriate Greenhouse Gas Threshold under CEQA**

Under CEQA, lead agencies have discretion in determining the appropriate threshold of significance to determine the severity of a particular impact. “A threshold of significance is an identifiable, quantitative, qualitative, or performance level of a particular environmental effect, non-compliance with which means the effect will normally be determined to be significant by the agency and compliance with which means the effect normally will be determined to be less than significant.” (CEQA Guidelines, Section 15064.7[a].) With regard to setting thresholds of significance, CEQA Guidelines Section 15064.7(d) states the following:

Any public agency may adopt or use an environmental standard as a threshold of significance. In adopting or using an environmental standard as a threshold of significance, a public agency shall explain how the particular requirements of that environmental standard reduce project impacts, including cumulative impacts, to a level that is less than significant, and why the environmental standard is relevant to the analysis of the project under consideration.

CEQA Guidelines Section 15064.7(b) states that public agencies are “*encouraged* to develop and publish thresholds” [italics added]. CEQA grants lead agencies discretion to choose thresholds of significance, and such thresholds may be developed on a case-by-case basis for use in EIRs without formal adoption. (*Save Cuyama Valley v. County of Santa Barbara* [2013] 213 Cal.App.4th 1059, 1068 [formal adoption of project-specific thresholds is not required]; *Oakland Heritage Alliance v. City of Oakland* [2011] 195 Cal.App.4th 884, 896 [Section 15064.7 “does not require a public agency to adopt significance thresholds ... and it does not forbid an agency to rely on standards developed for a particular project”].)

As the court in *Save Cuyama Valley* explained, “CEQA only requires that a threshold be formally adopted if it is for ‘general use’— that is, for use in evaluating significance in all future projects.”

(213 Cal.App.4th at p. 1068; see also 2 Kostka & Zischke, *Practice Under the Cal. Environmental Quality Act* [Cont. Ed. Bar 2015] Section 13.12, p. 13-13 [“An agency needs to follow the requirements for threshold adoption set forth in CEQA Guidelines § 15064.7 only when it is formally adopting thresholds to be used as a matter of general application”].)

Further, a lead agency’s thresholds of significance may vary depending on the nature of the impact area affected. (*North Coast Rivers Alliance v. Marin Municipal Water Dist. Bd. of Directors* [2013] 216 Cal.App.4th 614, 624–625; *Clover Valley Found. v. City of Rocklin* [2011] 197 Cal.App.4th 200, 243.) As such, the thresholds selected by a lead agency must be deferred to and upheld, provided they are supported by substantial evidence. (*Mission Bay Alliance v. Office of Community Investment & Infrastructure* [2016] 6 Cal.App.5th 160, 206.)

CEQA requires lead agencies to provide evidence showing why meeting, or being below, a threshold of significance results in less-than-significant impacts for projects. The City of Pleasanton’s selection of the threshold of significance used in the 2019 Recirculated GHG Analysis to assess the project’s GHG impacts was appropriate and supported by substantial evidence. The City supplies this discussion and substantial evidence in Chapter 4, *Significance Criteria*, and other sections of the report, as presented above.

In *Center for Biological Diversity v. California Department of Fish and Wildlife* (62 Cal.4th 204), (referred to here as “*CBD*”), the California Supreme Court sanctioned the use of such a threshold. In *CBD*, the Court held that assessing a project’s GHG impacts based on a “consistency with a GHG emission reduction plan” threshold of significance is legally permissible under CEQA. The court stated:

Under these circumstances, evaluating the significance of a residential or mixed use project’s greenhouse gas emissions by their effect on the state’s efforts to meet its long-term goals makes at least as much sense as measuring them against an absolute numerical threshold. Using consistency with AB 32’s statewide goal for greenhouse gas reduction, rather than a numerical threshold, as a significance criterion is also consistent with the broad guidance provided by section 15064.4 of the CEQA Guidelines. (*CBD, supra*, 62 Cal.4th at p. 221.)

The court further concluded, “[t]o the extent a project incorporates efficiency and conservation measures sufficient to contribute its portion of the overall greenhouse gas reductions necessary, one can reasonably argue that the project’s impact is not cumulatively considerable, because it is helping to solve the cumulative problem of greenhouse gas emissions as envisioned by California law.” (*CBD, supra*, 62 Cal.4th at p. 220.) The 2019 Recirculated GHG Analysis used a “consistency with plans” threshold, and further described how the project’s features would contribute to the implementation of these plans and reduction of GHG emissions. Therefore, the 2019 Recirculated GHG Analysis is compliant with CEQA.

As discussed on pages 32–33 of the 2019 Recirculated GHG Analysis, the California Supreme Court provided some guidance for evaluating the cumulative significance of a proposed land use project’s GHG emissions, but noted that none of the approaches could be guaranteed to satisfy CEQA for a particular project. The court’s suggested “pathways to compliance” include:

- (1) Use a geographically specific GHG emissions reduction plan (e.g., a local CAP) that outlines how the jurisdiction will reduce emissions consistent with state reduction targets, to provide the basis for streamlining the project-level CEQA analysis, as described in CEQA Section 15183.5.
- (2) Use the 2017 Scoping Plan Update’s business-as-usual (no-action-taken) reduction goal, but provide substantial evidence to bridge the gap between the statewide goal and the project’s emissions reductions.
- (3) Assess consistency with AB 32’s goal in whole or part by looking to compliance with regulatory programs designed to reduce GHG emissions from particular activities. As an example, the court points out that projects consistent with an SB 375 sustainable communities strategy may need to reevaluate GHG emissions from cars and light trucks.
- (4) Rely on existing numerical thresholds of significance for GHG emissions, such as those developed by an air district.

The City exercised its discretion and choose the third option identified by the court in *CBD*. The court recommended that lead agencies use both the 2017 Scoping Plan Update and a regional sustainable communities strategy to evaluate a project’s GHG emissions (*CBD, supra*, 62 Cal.4th at pp. 229–230).

Consistent with this recommendation, the 2019 Recirculated GHG Analysis demonstrated the project’s consistency with the Metropolitan Transportation Commission and Association of Bay Area Governments’ Plan Bay Area 2040 for transportation-related GHG emissions, and with the 2017 Scoping Plan Update and the City’s CAP for all sectors of GHG emissions associated with the project. In addition, the 2019 Recirculated GHG Analysis demonstrated the ability of the project to proceed without impeding the state’s 2050 goals under Executive Order No. S-3-05.

### **Use of the BAAQMD Efficiency Threshold**

The commenter states that because BAAQMD has adopted significance thresholds for GHG emissions, these thresholds should be used to determine the significance of the project’s emissions instead of the qualitative “consistency with plans” threshold used in the 2019 Recirculated GHG Analysis. The commenter also claims that because BAAQMD has adopted these GHG thresholds, and because the project’s emissions exceed these thresholds, there is substantial evidence that an “unstudied, potentially significant environmental effect” exists, one that was not analyzed in the 2019 Recirculated GHG Analysis.

The City has not formally adopted thresholds of significance to be used as a matter of general application. No project in Pleasanton is required to use the thresholds of significance developed by BAAQMD. As permitted under CEQA, lead agencies have discretion to determine the thresholds of significance that are appropriate for a particular project or impact. Using the same threshold for multiple projects in the same area, such as multiple projects in the city or multiple projects within an air district’s boundaries, is often appropriate and even desirable because it promotes consistency. (*Communities for a Better Environment v. California Resources Agency* [2002] 103 Cal.App.4th 98, 111 [recognizing the use of existing environmental standards in determining the significance of a project’s environmental impacts is desirable “because it is an effective means of promoting consistency in significance determinations”].)

As discussed at length above and in Response to Comment 11-23, the Draft SEIR does not ignore BAAQMD's existing efficiency thresholds. Rather, the Draft SEIR explains that the BAAQMD thresholds only address emissions up to 2020, while the project will be built out after 2020, so the Draft SEIR properly uses a threshold based on consistency with applicable plans and programs. In any event, the City has discretion to select its own threshold of significance for each project under CEQA review. BAAQMD's GHG thresholds are advisory and the City has the authority to choose a different threshold so long as it is supported by substantial evidence.

Based on this information and the discussion above, the City is not required to use the BAAQMD thresholds to determine the significance of the project's impacts. The City exercised its discretion as Lead Agency to choose a different threshold of significance for the project. The discussion above illustrates how the City's chosen threshold complies with CEQA and the *CBD* court ruling. Contrary to the commenter's claim, the mere existence of the BAAQMD thresholds does not constitute substantial evidence that the project would have a significant environmental impact with regard to GHG emissions.

The commenter also claims that the project's exceedance of the BAAQMD thresholds constitutes substantial evidence of a potential significant impact, and cites several court cases to support this claim. First, the commenter cites the California Supreme Court's ruling in *Communities for a Better Environment v. South Coast Air Quality Management Dist.* ([2010] 48 Cal.4th 310, 327) (referred to here as "*CBE v. SCAQMD*"), that exceedance of an air district's threshold is substantial evidence of a potentially significant impact.

In *CBE v. SCAQMD*, the South Coast Air Quality Management District (SCAQMD), as lead agency, was using its own significance threshold for NO<sub>x</sub> of 55 lbs/day to determine the air quality impacts of the project in a mitigated negative declaration. At issue was not the threshold itself, but what constituted the project's "increased NO<sub>x</sub> emissions" compared to the baseline. SCAQMD argued that it was one number, which was below the threshold, and the court concluded that it was another number, which exceeded the threshold. Both sides were using the same threshold. The contention was over what constituted baseline conditions, not whether a threshold of significance was or was not used. This case is not applicable to the project because the City has not adopted BAAQMD's GHG thresholds and is not using them to determine the project's GHG impacts, as discussed at length above and in Response to Comment 11-23.

The commenter also cites *Schenck v. County of Sonoma* (2011) 198 Cal.App.4th 949, 960 as evidence that BAAQMD's "published CEQA quantitative criteria" should be used for the project. In *Schenck v. County of Sonoma*, contrary to the commenter's claim that BAAQMD's air quality thresholds should be used by the City for the project, the court says nothing about whether the County of Sonoma, the lead agency for the project, *should* have used BAAQMD's thresholds of significance in the mitigated negative declaration. Nor does the court say anything about whether the project's exceedance of BAAQMD's thresholds for criteria pollutant emissions *on its face* represents substantial evidence of a significant impact for the project, independent of the County of Sonoma's use of the threshold in the mitigated negative declaration.

The full quote cited by the commenter is: “The County then assumed the role of the BAAQMD by implementing the *published CEQA quantitative criteria* in the initial study to determine that the project had far fewer vehicle trips per day than the *threshold level of cumulative significance*.” [Emphasis added to identify the selections picked by the commenter.] The thresholds referred to are for cumulative traffic volumes, not emissions.

In addition, the County of Sonoma selected BAAQMD’s thresholds as its significance criteria: “...in the mitigated negative declaration the Department [County] noted and adopted the BAAQMD’s published CEQA Guidelines, air quality plan, and quantitative criteria to assess the impact of the project on air quality.” As such, the County of Sonoma had already adopted BAAQMD’s thresholds as its significance criteria, and thus, BAAQMD’s thresholds were the appropriate metric by which to evaluate the project’s air quality impacts in the mitigated negative declaration. The commenter appears to cherry-pick phrases from the court’s ruling to support their assertion that BAAQMD’s thresholds must be used to determine impacts for the project.

Finally, the commenter cites *Coll. of San Mateo Gardens v. San Mateo County Community College District* (2016) 1 Cal.5th 937, 958, in which the Court of Appeal said that when there are “project modifications” that introduce “previously unstudied significant environmental impacts,” an EIR must be prepared instead of a mitigated negative declaration. First, an SEIR was prepared for the project, and the 2019 Recirculated GHG Analysis thoroughly studies the project’s impacts as part of the Draft SEIR. Second, as noted above, the fact that the project’s emissions exceed an advisory threshold from BAAQMD—one that the City is not using to determine the impacts of the project—does not constitute substantial evidence that there are modifications to the project that introduce unstudied significant impacts. Therefore, this case is not relevant.

Further, the question under CEQA’s “substantial evidence” test is not whether there is substantial evidence to support the conclusions of the commenter (which is, in this case, that the project’s emissions exceed the BAAQMD thresholds of significance, and therefore, that there is a potentially significant effect). The question is only whether there is substantial evidence to support the decision of the agency approving the project. (*Laurel Heights Improvement Assn. v. Regents of University of California* [1988] 47 Cal.3d 376, 407.)

As demonstrated above, the City has submitted substantial evidence to support its threshold of significance, so the commenter’s claim that there is substantial evidence to the contrary is irrelevant. A conflict among experts does not mean that an EIR is inadequate. (CEQA Guidelines, Section 15151; *Barthelemy v. Chino Basin Mun. Water Dist.* [1995] 38 Cal.App.4th 1609, 1620.)

### **Use of “Substantial Progress” Efficiency Thresholds**

The commenter refers to SWAPE’s supplemental analysis, which requests that the 2019 Recirculated GHG Analysis use a “substantial progress” efficiency threshold developed by the Association of Environmental Professionals to determine whether the project’s GHG emissions are significant. Specifically, SWAPE states that the efficiency threshold of 2.6 MTCO<sub>2</sub>e/SP/yr should be used. SWAPE concludes that if this threshold is used, the project’s impacts would be potentially significant.

As discussed above, the City has discretion as a lead agency to use a project-specific threshold as long as that threshold is supported by substantial evidence. The discussion above illustrates how the City's chosen threshold complies with CEQA and the *CBD* court ruling.

In addition, there are some notable limitations with the "substantial progress" efficiency threshold proposed by the commenter. First, the threshold is based on emissions per service population, which is equal to a project's residential population plus its employment. The project is not a residential or mixed-use project; it is a largely retail and service (hotel) project. Therefore, the service population efficiency threshold is not appropriate. The service population efficiency threshold does not adequately assist the City in determining the significance of the project's impacts because its basis does not reflect the unique characteristics of retail projects.

Second, the wholesale use of a statewide efficiency metric for use as a project-level threshold was invalidated by the Court of Appeal in *Golden Door Properties v. County of San Diego* (2018) 27 Cal.App.5th 892. The commenter's suggested efficiency threshold of 2.6 MTCO<sub>2</sub>e/SP is precisely that which was invalidated: a *statewide* metric based on *statewide* emissions and *statewide* population and employment figures, without any consideration of the local context of the project or the project's specific characteristics or emissions profile. Specifically, as discussed above in Response to Comment 11-23, the court stated that the statewide efficiency threshold used in San Diego County as its threshold of significance "must be justified by substantial evidence to explain why it is sufficient for use in projects in San Diego County" (*CBD, supra*, 62 Cal.4th at p. 227). The court concludes that, "Without substantial evidence explaining why statewide GHG reduction levels would be properly used in this context, the County fails to comply with CEQA Guidelines." Also see page 33 of the 2019 Recirculated GHG Analysis.

The commenter has not submitted any arguments or evidence explaining why the statewide GHG efficiency threshold of 2.6 MTCO<sub>2</sub>e/SP is sufficient for use as a significance threshold for individual projects located in the city of Pleasanton, why using statewide data is appropriate for setting a threshold of significance for the City, or why the efficiency threshold can be used to conclude that the specific GHG emissions attributed to the project are consistent with the state's 2030 targets. As such, the commenter has not supplied the substantial evidence to support the use of the efficiency threshold. Consequently, the efficiency threshold presented by the commenter is not adequate for use as a threshold of significance for the project.

## Mitigation

Building on the conclusion that the project would result in a potentially significant impact, the commenter states that the Draft SEIR must identify enforceable mitigation measures to reduce the impact.

As discussed above, the City has discretion as a lead agency to use a project-specific threshold as long as that threshold is supported by substantial evidence. The City's chosen threshold complies with CEQA and the *CBD* court ruling. In addition, as described above, neither the BAAQMD threshold nor the "substantial progress" efficiency threshold is appropriate for determining the project's impacts. As a result, the commenter's claim that the project would result in a potentially significant impact is not accurate, and the additional mitigation that the commenter requests is not required under CEQA.

## **Conclusion**

The commenter's claim that the City's GHG threshold of significance is inadequate and does not comply with CEQA is unfounded. The 2019 Recirculated GHG Analysis uses a threshold of significance that complies with CEQA and is supported by case law. The project's GHG emissions were disclosed to the extent feasible; a thorough analysis of consistency with adopted plans for reducing GHG emissions at the state and regional levels, as required by CEQA, was conducted.

Further, the City has discretion to choose a threshold of significance for GHG impacts, and is choosing not to adopt outdated thresholds from BAAQMD or inapplicable (and legally dubious) statewide efficiency thresholds. Based on the City's analysis, the project's GHG emissions would not result in a significant impact on the environment, and mitigation is not required. Therefore, the commenter's claim that the GHG analysis fails to adequately address and mitigate the project's GHG emissions is inaccurate and is not supported by substantial evidence.

## **Comment 1-12**

*The EIR also fails to address the significant health risks posed by the Project from indoor formaldehyde emissions, a toxic air contaminant ("TAC"). Certified Industrial Hygienist, Francis "Bud" Offermann, PE, CIH, has conducted a review of the Project, the SEIR, and relevant documents regarding the Project's indoor air emissions. Indoor Environmental Engineering Comments (August 21, 2019) (attached as Exhibit C). Mr. Offermann is one of the world's leading experts on indoor air quality, in particular emissions of formaldehyde, and has published extensively on the topic. As discussed below and set forth in Mr. Offermann's comments, the Project's emissions of formaldehyde to air will result in very significant cancer risks to future workers at the Project's two hotels. Mr. Offermann's expert opinion and calculation is substantial evidence that the Project may have significant health risk impacts as a result of these indoor air pollution emissions. These impacts must be addressed in a revised SEIR ...*

## **Response 1-12**

The comment letter and supporting memorandum from a Certified Industrial Hygienist (Mr. Offermann) on indoor air quality claims that the Draft SEIR fails to address the exposure of hotel workers to indoor emissions of formaldehyde from building materials, including composite wood products. The commenter claims that the potential health risks associated with this exposure would exceed BAAQMD's threshold of significance for cancer risk, and would therefore represent a significant impact. The commenter states that the Draft SEIR must analyze these impacts and identify mitigation measures to reduce them.

## **The Project Would Comply with Standards Not Considered by the Commenter**

To begin with, the project is required to comply with the California Green Building Standards Code (CCR Part 11), commonly referred to as the CALGreen Code. Section 5.5, *Environmental Quality*, of the CALGreen Code provides mandatory nonresidential measures to reduce the quantity of air contaminants that are odorous, irritating, and/or harmful to the comfort and well-being of a building's installers, occupants and neighbors. It includes limits on volatile organic

compounds (VOCs) for paints, coatings, adhesives, adhesive bonding primers, sealants, sealant primers, and caulk. Section 5.504.4.4, *Carpet Systems*, of the CALGreen Code establishes product requirements to meet one of the following:

- (1) Carpet and Rug Institute’s Green Label Plus Program;
- (2) California Department of Public Health, “Standard Method for the Testing and Evaluation of Volatile Organic Chemical Emissions from Indoor Sources Using Environmental Chambers,” Version 1.1;
- (3) NSF International/American National Standards Institute 140 Sustainability Assessment for Carpet at the Gold Level;
- (4) Scientific Certifications Systems Indoor Advantage Gold; or
- (5) Compliance with the Collaborative for High Performance Schools’ California Criteria Interpretation for EQ 7.0, *Low Emitting Materials*, and EQ 7.1, *Additional Low Emitting Materials*.

Furthermore, Section 5.504.4.5, *Composite Wood Products*, of the CALGreen Code establishes limits for formaldehyde as specified in CARB’s Air Toxics Control Measure for Composite Wood (e.g., particle board). These measures have been established through the CALGreen Code and are designed to reduce the quantity of air contaminants to acceptable levels.

In addition, CARB has adopted airborne toxics control measures to reduce formaldehyde emissions from particle board, medium-density fiberboard, and hardwood plywood (collectively known as “composite wood products”) (17 CCR Sections 93120 through 93120.12). The regulation established two phases of standards. Phase I contained initial regulatory requirements; Phase II contained more stringent requirements. Phase II requires that all finished goods, such as flooring, destined for sale or use in California be made using compliant composite wood products. Only Phase 2 products are legal for sale in California, as of January 2014.

Finally, the 2019 Title 24 Building Code, with which the project would be required to comply, includes more stringent ventilation and air filtration requirements per ASHRAE Standard 62.2, *Ventilation and Acceptable Indoor Air Quality in Low-Rise Residential Buildings*.

### **The Study Cited by the Commenter Does Not Assess These Standards**

The study cited by Mr. Offermann (Chan et al., 2018), which is the basis of the commenter’s claim that indoor exposure to formaldehyde emissions would result in a significant impact, assessed homes “built in 2011 or later,” before the newest CARB formaldehyde standards (Phase 2 standards) were put into place. The Phase II requirements apply to all composite wood products sold in California starting January 1, 2014. The 2011 requirement was “used as a proxy for homes built to comply with the 2008 version of Title 24,” which was the object of the study: to assess the impact of the residential mechanical ventilation requirements of the 2008 Title 24 code. This criterion does not account for the current 2016 CALGreen Code, the adopted 2019 Title 24 Building Code, or the Phase II CARB airborne toxics control measures standards. In

addition, the 2011 requirement was self-reported, with the study's authors only verifying a small portion of the 70 homes studied:

Records were obtained from CalCERTS/CHEERS [two providers of California Home Energy Rating Systems] for 23 homes to verify that they were certified to meet the 2008 or more recent standards. Even though Title 24 compliance documents were not available for the other homes, the presence of mechanical ventilation equipment in all 70 homes indicates that they were built to the 2008 or more recent standards.

Of the 70 homes included in the study, 21 homes were built before 2014 and 17 homes were built in 2014; many of these homes may have purchased composite wood products before 2014, and thus were not required to comply with the Phase II standards. Therefore, the study does not represent substantial evidence of the formaldehyde concentrations associated with Phase II building materials, which are required for the project.

The project would be built out in two phases: the first starting in 2020 and complete in 2021, and the second starting in 2030 and complete by 2031. The project would therefore be required to comply, at minimum, with the 2019 Title 24 Building Code and the CARB Phase 2 standards. It is likely that more stringent standards would be adopted before the project reaches full buildout. Therefore, the studies cited by Mr. Offermann do not provide evidence that the project would have significant impacts from formaldehyde emissions.

### **The Study Cited by the Commenter is Not Applicable to the Project**

Further, the 2018 study cited by Mr. Offermann is a study of residential homes, not hotel buildings; the commenter is erroneously using the results of a residential study to characterize the potential formaldehyde emissions of a nonresidential project. In addition, the study required participants to keep their windows closed for the duration of the study and rely on mechanical ventilation. However, only a portion of the homes had functioning mechanical ventilation systems:

However, the dwelling unit mechanical ventilation fans were only operating in one quarter of the homes when first visited and the control switches in many homes did not have informative labels as required by the standards.

In reality, hotel ventilation systems are likely to remain operational continuously, and hotel guests would open their windows for hours at a time during spring, summer, and fall. This ventilation would reduce formaldehyde concentrations in indoor air. Thus, the studies do not accurately capture real-world scenarios, especially in a hotel.

In addition, the studies assume a continuous 24-hour exposure and 100 percent absorption by the respiratory system, a further unrealistic assumption unsupported by substantial evidence. Mr. Offermann assumes hotel workers would be exposed 5 days per week and 50 weeks per year for 45 years. Both the California Environmental Protection Agency's Office of Environmental Health Hazards and the BAAQMD health risk guidelines indicate that worker exposure durations should be 25 years; this is consistent with the 2019 Recirculated HRA performed for the project.

Therefore, Mr. Offermann's analysis vastly overstates the likely exposure and associated cancer risk for project hotel workers.

For these reasons, the project can be distinguished from the homes studied in the 2018 study cited by Mr. Offermann.

### **The Commenter Engages in Speculation for Project-Specific Conditions**

Furthermore, the commenter is speculating that the hotel would be constructed using composite wood materials that might contain formaldehyde-based glues that could emit formaldehyde over long periods of time in harmful amounts, creating a potential cancer risk for project workers. The commenter does not support their assertion with any substantial evidence that the project would use such building materials. Instead, the commenter submits general information, not related to the project, from Mr. Offermann that many wood products used in modern residential home construction contain such glues and that formaldehyde is a carcinogen. Indoor building materials would not be known until the building permit stage, and as stated above, these materials would be required to comply with CARB, the 2019 CALGreen Code, and the CARB Phase II Formaldehyde Airborne Toxics Control Measure requirements (at minimum). Mr. Offermann's conclusion that the project would result in significant health risk impacts is based on speculation regarding a number of topics: project construction materials, health risk modeling of formaldehyde (including exposure assumptions), the amount of ventilation in the project hotel, and the application of a significance threshold that is not specific to indoor air quality and formaldehyde. CEQA Guidelines Section 15145 does not require speculation:

If, after thorough investigation, a Lead Agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact.

**Discussion:** This section deals with a difficulty in forecasting where a thorough investigation is unable to resolve an issue and the answer remains purely speculative. This section is necessary to relieve the Lead Agency from a requirement to engage in idle speculation. Once an agency finds that a particular effect is too speculative for evaluation, discussion of that effect should be terminated. This section provides authority to do so.

In addition, in *Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal. 3d 376, the court noted that where future development is unspecified and uncertain, no purpose can be served by requiring an EIR to engage in sheer speculation as to future environmental consequences.

### **The Commenter Proposes Unwarranted Mitigation Measures**

The commenter also proposes mitigation to reduce these purported indoor air quality impacts. As stated above, given the many limitations in the cited study and its inadequacy in reflecting actual project conditions at the hotel, the commenter did not provide substantial evidence that the project would result in a significant air quality impact. Therefore, this measure is not warranted. However, as discussed above, the project would be required to comply with the 2019 CALGreen

Code, which provides mandatory residential measures to reduce the quantity of air contaminants that are odorous, irritating, and/or harmful to the comfort and well-being of a building's installers, occupants, and neighbors.

### **Comment 1-13**

*For the foregoing reasons, LIUNA and its members urge the City to prepare and recirculate a revised SEIR addressing the above shortcomings. Thank you for your attention to these comments. Please include this letter and all attachments hereto in the record of proceedings for this project.*

### **Response 1-13**

As explained in Responses to Comments 1-2 through 1-12, the Draft SEIR adequately and accurately addressed the proposed project's potential environmental effects. The comments provide no new information to the contrary, nor have there been substantial changes in the project or in circumstances that require major revisions of the Draft SEIR, nor have the comments identified new or substantially more severe environmental effects of the project. Therefore, further recirculation of the Draft SEIR is not required.

---

## **Letter 2 – Pleasanton Citizens for Responsible Growth (Mark R. Wolfe)**

### **Comment 2-1**

*The January, 2019 Health Risk Assessment (HRA) states, at page 5:*

*Buildout of the proposed project area would be completed in two phases. Phase 1 would develop Parcels 6, 9, and 10, **all of which are currently vacant**; Phase 2 would develop **the remaining parcels and assumes demolition of existing improvements**. Phase 1 would include two components: Phase 1A includes construction of a Costco retail store and Costco gas station on Parcel 6; Phase 1B includes construction of a 231-room hotel and 5,000 sf [square feet] of retail space on parcels 9 and 10. Phase 1 construction would commence in the second quarter of 2020 and have a duration of approximately one year. Phase 1 construction sub-phases include: grading/excavation, drainage/utilities/sub-grade, foundation/concrete pour, building construction, architectural coatings, and paving. A detailed construction schedule and construction equipment list was provided for Phase 1A by the City and Costco. The construction schedule and equipment fleet for Phase 1B was estimated based on CalEEMod defaults for the hotel and retail space and adjusted using the more detailed construction phase types provided by the City. The default schedule was also adjusted assuming all construction would occur in 2020. Phase 2 construction is conservatively assumed to commence in the first quarter of 2030 and have a duration of approximately one year. **Phase 2 construction sub-phases include: demolition, grading/excavation, drainage/utilities/sub-grade, foundation/concrete pour, building construction, architectural coatings, and paving.**” [Boldface added.]*

*This suggests that demolition of existing buildings at the site will occur only in Phase 2 (2030).*

*The statement appears to conflict with information presented at various other locations within the body of material the City has circulated. For example, the July, 2019 “Supplemental Recirculation Memo” states, at page 4:*

*“Construction of the JDEDZ would occur in two phases. Phase 1 would begin in 2020 with a one-year duration and Phase 2 would begin in 2030 with a one-year duration. Each of the construction phases would utilize energy for necessary on-site construction activities and to transport materials, soil, and debris to and from the site.”*

*The Memo states on page 5:*

*“As stated in the HRA prepared for the JDEDZ, Phase 1 would not require haul trucks to export rubble resulting from the demolition of existing buildings at the site; all rubble and new construction and demolition debris would be reused on-site. By using this material on-site as construction base, the JDEDZ would eliminate both disposal trips for the demolition debris and haul trips for new aggregated fill material, thus eliminating the diesel fuel consumption associated with each truck trip.”*

*The HRA itself, meanwhile, states on its page 6:*

*“There are several existing on-site buildings that house various commercial and/or retail uses, comprising approximately 224,700 sf of space. These buildings will remain until Phase 2 construction begins and would be fully demolished during Phase 2 construction. Project construction would not require export haul trucks as existing rubble and new construction and demolition debris would be reused on-site.”*

*The foregoing suggests substantial inconsistency in the reported timing of demolition activities at the Project site. Some statements indicate the demolition of existing buildings will occur in Phase 1, while others suggest it will be to Phase 2, in the 2030 timeframe. This is a critical conflict since using the rubble from demolition of the 224,700 SF of space appears to be identified for use as fill during grading/construction phases in Phase 1. However, the HRA indicates that demolition activities are to occur only in Phase 2 construction. Modeling of demolition activities in the wrong phase would skew and likely invalidate the results of the HRA.*

## **Response 2-1**

The commenter states that there is inconsistency in the 2019 Recirculated HRA and the City’s recirculation memo about when demolition activities would occur during project construction. The commenter cites the 2019 Recirculated HRA, which states that all demolition of existing buildings would occur during Phase 2 construction (2019 Recirculated HRA page 5). The commenter then cites the recirculation memo, which states that each construction phase would include activities to transfer debris to and from the site (memo page 4). The commenter also cites both the 2019 Recirculated HRA (page 6) and the memo (page 5), which state that all new construction and demolition debris would be reused on-site. Finally, the commenter claims that the project would use demolition materials from Phase 2 demolition activities as construction fill

material during Phase 1, which is temporally impossible, and therefore represents an inconsistency in the analysis and an inadequacy in the 2019 Recirculated HRA analysis.

The commenter appears to be mistaken about when demolition would occur. As stated in the 2019 Recirculated HRA, all demolition activities would occur during Phase 2.

However, the 2019 Recirculated HRA misstated the area of existing buildings to be demolished in Phase 2, as it indicated that all approximately 224,700 square feet of existing buildings at the project site would be demolished. In reality, approximately 197,150 square feet would be demolished and the remaining 27,550 square feet of light industrial use (the Dublin San Ramon Services District building at 7035 Commerce Circle) would remain. However, all demolition of the 197,150 square feet of existing buildings would occur in Phase 2, as the Phase 1 development site has no extant buildings. Demolition rubble from prior demolition of Phase 1 buildings, which remains on the project site, would be used in Phase 1 construction.

For clarification, the second full sentence of the first partial paragraph of the City's July 9, 2019, memorandum introducing the Partial Recirculated Draft SEIR is revised as follows (new text is double-underlined and deleted text is shown in ~~striketrough~~):

As stated in the HRA prepared for the JDEDZ, Phase 1 would not require haul trucks to export rubble resulting from the demolition of existing buildings at the site, as no demolition would be required; all existing rubble ~~and new construction and demolition debris~~ would be reused on-site.

Concerning the comment regarding page 4 of the July 9 memorandum, no demolition would be undertaken in Phase 1, as all former buildings on that portion of the site were previously demolished and that portion of the site is currently bare land. However, construction materials would be transported *to* the site in both Phase 1 and Phase 2, and some demolition debris would be transported *from* the site in Phase 2 (see Response to Comment 2-2 below).

As such, construction activities associated with demolition were assumed to occur in Phase 2, both in the 2019 Recirculated Air Quality Analysis and in the 2019 Recirculated HRA. Demolition debris from Phase 2 would not be used during Phase 1 construction; all construction materials for Phase 1 would use existing piles of crushed concrete at the site and also be delivered to the site via haul trucks, soil import trucks, vendor trucks, and paving trucks, as discussed in the 2019 Recirculated HRA (page 6) and 2019 Recirculated Air Quality Analysis (page 12).

It should also be noted that some *construction* debris (which is different from demolition debris) would be generated during both Phase 1 and Phase 2 construction activities; trucks required to remove this material were already included in the analysis. In fact, Phase 1 alone would require 740 soil import truck trips, 1,110 concrete truck trips, 2,020 vendor truck trips, and 18 paving truck trips. Therefore, the commenter's claim that Phase 2 demolition materials would be needed for Phase 1 construction is unfounded.

As such, all demolition activities occurring in Phase 2 were modeled as such and included in the project's air quality and health risk impact analysis. Consequently, the commenter's claim that the 2019 Recirculated HRA analyzes demolition in the wrong phase is inaccurate.

## **Comment 2-2**

*The HRA also states at page 15 that all the concrete demolition debris will be recycled on-site and not hauled off. This is not a reasonable assumption. As noted above, existing buildings on the Project site occupy 224,700 SF of space – equivalent to a square building with sides 474 feet long. Moreover, because the existing buildings are principally commercial retail structures, they can be expected to have roof and interior heights from 10' to 30'. While concrete tilt-up, warehouse-style buildings can be used to generate fill using their crushed concrete materials, those same buildings will contain a wide variety of materials that will require offsite recycling and landfilling. These include reinforcing steel ("rebar"), roofing materials, dropped ceiling materials, cellulosic trim materials, doors and windows, insulation, plumbing, electrical remnants, floor coverings, and interior furnishings.*

*It is all but impossible that all demolition materials will possibly be retained and used onsite for new construction. Those materials, whether recycled, reused elsewhere, or landfilled will require transport off-site via diesel truck trips that have not been accounted for in the Project's mobile source emissions analysis or the HRA. And notwithstanding the foreseeable, if not certain, off-site hauling of demolition materials, the Updated Air Quality Analysis materials fail to identify concrete processing equipment (crushers, screeners, etc.) that can be expected to operate with diesel engines of greater than 50 horsepower each. Failure to account for both offsite demolition-related trips and emissions from onsite demolition material-processing equipment invalidates the HRA's calculations of TAC emissions and its conclusions regarding resultant health risk.*

## **Response 2-2**

The commenter states that the 2019 Recirculated HRA's assumption that all concrete demolition debris would be recycled and reused on-site is unreasonable. The commenter claims that demolition of the 224,700 square feet of existing buildings, which would occur during Phase 2 construction activities, would generate more materials than could possibly be used on-site to build the Phase 2 retail structures associated with the project. Further, the commenter states that some of this material would require off-site recycling and landfilling and that this would require heavy-duty truck trips.

The commenter also claims that even if some demolition debris would be used on-site as fill or building material, it would need to be processed by off-road equipment such as crushers, and this type of equipment was not modeled. The commenter concludes that because demolition debris haul trucks and diesel-powered material processing equipment were not accounted for in the 2019 Recirculated Air Quality Analysis and the 2019 Recirculated HRA, the conclusions reached in those analyses are invalid.

The commenter is correct that the 2019 Recirculated HRA stated (page 6) that all demolition debris are anticipated to be used on-site. However, upon review, the City has determined that

some portion of the Phase 2 demolition debris would be expected to be exported from the site (see further discussion below).

Additionally, the commenter is not entirely correct that 224,700 square feet of existing buildings would be demolished during Phase 2; rather, 197,150 square feet of the existing 224,700 square feet of existing floor area would be demolished and the remaining 27,550 square feet of light industrial space would remain, as stated above in Response to Comment 2-1. Phase 2 also includes the construction of 222,940 square feet of new retail buildings along with surface parking and landscaping, for a total of about 765,000 square feet of ground area to be built upon.

In the 2019 Recirculated HRA and 2019 Recirculated Air Quality Analysis, the City anticipated using all demolition materials on-site either as fill or as building materials for the retail buildings and parking areas. Existing demolition material on the site (generally, concrete rubble) was assumed to be used for Phase 1 construction and all new demolition material from Phase 2 demolition was assumed to be used for Phase 2 construction. As such, this is what was modeled in the 2019 Recirculated HRA and 2019 Recirculated Air Quality Analysis.

However, as noted above, the City has subsequently determined that some of the Phase 2 demolition debris would be exported. Based on the existing piles of demolition debris on the site associated with the former Clorox facility and the estimated total amount of demolition debris created when the Clorox facility was demolished, approximately 17 percent of the total volume of debris was removed and 83 percent remains on-site.<sup>4</sup> This remaining existing material would be used during Phase 1 project construction (e.g., for building and road base). It was similarly assumed that 17 percent of new demolition debris associated with Phase 2 demolition activities would be exported off-site and the remainder would be used on-site during Phase 2 building construction, the same proportion as existing Phase 1 demolition debris to be used during Phase 1 construction.

Based on CalEEMod default values, 197,138 square feet of demolished buildings<sup>5</sup> is equivalent to 18,254 cubic yards (CY) of debris; this assumes a building height of 10 feet. Because the existing buildings range in height from about 15 to 25 feet, the default debris value was scaled up by 2.5 to represent an average building height of 25 feet, which is conservative; this is equivalent to 45,634 CY of debris. The 17 percent hauled off-site equals 7,620 CY, which would require 382 round-trip truck trips to remove (assuming the default CalEEMod debris haul truck capacity of 20 CY per truck). These additional truck trips were modeled and included in the revised emissions calculations herein. CalEEMod default values for emission rates were used to model emissions from these trucks.

The commenter claims that because of the omission of both on-road trucks for demolition debris hauling and off-road material processing equipment, the conclusions of both the 2019 Recirculated HRA and the 2019 Recirculated Air Quality Analysis are invalid. To provide a

---

<sup>4</sup> Eric Luchini, Associate Planner, Pleasanton Community Development Department, e-mail to ESA, October 2, 2019.

<sup>5</sup> Calculation = 15,070 square feet of office + 20,000 square feet of church + 108,705 square feet of light industrial (136,255 square feet total minus 27,550 square feet of remaining) + 53,363 square feet of retail = 197,138 total square feet.

thorough and complete response, the City has conducted new modeling for the project to incorporate additional demolition debris removal truck trips and on-site material processing equipment, and account for emissions associated with this activity.

For off-road processing equipment, the revised modeling assumed that two material processing/crushing equipment pieces and two diesel generators would operate 8 hours per day during the Phase 2 demolition phase (20 workdays) and also during the Phase 2 building construction phase (146 workdays). CalEEMod default values for equipment horsepower, load factor, and emission rates were used to model emissions from this equipment.

In addition, and partially in Response to Comment 1-9 above, the City has revised the construction emissions modeling further. Specifically, the City has made the following modeling revisions:

- (1) Phase 2 demolition would include all 53,360 square feet of existing retail space to incorporate demolition of existing retail space that was previously omitted because it would not be “net new” retail on the site; however, because the existing buildings would be demolished and new buildings erected, this floor area is now included in the demolition (and new construction) calculations. To account for this new demolition square footage, the off-road construction equipment fleet has been updated to include one additional excavator and one additional rubber-tired dozer during the demolition phase and the worker trips have been updated accordingly. (These are the CalEEMod defaults for the additional demolition square footage.)
- (2) Phase 2 construction would include 222,940 square feet of retail (instead of 184,037 net new square feet of retail as modeled in the 2019 Recirculated Air Quality Analysis), which includes the existing retail space that was previously omitted. To account for this new square footage, the off-road construction equipment fleet has been updated to include an additional excavator during the building construction phase. The worker trips have also been updated accordingly (CalEEMod defaults for the additional construction square footage).
- (3) Phase 2 haul truck trips have been updated to account for soil import and concrete delivery associated with 222,940 square feet of retail construction, per #2 above. Vendor trips during the building construction phase have also been updated accordingly for this revised square footage, using the same vendor trip rate as previously.
- (4) Phase 2 architectural coating emissions have been updated to account for the 222,940 square feet of retail construction, per #2 above, using CalEEMod default values.
- (5) For the analysis of potential health risks, a new worker receptor has been placed at the existing Dublin San Ramon Services District building at 7035 Commerce Circle, representing potential workers at the light industrial space that would remain with the project (the 27,550 square feet) who would be exposed to TACs associated with construction and operation of the project.<sup>6</sup>

---

<sup>6</sup> This site was purchased by the district in March 2016, subsequent to completion of the air quality analysis for the Draft SEIR.

**Revised Air Quality Table 5, *Average Daily Unmitigated Construction Emissions by Source***, below presents the results of the revised analysis of construction-related criteria pollutant emissions. This table presents unmitigated construction emissions for Phase 1 and Phase 2; note that the only change to Phase 1 construction activity and associated emissions is that additional architectural coating was included for non-asphalt hardscape areas, such as planters (this results in a very minor increase in Phase 1 ROG emissions, 4 percent). This table can be compared to Table 5 in the 2019 Recirculated Air Quality Analysis.

As shown in Revised Air Quality Table 5, average daily emissions of NO<sub>x</sub> for Phase 1 exceed the threshold of 54 lbs/day at 55.74 lbs/day, which is the same value as in the 2019 Recirculated Air Quality Analysis. Therefore, implementation of Mitigation Measure M-AQ-1 during Phase 1 construction is required to reduce this impact. Construction-period emissions of other criteria pollutants would be below BAAQMD thresholds during Phase 1. As also shown in Revised Air Quality Table 5, although construction emissions would be greater based on the revised calculations, average daily unmitigated construction emissions for Phase 2 would remain well below the BAAQMD thresholds for all criteria pollutants, and therefore no mitigation would be required for Phase 2 construction.

**Revised Air Quality Table 6, *Average Daily Mitigated Construction Emissions by Source***, below presents mitigated construction emissions for Phase 1. This table can be compared to Table 6 in the 2019 Recirculated Air Quality Analysis.

With implementation of Mitigation Measure M-AQ-1, Phase 1 construction emissions of NO<sub>x</sub> would be reduced to 41.93 lbs/day, the same value as in the 2019 Recirculated Air Quality Analysis. This would be below the BAAQMD threshold. Therefore, Phase 1 construction impacts would be reduced to a less-than-significant level with mitigation. This finding is the same as in the 2019 Recirculated Air Quality Analysis. Although ROG emissions would be incrementally greater than shown in the 2019 Recirculated Air Quality Analysis, they would be well below the BAAQMD threshold, as would exhaust emissions of PM<sub>10</sub> and PM<sub>2.5</sub>. Therefore, no new significant impacts are identified.

**TABLE 3-5**  
**REVISED AIR QUALITY TABLE 5**  
**AVERAGE DAILY UNMITIGATED CONSTRUCTION EMISSIONS BY SOURCE**

Phase/Source <sup>b</sup>	Average Daily Emissions (pounds/day) <sup>a</sup>			
	ROG	NO <sub>x</sub>	PM <sub>10</sub> Exhaust	PM <sub>2.5</sub> Exhaust
<b>Phase 1</b>				
Off-Road Equipment	4.76	46.85	2.27	2.12
Paving	0.46	–	–	–
Architectural Coating	12.07	–	–	–
Vendor/Hauling—travel	0.23	8.20	0.03	0.03
Vendor/Hauling—idling	0.02	0.29	0.0003	0.0003
Worker Trips	0.56	0.40	0.01	0.01
<i>Phase Subtotal</i>	<i>18.10</i>	<i>55.74</i>	<i>2.31</i>	<i>2.16</i>
BAAQMD Thresholds	54	54	82	54
Threshold Exceeded?	No	<b>Yes</b>	No	No
<b>Phase 2</b>				
Off-Road Equipment	2.58	14.69	0.38	0.38
Paving	0.24	–	–	–
Architectural Coating	9.80	–	–	–
Vendor/Hauling—travel	0.12	3.65	0.01	0.01
Vendor/Hauling—idling	0.02	0.21	0.0001	0.0001
Worker Trips	0.33	0.17	0.01	0.01
<i>Phase Subtotal</i>	<i>13.08</i>	<i>18.72</i>	<i>0.39</i>	<i>0.39</i>
BAAQMD Thresholds	54	54	82	54
Threshold Exceeded?	No	No	No	No

## NOTES:

BAAQMD = Bay Area Air Quality Management District; CalEEMod = CALifornia Emissions Estimator MODel; NO<sub>x</sub> = oxides of nitrogen; PM<sub>10</sub> = particulate matter less than or equal to 10 microns in diameter; PM<sub>2.5</sub> = particulate matter less than or equal to 2.5 microns in diameter; ROG = reactive organic gases

<sup>a</sup> **Bold values** = threshold exceedance

<sup>b</sup> Categories defined as follows:

Off-Road Equipment = Operating emissions from heavy-duty equipment, such as bulldozers, cranes, and excavators. See Table 3 for equipment activity assumptions. Emissions were modeled using CalEEMod.

Paving = Fugitive ROG emissions from asphalt paving. Emissions were modeled using CalEEMod.

Architectural Coatings = Fugitive ROG emissions from the application of architectural coatings. Emissions were modeled using CalEEMod.

Vendor/Hauling—travel = Travel emissions from heavy-duty on-road vendor/haul trucks. Emissions were modeled using CalEEMod.

Vendor/Hauling—idling = Operating emissions from heavy-duty on-road vendor/haul trucks. The analysis assumed that each truck would idle 15 minutes while unloading soil or material on the project site. Emissions were modeled outside CalEEMod using EMFAC2017 emission factors.

Worker Trips = Operating emissions from employee vehicles. Emissions were modeled using CalEEMod.

SOURCE: Data compiled by Environmental Science Associates in 2019

**TABLE 3-6  
REVISED AIR QUALITY TABLE 6  
AVERAGE DAILY MITIGATED CONSTRUCTION EMISSIONS BY SOURCE**

Phase/Source <sup>b</sup>	Average Daily Emissions (pounds/day) <sup>a</sup>			
	ROG	NO <sub>x</sub>	PM <sub>10</sub> Exhaust	PM <sub>2.5</sub> Exhaust
<b>Phase 1</b>				
Off-Road Equipment	2.08	33.04	1.70	1.70
Paving	0.46	–	–	–
Architectural Coating	12.07	–	–	–
Vendor/Hauling—travel	0.23	8.20	0.03	0.03
Vendor/Hauling—idling	0.02	0.29	0.0003	0.0003
Worker Trips	0.56	0.40	0.01	0.01
<i>Phase Subtotal</i>	<i>15.42</i>	<i>41.93</i>	<i>1.73</i>	<i>1.73</i>
BAAQMD Thresholds	54	54	82	54
Threshold Exceeded?	No	No	No	No

NOTES:

BAAQMD = Bay Area Air Quality Management District; CalEEMod = CALifornia Emissions Estimator MODel; NO<sub>x</sub> = oxides of nitrogen; PM<sub>10</sub> = particulate matter less than or equal to 10 microns in diameter; PM<sub>2.5</sub> = particulate matter less than or equal to 2.5 microns in diameter; ROG = reactive organic gases

<sup>a</sup> **Bold values** = threshold exceedance

<sup>b</sup> Categories defined as follows:

Off-Road Equipment = Operating emissions from heavy-duty equipment, such as bulldozers, cranes, and excavators. See Table 3 for equipment activity assumptions. Emissions were modeled using CalEEMod.

Paving = Fugitive ROG emissions from asphalt paving. Emissions were modeled using CalEEMod.

Architectural Coatings = Fugitive ROG emissions from the application of architectural coatings. Emissions were modeled using CalEEMod.

Vendor/Hauling—travel = Travel emissions from heavy-duty on-road vendor/haul trucks. Emissions were modeled using CalEEMod.

Vendor/Hauling—idling = Operating emissions from heavy-duty on-road vendor/haul trucks. The analysis assumed that each truck would idle 15 minutes while unloading soil or material on the project site. Emissions were modeled outside CalEEMod using EMFAC2017 emission factors.

Worker Trips = Operating emission from employee vehicles. Emissions were modeled using CalEEMod.

SOURCE: Data compiled by Environmental Science Associates in 2019

**Revised HRA Table 6, Project Maximum Incremental Increase in Cancer Risk**, presents the revised modeled lifetime excess cancer risk for Construction plus Operations and Full Buildout Operations. **Revised HRA Table 7, Project Maximum Chronic Hazard Index**, presents the modeled chronic health impacts during Phase 1 Construction, Phase 1 Operations plus Phase 2 Construction, and Full Buildout Operations. **Revised HRA Table 8, Project Maximum Annual PM<sub>2.5</sub> Concentrations**, presents the maximum annual PM<sub>2.5</sub> exhaust concentrations during Phase 1 Construction, Phase 1 Operations plus Phase 2 Construction, and Full Buildout. These tables all account for the modeling changes indicated above, and account for the revised operational modeling as described in Response to Comment 1-9 above. These tables can be compared to Tables 6, 7, and 8 in the 2019 Recirculated HRA.

As shown in Revised HRA Table 6, the maximum cancer risk is 4.7 per million for construction plus operations at the off-site residential receptor (maximally exposed individual receptor [MEIR]) receptor. This is below the threshold of 10, and the impact remains less than significant. As shown in Revised HRA Table 7, the maximum non-cancer chronic hazard index is 0.37 for

construction plus operations at the off-site worker receptor (maximally exposed individual worker [MEIW]). This is below the threshold of 1, and the impact remains less than significant.

As shown in Revised HRA Table 8, the maximum annual average PM<sub>2.5</sub> concentration is 0.28 micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ) for construction at the off-site residential receptor (MEIR). This is below the threshold of 0.3  $\mu\text{g}/\text{m}^3$ , and the impact remains less than significant. These are the same findings as in the 2019 Recirculated Air Quality Analysis. Therefore, no new significant impacts are identified.

**TABLE 3-7  
REVISED HRA TABLE 6  
PROJECT MAXIMUM INCREMENTAL INCREASE IN CANCER RISK**

Receptor Type	Construction + Operations (per million)	Full Buildout Operations (per million)
Off-Site Residential (MEIR)	4.7	2.8
Off-Site Worker (MEIW)	3.2	4.8
CSP Gym User	1.4	1.9
Existing On-Site Daycare	0.4	–
Existing On-Site Worker (MEIW)	2.7	2.0
BAAQMD Cancer Risk Threshold (per million)	10	10
<b>Exceeds Threshold?</b>	<b>No</b>	<b>No</b>

NOTES:  
BAAQMD = Bay Area Air Quality Management District; CSP = Club Sport Pleasanton; HRA = Health Risk Assessment; MEIR = maximally exposed individual resident; MEIW = maximally exposed individual worker  
SOURCE: Data compiled by Environmental Science Associates in 2019

**TABLE 3-8  
REVISED HRA TABLE 7  
PROJECT MAXIMUM CHRONIC HAZARD INDEX**

Receptor Type	Phase 1 Construction	Phase 1 Operations + Phase 2 Construction	Full Buildout Operations
Off-Site Residential (MEIR)	0.01	0.03	0.01
Off-Site Worker (MEIW)	0.05	0.26	0.18
CSP Gym User	<0.01	0.04	0.01
Existing On-Site Daycare	<0.01	0.18	–
Existing On-Site Worker (MEIW)	0.06	0.37	0.32
BAAQMD Hazard Index Threshold	1.0	1.0	1.0
<b>Exceeds Threshold?</b>	<b>No</b>	<b>No</b>	<b>No</b>

NOTES:  
BAAQMD = Bay Area Air Quality Management District; CSP = Club Sport Pleasanton; HRA = Health Risk Assessment; MEIR = maximally exposed individual resident; MEIW = maximally exposed individual worker  
SOURCE: Data compiled by Environmental Science Associates in 2019

**TABLE 3-9**  
**REVISED HRA TABLE 8**  
**PROJECT MAXIMUM ANNUAL PM<sub>2.5</sub> CONCENTRATIONS**

Receptor Type	Phase 1 Construction ( $\mu\text{g}/\text{m}^3$ )	Phase 1 Operations + Phase 2 Construction ( $\mu\text{g}/\text{m}^3$ )	Full Buildout Operations ( $\mu\text{g}/\text{m}^3$ )
Off-Site Residential (MEIR)	0.06	0.01	<0.01
Off-Site Worker (MEIW)	0.22	0.03	0.05
CSP Gym User	0.01	<0.01	<0.01
Existing On-Site Daycare	<0.01	0.02	–
Existing On-Site Worker (MEIW)	0.28	0.01	0.01
BAAQMD Annual PM <sub>2.5</sub> Threshold	0.3	0.3	0.3
<b>Exceeds Threshold?</b>	<b>No</b>	<b>No</b>	<b>No</b>

## NOTES:

$\mu\text{g}/\text{m}^3$  = micrograms per cubic meter; BAAQMD = Bay Area Air Quality Management District; CSP = Club Sport Pleasanton; HRA = Health Risk Assessment; MEIR = maximally exposed individual resident; MEIW = maximally exposed individual worker; PM<sub>2.5</sub> = particulate matter less than 2.5 microns in diameter

SOURCE: Data compiled by Environmental Science Associates in 2019

It should also be noted that noise created by the new concrete crushers is not expected to cause a new noise impact. Noise from tracked concrete crushers has been demonstrated to generate a noise level of 82 A-weighted decibels (dBA) at a distance of 32 feet.<sup>7</sup> At a distance of 650 feet, this noise level would be attenuated to 58 dBA. As shown in the Draft SEIR, monitored noise levels at the nearest receptors, which are also exposed to noise from Interstate 680 (I-680) and Stoneridge Drive, vary from 63 to 68 dBA (see page 4.C-6). Consequently, the operation of a concrete crusher would not contribute considerably to existing noise levels at the nearest sensitive receptor locations. In addition, previous concrete crushing on the site during demolition of the former Clorox building did not elicit any noise complaints.<sup>8</sup> Therefore concrete crushing activities would not result in a significant noise impact. Further, Municipal Code Section 9.04.100 limits construction noise such that noise exposure from construction shall not exceed 86 dBA L<sub>eq</sub> (energy-equivalent sound level) outside of the property plane (i.e., the property line).

In conclusion, even with revisions to the demolition debris removal and on-site processing activity, the health risk impacts of the project would remain below the thresholds of significance. This is the same finding as presented in the 2019 Recirculated HRA, and therefore no new impact is identified.

### Comment 2-3

*Tables 6 and 9 of the HRA do not provide cancer risk estimates for Construction Phase 1 alone. Rather, they include estimated risks for construction plus operational overlapping emissions, as*

<sup>7</sup> Department for Environment Food and Rural Affairs, *Update of Noise Database for Prediction of Noise on Construction and Open Sites*, 2005, available at [http://randd.defra.gov.uk/Document.aspx?Document=NO01102\\_5302\\_FRP.pdf](http://randd.defra.gov.uk/Document.aspx?Document=NO01102_5302_FRP.pdf), accessed October 2019.

<sup>8</sup> Eric Luchini, Associate Planner, City of Pleasanton Community Development Department, email correspondence with ESA on October 21, 2019.

well as for the full operation scenario. In light of CEQA's mandate that a lead agency investigate and disclose all it reasonably can, the failure to provide cancer risks for Construction Phase 1, by itself, is inappropriate. All other tables identifying hazard risks and PM<sub>2.5</sub> concentrations include the three scenarios: construction Phase 1, construction plus operational, and full operation.

### **Response 2-3**

The commenter requests that the 2019 Recirculated HRA disclose cancer risks associated with Phase 1 construction independently, claiming the 2019 Recirculated HRA is deficient by not disclosing this. The commenter notes that the 2019 Recirculated HRA presents the non-cancer chronic hazard index and annual average PM<sub>2.5</sub> concentrations associated with each of the following scenarios independently: Phase 1 construction, Phase 1 operations plus Phase 2 construction, and full buildout operations. As such, the commenter requests that the same be done for cancer risk.

The commenter is correct that the 2019 Recirculated HRA reported the maximum lifetime excess cancer risk at the MEIR and MEIW within the modeling domain for combined construction and operations and full buildout operations, and did not separately report the maximum lifetime excess cancer risk at the MEIR and MEIW for Phase 1 construction alone. Because cancer risk represents a lifetime exposure of 30 years for a resident and 25 years for a worker, the combined scenarios presented in the 2019 Recirculated HRA fully disclose the project's cancer risk impacts. Because cancer risk is based on lifetime exposure, reporting the combined construction and operational and overall project cancer risk is more conservative. Because the MEIR and MEIW exposure durations are 30 and 25 years, respectively, there is no situation in which the receptor would only be exposed to Phase 1 construction over 30 or 25 years (unless the receptor is only present at the site for a short period of time, and this would result in lower risks than those presented in the 2019 Recirculated HRA).

Phase 1 operation would immediately follow Phase 1 construction in 2021, Phase 2 construction would follow in 2030, and full buildout operations would follow in 2031. The maximum cancer risk occurs when construction and operational TAC emissions are combined, and sensitive receptors are exposed to the entirety of these TAC emissions. As such, the cancer risk values presented in the 2019 Recirculated HRA represent the maximum cancer risk values associated with the project.

CEQA only requires disclosure of a project's impacts on air quality; the maximum air quality impacts were disclosed in the 2019 Recirculated HRA, and represent this combined exposure. The cancer risk values for Phase 1 construction alone are less than the combined exposure scenario reported in the 2019 Recirculated HRA (because the cancer risk for Phase 1 is *included* in the combined exposure scenario); therefore, no impacts were undisclosed. The 2019 Recirculated HRA is fully adequate and consistent with CEQA's provisions to disclose the project's impacts.

It is also worth noting that Table 7 presents the non-cancer chronic hazard index and annual average PM<sub>2.5</sub> concentrations associated with Phase 1 construction separately because these health risk metrics are *annual* metrics, not lifetime metrics. Therefore, maximum values could occur separately for each phase of construction and operation. This is different from cancer risk, which represents a lifetime exposure of 30 or 25 years, as discussed above.

However, to specifically respond to the commenter's request, the cancer risk values for Phase 1 construction in isolation at the off-site residential receptor (MEIR) is 1.87 per million, which is less than the BAAQMD threshold of 10 per million. The cancer risks for all other receptor types are lower than this value, and therefore they are likewise less than significant.

## **Comment 2-4**

*Table 6 of the HRA also reports updated trip generation estimates for Phase 1, with calculations of assumed pass-by trips that will reduce total Project-related trip numbers. There, a 30 percent pass-by rate is shown for retail, and 35 percent pass-by for club retail with fuel. By comparison, CalEEMod's default pass-by rate for retail (strip mall) is 15 percent, discount club is 15 percent, and gas station is 59 percent. Likewise, the Institute of Transportation Engineers (ITE)'s pass-by rates for combined club retail and gasoline dispensing facility is 35 percent. Yet the HRA provides no explanation of how these differing rates were obtained, other than to say that information is held by the City. The pass-by trip assumptions must be supported by evidence. The City should disclose this information to the public so that the trip generation assumptions underlying the air quality and health risk analyses can be verified. Finally, no supporting evidence or explanation is provided for the "weighted daily trips" shown in Table 6 of the HRA.*

## **Response 2-4**

The commenter questions the pass-by rates that were used in the 2019 Recirculated HRA and presented in Appendix A, Section A.1.2, *Operational PM and TOG Emissions*, Table 6, *Updated Trips Generation Estimates (Phase 1)* (page 92). The commenter cites the CalEEMod default pass-by rates, which are lower than the pass-by rates used in the 2019 Recirculated HRA. The commenter asks for the source of the pass-by rates used in the 2019 Recirculated HRA and states that they must be supported by substantial evidence. The commenter also asks for an explanation of the weighted daily trips calculated in Appendix A, Section A.1.2, Table 6.

As discussed below under Comment 11-8, the pass-by trip reductions were taken directly from the traffic study conducted for the Draft SEIR, prepared by Fehr & Peers (May 2015). The traffic study report is publicly available on the City's website. That report provides the full description of pass-by trip rates from the traffic study. In summary, pass-by and diverted trips "represent members (and trips) that are currently traveling on the surrounding street network for some other primary purpose (such as a trip from work to home) and stop into the site during their normal travel." The traffic study represents the substantial evidence requested by the commenter.

The "weighted daily trip" calculation in Appendix A, Section A.1.2, Table 6 of the 2019 Recirculated HRA is merely a calculation of the average daily trips over 365 days per year, accounting for a different number of trips on weekdays vs. weekends. Weekday trips are weighted by 5/7 and weekend trips are weighted by 2/7. For example, Phase 1 total weekday trips of 8,954 and weekend trips of 10,869 represent an average daily trip rate of 9,501 ( $8,954 * 5/7 + 10,869 * 2/7 = 9,501$ ). In other words, 261 weekdays of 8,954 trips each and 104 weekend days of 10,869 trips each equals 365 total days of 9,501 trips each. This approach does not deviate from the methodology used in the Draft SEIR to calculate trips for the project.

## Comment 2-5

### *Updated Air Quality Analysis*

*The Updated Air Quality Analysis specifies the following mitigation measure at pg. 26:*

*“Mitigation Measure M-AQ-2: Low-VOC Architectural Coatings. The project sponsor shall require that all future tenants at the Project site use low and super-compliant VOC architectural coatings during any maintenance or repainting activities. ‘Low-VOC’ refers to paints that meet the more stringent regulatory limits in South Coast Air Quality Management District rule 111; however, many manufacturers have reformulated to levels well below these limits. These are referred to as ‘Super-Compliant’ architectural coatings.”*

*The use of Ultra-low VOC paint (10g/L [grams per liter]) during maintenance activities for operational land uses at the Project site over time will be virtually impossible to enforce. Building lessees and operators are, over time, unlikely to have a condition of their rental or lease agreements stipulating use of only ultra-low emitting architectural coatings for upgrades, maintenance, repairs. And even if such a stipulation were in rental/lease contracts, contract information showing the stipulation would not be readily available to employees or sub-contractors performing routine upgrades, maintenance, or repairs involving use of paints or other coatings, nor would it would be enforceable since such upgrades would not be subject to inspection. Finally, this mitigation measure references SCAQMD Rule 111 in error; Rule 111 limits NOx emissions in flue gas from operation of furnaces and has nothing to do with architectural coatings.*

*Mitigation measure M-AQ-2 should be revised to generate reductions in VOC needed to reduce the project to less-than-significant VOC emissions by other, more practicable and enforceable means. A commitment by Costco to operate near-zero emission (NZE)1 or commercial BEVs (battery electric vehicles) would provide reductions of all criteria pollutants. A commitment to utilize renewable diesel in diesel vehicles and equipment would also provide reductions in Greenhouse Gas (GHG) emissions.*

### **Response 2-5**

The commenter claims that Mitigation Measure M-AQ-2, *Low-VOC Architectural Coatings* (2019 Recirculated Air Quality Analysis, page 26) would be virtually impossible to enforce. Mitigation Measure M-AQ-2 requires the project sponsor to require all future tenants of Phase 1 areas to use low- and super-compliant VOC architectural coatings (i.e., paints) during any maintenance or repainting activities.

The commenter also states that Mitigation Measure M-AQ-2 cites the wrong SCAQMD rule regarding low-VOC architectural coatings. Finally, the commenter requests that additional enforceable mitigation be required to reduce the VOC-related air quality impact, such as the use of zero-emission vehicles and renewable diesel by Costco.

As discussed in Response to Comment 2-7 and Comment 1-9, the City has updated the operational emissions modeling for the project. These updates include revised full buildout land use values, new gas station throughput, revised gas station delivery truck trips, a revised consumer product emission rate for all land uses, and updated Phase 2 delivery vehicles. The results of the new modeling are presented in Response to Comment 1-9. As presented there, unmitigated ROG emissions for Phase 1 operations are below the BAAQMD threshold at 53.27 lbs/day; therefore, Mitigation Measure M-AQ-2 is not required. As such, the commenter's concern about the enforceability of this mitigation measure is irrelevant.

In addition, the commenter inaccurately claims that Mitigation Measure M-AQ-2 refers to SCAQMD Rule 111 with regard to "super-compliant" architectural coating, noting that Rule 111 refers to NO<sub>x</sub>. However, the commenter is mistaken in citing Rule 111, as the mitigation measure on page 26 of the 2019 Recirculated Air Quality Analysis refers to SCAQMD Rule 1113, which is the correct rule.<sup>9</sup>

Finally, the commenter requests that additional mitigation measures be included in the 2019 Recirculated Air Quality Analysis, based on the claim that Mitigation Measure M-AQ-2 is unenforceable, and thus, the project would result in a significant air quality impact with regard to ROG emissions. As discussed above in Response to Comment 1-9, the revised Phase 1 operational ROG emissions of 53.27 lbs/day would not exceed the BAAQMD threshold of 54 lbs/day. Consequently, Mitigation Measure M-AQ-2, *Low-VOC Architectural Coatings*, is not required and has been withdrawn from the Partial Recirculated Draft SEIR. No additional mitigation is required and the impact would be less than significant.

## Comment 2-6

*The HRA at p. 21, and its Appendix at pg. 90, rely on the Gas Station Service Industrywide Risk Assessment Guideline (Nov 1997) for gas station TOG emissions factors, leading to the estimate of approximately 15.895 tons/year TOG. However, the Updated Air Quality Analysis states at p. 15 that use of CARB Revised Emissions Factors for Gasoline Marketing Operations at California Gasoline Dispensing Facilities (Dec 2013) for TOG emission factors, leading to approximately 6.60 tons/year TOG. (See pdf pg. 1862 of 2291 of the Updated Air Quality Analysis document; Appendix A, Operational Emissions, Gas Station section.)*

*While use of the more conservative TOG emission factors for the HRA confers greater public health protection against TAC exposures, the same factors should have been used in the analysis of Project-related criteria pollutant emissions. Using the CAPCOA [California Air Pollution Control Officers Association] factors in the criteria pollutants estimation would add 9.295 tons/year TOG to the Air Quality Supplemental Analysis review. While this would provide consistency, it would also drive the daily ROG estimate, already slightly over the daily TOS*

<sup>9</sup> South Coast Air Quality Management District, Rule 1113 Volatile Organic Compound (VOC) Limits as of February 5, 2016, Table of Standards 1: VOC Limits, available at <http://www.aqmd.gov/home/rules-compliance/compliance/vocs/architectural-coatings/tos>.

*without mitigation, even further over the TOS and well beyond the reach of the “no consumer products and no paints” mitigation noted in the documentation.*

### **Response 2-6**

The commenter notes that the 2019 Recirculated HRA and the 2019 Recirculated Air Quality Analysis use different emissions factors for gas station TOG emissions: the former relying on factors from a 1997 guidance document from CAPCOA, and the latter relying on a 2013 guidance document from CARB. The commenter notes that the 1997 factors used in the 2019 Recirculated HRA result in higher TOG emissions than the 2013 factors used in the 2019 Recirculated Air Quality Analysis, and requests that the 2019 Recirculated Air Quality Analysis use the same higher 1997 factors.

The 2019 Recirculated HRA was conducted with the higher emissions factor from the 1997 CAPCOA document to provide a conservative analysis of health risks associated with the project, as stated by the commenter. However, the gas station would be subject to CARB regulations for gas station vapor controls. As stated on CARB’s website regarding the 2013 emission factors:<sup>10</sup>

The California Air Resources Board (CARB) updated the total organic gas (TOG) emission factors for California gasoline dispensing facilities (GDF). In California, these facilities distribute approximately 15 billion gallons of gasoline per year to motor vehicles, fuel containers, and gasoline-powered equipment. TOG emissions, which are ozone precursors, can occur at GDFs when gasoline is transferred from delivery vehicles to GDF underground tanks, storage of gasoline at GDF, and transfer of gasoline from GDF underground tanks to motor vehicles, fuel containers, and other gasoline powered equipment. Other emission points include gasoline spillage and permeation of gasoline from dispensing hoses.

The TOG emission factors for California GDF reflect advances in vapor recovery system performance achieved through implementation of CARB’s enhanced vapor recovery program and the interaction between GDF vapor recovery systems and vehicles equipped with onboard refueling vapor recovery (ORVR) systems, which first appear with 1998 model-year passenger vehicles and are required on all 2006 model-year vehicles with a gross vehicle weight rating of 10,000 pounds or less.

Therefore, the 2013 CARB emissions factors represent the more accurate assessment of TOG emissions from the project gas station. As such, the 2019 Recirculated Air Quality Analysis contains a more accurate evaluation of gas station ROG and TOG emissions than the 2019 Recirculated HRA. Therefore, the commenter’s request for the 2019 Recirculated Air Quality Analysis to use the outdated 1997 emission factors is unwarranted.

<sup>10</sup> CARB, Gasoline Dispensing Facility Emission Factors, available at <https://ww2.arb.ca.gov/gasoline-dispensing-facility-emission-factors>. Accessed November 14, 2019.

It should also be noted that despite the higher (and outdated) 1997 TOG emissions factor used in the 2019 Recirculated HRA, the analysis still found that health risks associated with the gas station (and the rest of the project development) would be less than significant.

However, to provide a thorough and complete response, the City has updated the 2019 Recirculated HRA to incorporate the 2013 CARB emissions factors to estimate health risks associated with gas station TOG emissions. See Responses to Comments 2-2 and 12-5 for a discussion of the gas station modeling adjustments and associated health risk results. As presented there, the maximum cancer risk, annual average PM<sub>2.5</sub> concentration, and maximum non-cancer chronic hazard are all below the applicable BAAQMD thresholds, and the impact would be less than significant. This is the same finding as in the 2019 Recirculated HRA. Therefore, no new significant impacts are identified.

### **Comment 2-7**

*It appears that VOC-emitting consumer products (e.g., canned whip cream; spray paint; WD-40-style lubricants; bathroom and kitchen spray cleaners; hair spray; spray deodorant; etc.) were excluded from CalEEMod emissions modeling for all land uses in the JDEDZ other than the proposed hotel. The Updated Air Quality Analysis asserts at p. 15, that: “Since most of the project’s land uses are commercial and would not be associated with extensive consumer product use (such as hairsprays and aerosols), this analysis assumed consumer product emissions would only be attributed to the hotel land use.” This assertion is simply not credible. It is reasonably foreseeable, if not virtually certain, that all land uses at the Project site will, at various times, use spray (pressurized) cans containing “consumer products.” Excluding VOC emissions from these sources from the model likely results in a substantial understatement of emissions and associated air quality impacts.*

### **Response 2-7**

The commenter notes that the air quality analysis excluded consumer product emissions from all land uses except the proposed hotel, and states that this assumption is not credible. The commenter states that some use of consumer products is likely to occur at all land use types, not just the hotel. The commenter concludes that the 2019 Recirculated Air Quality Analysis therefore underestimates VOC and ROG emissions associated with the project, and that as a result, the air quality impacts are understated and inaccurate.

The commenter is correct that the 2019 Recirculated Air Quality Analysis excluded consumer product emissions from all land uses except the proposed hotel. The rationale is that most consumer products would not be used at the Costco store and retail land uses, and therefore, the default CalEEMod emissions factor for consumer product use is not appropriate for these land uses. The rationale that not all consumer products assumed in the default CalEEMod emissions factor would be used at the Costco store and retail land uses is consistent with the commenter’s argument. However, the commenter is correct that *some* consumer products would likely be used at the Costco store and retail land uses.

As such, to provide a thorough and complete response, the City has updated the emissions modeling to estimate the likely consumer product emissions associated with the Costco store and retail land uses. The default CalEEMod emissions factor (which represents statewide emissions in 2006) was updated using CARB's latest VOC emissions inventory for consumer products, for the year 2013. The revised emissions factor is 24 percent lower than the default CalEEMod value.<sup>11</sup> This reduction is attributable to the more stringent state regulations for VOC content of consumer products that CARB has implemented since 2006, and to changes in the use of consumer products throughout the state. This adjusted emissions factor was applied to all Phase 1 building square footages (148,000 square feet of club retail, 132,000 square feet of hotel, and 5,000 square feet of retail) and all Phase 2/full buildout square footages (148,000 square feet of club retail, 132,000 square feet of hotel, 227,940 square feet of retail, and 27,550 square feet of light industrial).

The resulting total ROG emissions from consumer products for all Phase 1 buildings is 5.86 lbs/day. This compares to 3.71 lbs/day as reported in the 2019 Recirculated Air Quality Analysis for the hotel only under unmitigated conditions (Table 7, page 23). When combined with all other sources of ROG emissions (47.41 lbs/day), total unmitigated ROG emissions for Phase 1 would be 53.27 lbs/day. This is less than the BAAQMD threshold and mitigation is not required. Consequently, Mitigation Measure M-AQ-2, *Low-VOC Architectural Coatings*, is not required and has been withdrawn from the Partial Recirculated Draft SEIR.

For full buildout, the resulting total ROG emissions from consumer products for all buildings would be 10.90 lbs/day (see Response to Comment 1-9, Revised Air Quality Table 9). This compares to 4.30 lbs/day as reported in the 2019 Recirculated Air Quality Analysis for the hotel only under mitigated conditions (Table 9, page 25). When combined with all other sources of ROG emissions (48.19 lbs/day), total unmitigated ROG emissions at full buildout would be 59.09 lbs/day; after subtracting the existing operational emissions, the net new emissions would be 47.48 lbs/day.

The results of these modeling changes are presented in Response to Comment 1-9 (see Revised Air Quality Tables 7 and 12).

## Comment 2-8

*Under Public Resources Code section 21166, a lead agency must prepare a subsequent or supplemental EIR where one or more of the following events occurs:*

- (a) substantial changes are proposed in the project which will require major revisions of the environmental impact report;*
- (b) substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report; or*

<sup>11</sup> The default CalEEMod consumer product emissions factor, based on the 2006 statewide inventory, is  $2.14 \times 10^{-5}$  pounds ROG per square foot per day; the revised product emissions factor, based on the 2013 statewide inventory, is  $1.62 \times 10^{-5}$  pounds ROG per square foot per day.

*(c) new information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.*

*See also CEQA Guidelines, 15 C.C.R. §§ 15162, 15163.*

*We understand that several commercial development projects have been approved in the area of Dublin or Pleasanton near the I-580 [Interstate 580]/I-680 interchange since the SEIR was prepared and circulated in 2015-2016. These include, but are not necessarily limited to Zeiss Innovations on Dublin Blvd, Kaiser Permanente on Stoneridge Drive, Shea Properties' "At Dublin" project, and a number of hotels. It is reasonably foreseeable, if not virtually certain, that these projects may have significant cumulative impacts when viewed in tandem with the Costco component of the JDEDZ Project. The City should update the SEIR's original traffic, air quality, and economic impact analyses accordingly, and add mitigation where feasible.*

### **Response 2-8**

The comment states that the Draft SEIR, including the Partial Recirculated Draft SEIR, does not fully address cumulative effects.

See Response to Comment 13-6, below, which thoroughly explains the adequacy of the Draft SEIR with respect to the analysis of cumulative traffic and air quality impacts. Regarding the economic impact analysis, as explained in the March 2016 Response to Comments document's Master Response to Comments About Economic and Urban Decay Impacts, the economic impact analysis for the proposed project (recirculated with the Partial Recirculated Draft SEIR in 2019) indicates that impacts of the proposed project on the area's existing retail would be limited.

Moreover, the master response stated that the economic impact analysis found that the proposed project's "effect is projected to be focused in three specific retail categories: gasoline stations, home furnishings and appliances, and food and beverages." (These goods would be generally those anticipated to be sold by Costco.) None of the projects noted above by the commenter—research and development space, medical facilities, general retail, and hotels—are necessarily of the nature that either would be affected by retail sales at the proposed project or would combine with the proposed project to result in economic effects potentially resulting in urban decay, which is how an economic impact can be linked to a physical effect under CEQA.

Accordingly, because none of the cumulative projects identified by the commenter could combine with the proposed project to result in substantial economic changes, the project would not combine with those cumulative projects to result in a potential cumulative effect with respect to urban decay.

## Letter 3 – Kellie Collier

### Comment 3-1

*I have a traffic concern about allowing a large retail store on this site. The Stoneridge/Johnson Drive intersection in its current format is too close to the 680 freeway for traffic to flow smoothly.*

### Response 3-1

The comments in this letter do not address the analysis contained in the Partial Recirculated Draft SEIR. The traffic analysis, associated project traffic report, and traffic mitigation measures are located in the Draft SEIR released for public comment in 2015 and available on the City’s website.

The comment does not specifically address the adequacy of the Draft SEIR or the Partial Recirculated Draft SEIR; therefore, no specific response can be provided. Traffic impacts of the proposed project were fully analyzed in the Draft SEIR published in September 2015, in Section 4.D, *Transportation and Traffic*. As explained in Section 4.D, all local intersection traffic impacts identified in the Draft SEIR could be mitigated to a less-than-significant level through implementation of identified mitigation measures. However, the approval process for a portion of one measure that would address a queueing impact at the Stoneridge Drive/Johnson Drive intersection (Mitigation Measure 4.D-1d) would require approval by the California Department of Transportation (Caltrans) and other non-City agencies, and thus is not fully under the control of the City of Pleasanton.

Accordingly, because CEQA requires that mitigation measures be “fully enforceable through permit conditions, agreements, or other measures” (CEQA Section 21081.6[b]), this impact would necessarily be considered significant and unavoidable. Likewise, the timing of Mitigation Measure 4.D-2 (planned roadway improvements such as the second phase of I-680/I-580 interchange improvements, widening of State Route 84, and other modifications to relieve freeway congestion in the study area) is unknown. Thus, effects on levels of service for freeway ramps at merge/diverge areas within I-680 were likewise identified as significant and unavoidable.

### Comment 3-2

*Northbound traffic on 680 doesn’t have much space to turn right then queue up to turn left on Johnson. This will cause backups all the way down the freeway ramp and potentially onto the freeway.*

*Southbound traffic on 680 already backs up merging with cars trying to enter 680 from eastbound 580. This is going to get worse with additional cars trying to exit at Stoneridge from both southbound 680 and eastbound 580. Once the cars make it to the ramp there will be back ups of cars waiting to turn left onto Stoneridge.*

### **Response 3-2**

The comment addresses existing congestion for vehicles exiting northbound I-680 at the Stoneridge Drive exit, including vehicles that then proceed to turn left from eastbound Stoneridge Drive onto northbound Johnson Drive.

Impact 4.D-1 of the Draft SEIR addressed impacts at local intersections, including the intersection of Stoneridge Drive and Johnson Drive. The impact was identified as significant. Mitigation Measures 4.D-1c and 4.D-1d specifically addressed the Stoneridge Drive/Johnson Drive intersection. Mitigation Measure 4.D-1c identified the following three improvements:

- (1) Construct a third eastbound left-turn lane from Stoneridge Drive to Johnson Drive in conjunction with an additional northbound receiving lane on Johnson Drive (on the north side of the intersection).
- (2) Construct an additional southbound right-turn lane on Johnson Drive.
- (3) Rebuild Johnson Drive as a six-lane facility with three or four southbound lanes and three northbound receiving lanes for a minimum of 700 feet north of Stoneridge Drive. This improvement would require widening Johnson Drive by up to 36 feet north of Stoneridge Drive and by a commensurate amount south of Stoneridge Drive to align travel movements through the intersection.

Mitigation Measure 4.D-1d identified the following four improvements:

- (1) Modify the Stoneridge Drive off-ramp from northbound I-680 to provide a northbound right-turn overlap phase.
- (2) Construct a second southbound left-turn lane from Johnson Drive to Stoneridge Drive.
- (3) Extend the existing westbound right-turn pocket at the Johnson Drive/Stoneridge Drive intersection approximately 800 feet east by widening Stoneridge Drive and convert the resulting lane into a through-right-shared lane. Install lane markings in the curb lane and adjacent lane indicating “I-680 Northbound Only” to reduce lane changes between Johnson Drive and the northbound on-ramp.
- (4) Construct a second on-ramp lane to northbound I-680 from the westbound Stoneridge Drive approach. The two-lane on-ramp should be merged to one lane before the freeway merge area. The lane drop would occur over a distance of at least 800 feet, and would require reconstructing and widening the bridge at this on-ramp from one to two lanes, with the merge occurring after the bridge. (Note: This improvement is within Caltrans right-of-way and requires Caltrans design review and oversight.)

The above mitigation measures would reduce impacts at the Stoneridge Drive/Johnson Drive intersection to a less-than-significant level and would prevent traffic from spilling back onto I-680 from the Stoneridge Drive off-ramps. However, as noted in Response to Comment 3-1, item 4 of Mitigation Measure 4.1-d would require approval by Caltrans and other non-City agencies, and thus is not fully under the control of the City of Pleasanton. Accordingly, because CEQA requires that mitigation measures be “fully enforceable through permit conditions,

agreements, or other measures” (CEQA Section 21081.6[b]), the feasibility of this measure is uncertain, and this impact would necessarily be considered significant and unavoidable.

### **Comment 3-3**

*Traffic eastbound on Stoneridge has to negotiate three signals to cross the bridge and turn left on Johnson Drive. There is not much room on this bridge for cars to queue up waiting to make it to the next signal. Cars coming eastbound on this bridge will be competing with the cars trying to exit from northbound 680 to get into that too-short left turn lane onto Johnson Dr.*

### **Response 3-3**

The comment states that the project would add to eastbound Stoneridge Drive traffic attempting to turn left onto northbound Johnson Drive.

As stated in Response to Comment 3-2, Mitigation Measures 4.D-1c and 4.D-1d would reduce impacts at the Stoneridge Drive/Johnson Drive intersection to a less-than-significant level. Item 4 of Mitigation Measure 4.D-1d would require Caltrans approval, but Mitigation Measure 4.D-1c—which would improve the intersection itself—could be fully implemented by the City on its own.

However, item 4 in Mitigation Measure 4.D-1d, which would eliminate the significant queueing impact at the Stoneridge Drive/Johnson Drive intersection, is not under the control of the City of Pleasanton, given the approval actions required by other agencies. As a result, the feasibility of this measure is uncertain. Thus, the impacts related to vehicle queue spillback periodically impeding through traffic on Stoneridge Drive and blocking access to driveways along Johnson Drive during the p.m. peak hour—Impacts 4.D-1, 4.D-2, and 4.D-3—would be significant and unavoidable.

### **Comment 3-4**

*Cars leaving Costco that want to turn right from Johnson Dr onto Stoneridge are going to back up waiting their turn. There is already a big slowdown trying to enter northbound 680 there, merging with those trying to get on eastbound 580. It's going to happen all the time now, instead of just the peak commute hours.*

*I can't imagine how you can mitigate this in the space that is available there. Maybe if you take some of the water district's property and move the whole intersection further east this could work. Otherwise I don't see a way to not have a huge impact on the traffic.*

### **Response 3-4**

The comment states that project traffic traveling from southbound Johnson Drive onto westbound Stoneridge Drive and thence onto northbound I-680 would result in increased congestion and backups.

See Response to Comment 3-2, which details the Draft SEIR's analysis of impacts and mitigation measures relevant to the Stoneridge Drive/Johnson Drive intersection. In particular, Mitigation Measure 4.D-1c would result in the addition of lanes on both northbound and southbound Johnson Drive north of Stoneridge Drive.

## Letter 4 – Karen Cooper

### **Comment 4-1**

*Please DO NOT build Costco in Pleasanton!!! Our city is getting way to crowded as it is traffic is becoming problematic and I can't even begin to imagine the traffic snarls around Stoneridge and Johnson Drive! Getting on and off the 680 freeway from Stoneridge is dangerous enough now it will get even worse same for Hopyard exit, there will be even more accidents than there already are.*

### **Response 4-1**

The comments in this letter do not address the analysis contained in the Partial Recirculated Draft SEIR. The traffic analysis, associated project traffic report, and traffic mitigation measures are located in the Draft SEIR released for public comment in 2015 and available on the City's website.

The comment states that project traffic would aggravate existing congestion at the interchanges of I-680 with Stoneridge Drive and I-580 with Hopyard Drive.

See Responses to Comments 3-1 and 3-2 concerning the Stoneridge Drive interchange. Concerning the Hopyard Drive interchange, the Draft SEIR transportation analysis found that the proposed project would not substantially alter conditions or vehicle delay at this interchange, and the effect would be less than significant.

### **Comment 4-2**

*The amount of money that Pleasanton is "loaning" Costco is ridiculous. Many people voted for this thinking they were saying NO to Costco but because of the convoluted wording on the ballot they inadvertently voted it in. Use the 20 million to build a new High School that is desperately needed!*

### **Response 4-2**

The comment addresses potential financial incentives the City may extend to developers or users within the proposed project. The comment does not address the adequacy or accuracy of the Draft SEIR, including the Partial Recirculated Draft SEIR, and does not address potential physical environmental effects of the proposed project. Therefore, no response is required. The comment will be considered by the decision-makers in their deliberations regarding the proposed project.

## Letter 5 – Vicki Cunniffe

### **Comment 5-1**

*I am very concerned about the increased traffic due to the planned Costco (with 2 others within a 5 mile drive north or east). Today, more people are using delivery service for those type of goods, or are downsizing and do not need massive packages of goods. Will this big box store be an empty eyesore in 10 years? Stoneridge Mall is struggling to keep tenants now, due to lifestyle changes and the increase in internet shopping and delivery services.*

**Response 5-1**

The comments in this letter do not address the analysis contained in the Partial Recirculated Draft SEIR. The traffic analysis, associated project traffic report, and traffic mitigation measures are located in the Draft SEIR released for public comment in 2015 and available on the City's website.

The comment expresses concern about the potential for increased traffic from the proposed project and the potential for the proposed Costco store to be closed and sit vacant in the future. Regarding traffic generally, see the traffic analysis in Draft SEIR Section 4.D and the Master Response to Comments about Draft SEIR Traffic Impact Analysis on page 4-8 of the 2016 Response to Comments document. Also see Responses to Comments 3-1 and 3-2 regarding the Stoneridge Drive/Johnson Drive intersection.

Concerning the potential for the proposed Costco store to be vacated in the future, the comment is speculative; therefore, no response is required. It is noted that mall retail is substantially different in nature than big-box retail, and thus the comparison between the proposed project and Stoneridge Mall is not fully relevant. The comment will be considered by the decision-makers in their deliberations regarding the proposed project.

**Comment 5-2**

*And the need for TWO hotels? The ones in the area have changed hands/brands several times over the 27 years I have lived here. Is there really enough demand for two more? Or will these eventually be "unbranded" and sold to be run by a family who have no idea of our community and brings undesirable types closer into our neighborhoods (referring to the reputation of drugs, prostitution and other undesirable activities to the hotels along the freeway read on police logs in local papers). Another coffee shop? Really? A gas station? Why not something REALLY needed on this side of town like a modern food market, similar to New Leaf that abandoned Pleasanton, or Whole Foods who chose Dublin? We are in a grocery ghetto over here!*

**Response 5-2**

The comment questions the need for two hotels at the project site, as well as a coffee shop and a gas station, and suggests alternative land uses such as a grocery store. The comment does not address the adequacy or accuracy of the Draft SEIR, including the Partial Recirculated Draft SEIR, and does not address potential physical environmental effects of the proposed project. Therefore, no response is required. The comment will be considered by the decision-makers in their deliberations regarding the proposed project.

**Comment 5-3**

*We already have increased traffic on Stoneridge Drive since the extension opened and now more during the past few months every weekday afternoon beginning about 3-6 PM (commute traffic). It is then difficult to make a right hand turn from Springdale onto Stoneridge and then immediately into stopped traffic. Or the intersection is blocked by traffic that did not clear and I have to sit through one or two GREEN lights to turn right onto Stoneridge. We already have to plan our days to be home and off the busy streets at these times.*

### **Response 5-3**

The comment states that there is heavy traffic on Stoneridge Drive under existing conditions, making it difficult to enter Stoneridge Drive from the Stoneridge residential neighborhood west of I-680. The comment addresses existing traffic conditions on Stoneridge Drive and does not address the adequacy or accuracy of the Draft SEIR, including the Partial Recirculated Draft SEIR, and does not address potential physical environmental effects of the proposed project. Therefore, no response is required.

For information regarding potential traffic impacts of the proposed project on Stoneridge Drive, see Responses to Comments 3-1, 3-2, and 3-3; Draft SEIR Section 4.D; and the Master Response to Comments about Draft SEIR Traffic Impact Analysis on page 4-8 of the 2016 Response to Comments document.

The comment will be considered by the decision-makers in their deliberations regarding the proposed project.

### **Comment 5-4**

*I lease a garden plot from the City at Val Vista park. With the current work in the park, the traffic on Johnson Drive is busy and it is difficult to make a turn from the park on to Stoneridge Drive. I cannot imagine the difficulty if you allow all of this building to be done at this location.*

### **Response 5-4**

The comment states that existing traffic on Johnson Drive and Stoneridge Drive makes for difficult access to Val Vista Park, off of Johnson Drive south of Stoneridge Drive, and that project traffic would worsen those conditions. See Response to Comment 5-3.

### **Comment 5-5**

*I am totally against the increase of business traffic that will occur with the current City plans. I do not feel that our opinions or the impact on the neighborhood were considered. All the things that we love about Pleasanton are being chipped away so that we no longer enjoy our home and our location to the fullest. Please do not turn us into an extension of “every business is welcome” Dublin.*

### **Response 5-5**

The comment expresses opposition to the proposed project. The comment does not address the adequacy or accuracy of the Draft SEIR, including the Partial Recirculated Draft SEIR. Therefore, no response is required. The comment will be considered by the decision-makers in their deliberations regarding the proposed project.

## Letter 6 – Sherrie Howell

### **Comment 6-1**

*I did not find any report on the expected traffic conditions this project will create. Have the leaders of Dublin's horrific traffic and building messes taken over our city? The neighborhoods of Stoneridge and Highland Oaks are going to be overrun with alternate routes to and from Costco.*

### **Response 6-1**

The comments in this letter do not address the analysis contained in the Partial Recirculated Draft SEIR. The traffic analysis, associated project traffic report, and traffic mitigation measures are located in the Draft SEIR released for public comment in 2015 and available on the City's website.

The proposed project states that the Partial Recirculated Draft SEIR does not address potential traffic impacts of the proposed project. The project traffic report and traffic impact analysis are contained in the Draft SEIR released in 2015 for public comment and available on the City's website. The traffic analysis and report were not recirculated, and thus, the Partial Recirculated Draft SEIR does not contain any report on the expected traffic conditions. See Responses to Comments 3-1, 3-2, and 3-3 regarding the Stoneridge Drive/Johnson Drive intersection.

### **Comment 6-2**

*Perhaps if one person on the planning committee or council owned a small business, gas station, furniture or grocery store they might be very concerned regarding their loss of revenue, no matter the estimated percentage. This project does not belong in Pleasanton.*

### **Response 6-2**

The comment implies that the proposed project would result in negative economic impacts on small and local business, particularly gasoline stations, furniture dealers, and grocery stores. The comment also expresses opposition to the proposed project. Regarding economic impacts, the Partial Recirculated Draft SEIR included public review of the proposed project's March 2016 Economic Impact Analysis, which is also available on the City of Pleasanton website at <http://www.cityofpleasantonca.gov/civicax/filebank/blobdload.aspx?BlobID=27508>. See Response to Comment 2-8. See also the Master Response to Comments About Economic and Urban Decay Impacts in the March 2016 Response to Comments document, which is available on the City of Pleasanton website at <http://www.cityofpleasantonca.gov/civicax/filebank/blobdload.aspx?BlobID=27510>.

The commenter's opposition to the proposed project will be considered by the decision-makers in their deliberations regarding the proposed project.

## Letter 7 – Robert Jacobsen

### Comment 7-1

*I would love a Costco store in Pleasanton, but Stoneridge Drive will not handle the traffic and especially during Holiday time. This concern is magnified by the fact that Stoneridge Drive is now a cut through road to Livermore. Our freeways north/south/west/east are gridlocked many hours of the day. Our school zones are gridlocked in morning/afternoon by student pickup hours.*

*I have been in Pleasanton since 1984 and traffic has gone from nice, to problematic at times, to gridlock forcing many to tempt red light running and gridlock blocking of intersections when the light turns red.*

*I worked for 11 years at the Safeway headquarters on Stoneridge Mall Drive before retiring in 2013. I remember the gridlock just trying to get out of the parking lot at the end of my 4 PM work day with the new Bart [BART, Bay Area Rapid Transit] station during the Christmas shopping. Only the courtesy of an oncoming driver allowed one or two of us to escape onto Stoneridge Mall Rd. - - Now with all the expansion of Bart parking and the new expanded Workday campus, traffic is only worse.*

*Adding a high traffic retailer like Costco that accesses the existing roadways would be the deadly frosting on the cake. And freeways are becoming more gridlocked, not less. I have reviewed the potential Costco site on Johnson Drive and there is no way to mitigate the extra traffic, especially during holiday. Our Mayor thinks we can mitigate with more access and lanes, but he is dreaming the impossible dream.*

### Response 7-1

The comments in this letter do not address the analysis contained in the Partial Recirculated Draft SEIR. The traffic analysis, associated project traffic report, and traffic mitigation measures are located in the Draft SEIR released for public comment in 2015 and available on the City’s website.

The comment expresses concern regarding the proposed project’s traffic impacts on Stoneridge Drive, particularly given that under existing conditions, Stoneridge Drive is used to connect Pleasanton to Livermore. The comment refers to the commenter’s experience in traffic congestion around the holiday season. The commenter states that “there is no way to mitigate the extra traffic, especially during holiday[s].”

Contrary to the commenter’s assertion, as explained in Response to Comment 3-1, mitigation to a less-than-significant level is possible for Stoneridge Drive and its intersection with Johnson Drive. However, as explained in that response and detailed further in the Draft SEIR and the 2016 Response to Comments document, a portion of one measure that would address the queueing impact at the Stoneridge Drive/Johnson Drive intersection would require approval by Caltrans and other non-City agencies; is thus not fully under the control of the City of Pleasanton; and is therefore considered significant and unavoidable. Both the Draft SEIR and the Response to Comments document are available on the City of Pleasanton website at:

[https://www.cityofpleasantonca.gov/gov/depts/cd/planning/johnson\\_drive\\_economic\\_development\\_zone/default.asp](https://www.cityofpleasantonca.gov/gov/depts/cd/planning/johnson_drive_economic_development_zone/default.asp).

The Stoneridge Drive connection to West Jack London Boulevard in Livermore had already been constructed at the time traffic counts were completed for the Draft SEIR traffic analysis in October 2014. Also, the traffic analysis for the proposed project expressly does not consider peak holiday season traffic. This is standard practice in CEQA analysis because the heaviest traffic volumes during the holiday season typically occur over a few days per year, and such occasional peak holiday traffic is not relevant to the significance criteria for the purposes of CEQA. Rather, what is assessed is midweek peak-hour traffic conditions, which the City believes are more representative of typical conditions year-round, as is allowed for under the City's traffic assessment methodology. The Draft SEIR complied with standard CEQA practices and fully analyzed the traffic impacts of the project.

For planning purposes and apart from CEQA, different agencies have different planning and spending priorities. However, in general, constructing improvements, such as roads and intersections, that could adequately accommodate peak holiday season traffic is not generally considered best practice in planning and infrastructure financing. Constructing such improvements would result in substantial excess roadway capacity during other times of the year, and therefore, would not typically be considered a prudent investment.

## **Comment 7-2**

*We do not need to be adding more workers to the Pleasanton area until we solve and build up the housing needs. Otherwise you just force more commuting and cross traffic on our cut through roads. A large amount of the acreage on Johnson Drive should be devoted to high density housing with amenities like dry cleaners, grocery/convenience stores, eateries to minimize the tenants need to drive for basic needs.*

*High density housing is our most needed solution, as a single story home owner in Pleasanton I do not want high density housing except that I now know it is a priority in our city and most others in the Bay Area. If we do not address this we will see increasing homelessness, crime, drugs, alcoholism associated with such. - - We do not need a mini San Francisco "homeless problem" in Pleasanton.*

*Let's keep Pleasanton as nice as we can - more housing before more worker bees. Housing is the priority needed fix, not more high traffic stores.*

## **Response 7-2**

The comment states that building new multi-family housing should be a higher priority than construction of additional employment-generating uses. The comment does not address the adequacy or accuracy of the Draft SEIR, including the Partial Recirculated Draft SEIR, and does not address potential physical environmental effects of the proposed project. Therefore, no response is required. The comment will be considered by the decision-makers in their deliberations regarding the proposed project.

For information, it is noted that, according to the City of Pleasanton’s 2018 annual report on its General Plan Housing Element, the City issued certificates of occupancy for 421 new dwelling units in 2018, meaning that 421 housing units were fully completed. The City granted building permits for an additional 98 units. For the four years 2015–2018, inclusive, the City permitted a total of 1,491 housing units.<sup>12</sup>

## Letter 8 – Patricia Lanning

### Comment 8-1

*Have you seen the traffic on 580 El Charro exit for the Outlets during the holidays? How about the back-up during most of the mornings at the 580/680 exchange? What do you think the traffic is going to be like at Stoneridge exit which also connects to the 580 exchange? I live on Denker Dr. There is going to be a mess on Stoneridge getting to the freeways. You know that there is going to be cut through traffic. I guess the people that want Costco figure, well it’s not in our neighborhood. You realize that the Costco in Livermore and Danville is not that far away?*

*I AM AGAINST THIS PROJECT!*

### Response 8-1

This comment does not address the analysis contained in the Partial Recirculated Draft SEIR; the traffic analysis, associated project traffic report, and traffic mitigation measures are located in the Draft SEIR released for public comment in 2015 and available on the City’s website.

The comment notes that traffic on the El Charro Road off-ramp(s) from I-580, adjacent to the San Francisco Premium Outlets in Livermore, is very heavy during the holiday season, as is daily morning traffic at the I-580/I-680 interchange. The comment states that project traffic would result in a “mess on Stoneridge” Drive approaching the I-680 on-ramps and the I-580/I-680 interchange. The comment also expresses opposition to the proposed project.

The comment does not address the adequacy or accuracy of the Draft SEIR, including the Partial Recirculated Draft SEIR. Therefore, no response is required. The comment will be considered by the decision-makers in their deliberations regarding the proposed project.

For information, the Draft SEIR fully analyzed the potential traffic impacts of the proposed project. See Draft SEIR Section 4.D and the traffic report in Appendix G (both of which are available in a single document on the City’s website) and Responses to Comments 3-1, 3-2, 3-3, and 3-4 regarding Stoneridge Drive.

---

<sup>12</sup> City of Pleasanton, “Annual Element Progress Report: Housing Element Implementation—2018,” available at <http://www.cityofpleasantonca.gov/civicax/filebank/blobdload.aspx?BlobID=33649>.

## Letter 9 – Don Maday

### **Comment 9-1**

*The SEIR for the JDEDZ dated July 9, 2019 provides new economic impact data on local businesses; therefore, I request a new Economic Impact Analysis updating the 2015 study.*

*Originally in the 2015 study, Costco proposed a smaller gasoline facility with 16 fueling dispensers. Now, the new SEIR proposal increases the dispensers to 20, dramatically increasing the fueling capacity for sales by 25%. The new sales number is 26,640,000 gallons annually. This will have a substantially greater negative impact local businesses that sell gasoline.*

### **Response 9-1**

This comment does not address the analysis contained in the Partial Recirculated Draft SEIR; the traffic analysis, associated project traffic report, and traffic mitigation measures are located in the Draft SEIR released for public comment in 2015 and available on the City's website.

The comment states that the Partial Recirculated Draft SEIR provides new economic impact data on local businesses, in that the project originally proposed 16 fueling stations at the Costco gas station and now proposes 20 fueling stations. Accordingly, the commenter requests a new economic impact analysis updating the 2015 study.

City staff has researched all of the agenda reports, the Draft SEIR, the 2016 Response to Comments document, and the project description in the Costco Design Review application, and was unable to find any reference to 16 fueling stations. An early plan set submitted for the Costco project appears to show 15 or possibly 16 fueling stations; however, the City has taken no action on this design.

Having said that, the current proposal is what is relevant, because gas station emissions have now been calculated as part of the Partial Recirculated Draft SEIR. The project description in the Costco Design Review application identifies 20 fueling stations, as does the traffic analysis. The traffic report included as Appendix G to the Draft SEIR stated that the number of proposed fueling positions was 20 (Executive Summary Project Description, page i).

The critical factor in calculating emissions from the gas station is the volume of gasoline dispensed, not the number of fueling stations. It is noted that, since circulation of the Partial Recirculated Draft SEIR for public review in July 2019, the anticipated volume of fuel to be sold has decreased from 26.6 million gallons per year to 24 million gallons per year. This smaller volume is the basis of the proposed Costco store's application to BAAQMD (see Responses to Comments 13-2 and 13-3, below, for additional information). Thus, the analysis of anticipated emissions from the dispensing of gasoline was conservative.

## Letter 10 – Ann Pfaff-Doss

### **Comment 10-1**

*I have read through the supplemental EIR and see that the conclusion is that there will be no adverse impact to the area due to the construction of a Costco and its gas station. While I am no climate scientist, I can't help but think that the increase in cars idling in traffic on Stoneridge drive won't have an impact.*

### **Response 10-1**

This comment does not address the analysis contained in the Partial Recirculated Draft SEIR; the traffic analysis, associated project traffic report, and traffic mitigation measures are located in the Draft SEIR released for public comment in 2015 and available on the City's website.

The commenter speculates that traffic associated with the project would have an impact on the environment with respect to climate change related to GHG emissions. The 2019 Recirculated GHG Analysis calculates GHG emissions associated with all new traffic generated by the project, including new trips by cars traveling to and from the site and idling in traffic. The 2019 Recirculated GHG Analysis finds that the impact of the project's GHG emissions on the environment would be less than significant based on the use of a qualitative "consistency with plans" significance threshold. The project would result in GHG emissions, but the impact of these emissions was determined to be less than significant. This approach is permitted under CEQA as explained in Response to Comment 1-11 above.

### **Comment 10-2**

*I have driven, walked and ridden a bike in north Pleasanton for over 40 years. The suggested road improvements for the area, to my mind, can't compensate for the fact that this large regional, commercial project is still located on a side road without adequate access from I-680. One just has to look at how access to and location of Stoneridge Mall to see the difference.*

*I have not seen any plan to widen the bridge over I-680. So, traffic coming from I-680 SB [southbound] will be funneled into the existing two lanes. There is already only one side of the bridge with a bike/pedestrian lane, which means that two-way bike and pedestrian traffic is all on the existing sidewalk.*

### **Response 10-2**

The comment expresses doubt that the mitigation measures identified in the Draft SEIR would reduce impacts to a less-than-significant level. The comment also states that, absent widening of the Stoneridge Drive overcrossing of I-680, traffic from southbound I-680 would have only "the existing two lanes." The commenter also states that both directions of bicycles and pedestrians must share the existing single sidewalk on the overcrossing.

The comment does not address the analysis contained in the Partial Recirculated Draft SEIR; the traffic analysis, associated project traffic report, and traffic mitigation measures are located in the

Draft SEIR released for public comment in 2015 and available on the City’s website. See also Responses to Comments 3-1, 3-2, 3-3, and 3-4 regarding Stoneridge Drive.

Concerning the Stoneridge Drive overcrossing, it is not clear which lanes the commenter is referencing; it seems likely that the comment refers to the two existing left-turn lanes onto eastbound Stoneridge Drive from the southbound I-680 off-ramp. (The freeway overcrossing has three eastbound lanes under existing conditions.) The commenter may also refer to the existing two left-turn lanes from eastbound Stoneridge Drive onto northbound Johnson Drive.

At any rate, as explained in the Draft SEIR transportation analysis (Section 4.D of the Draft SEIR) and in Responses to Comments 3-1 and 3-2, feasible mitigation has been identified for the intersection of Stoneridge Drive and Johnson Drive to reduce traffic impacts to a less-than-significant level; among these measures are additional lanes on both streets. No mitigation is necessary at the intersection of the southbound I-680 on-ramp and Stoneridge Drive.

### **Comment 10-3**

*WB [Westbound] Stoneridge already backs up during the evening commute. NB [Northbound] I-680 ramp to is much too close to the I-680/I-580 interchange. It is already dangerous for cars to navigate. The installation of metering lights means that cars wishing to go north on I-680 will have to navigate three lanes either into speed limit-plus or backed up traffic from a dead stop.*

### **Response 10-3**

The comment states that westbound Stoneridge Drive experiences heavy traffic under existing conditions and that entering northbound I-680 from that location is challenging. The comment refers to existing conditions and does not address impacts of the proposed project, nor does it address the adequacy or accuracy of the Draft SEIR, including the Partial Recirculated Draft SEIR. Accordingly, no detailed response is required.

Regarding potential project traffic impacts on Stoneridge Drive, see Responses to Comments 3-1, 3-2, 3-3, and 3-4. Moreover, the comment does not address the analysis contained in the Partial Recirculated Draft SEIR; see Response to Comment 10-2.

### **Comment 10-4**

*There are also the intersection of Johnson and Stoneridge Drives. This is already an issue for anyone crossing Stoneridge. There are only two crosswalks and the cars turning right and left from Johnson Drive, frequently don’t look for pedestrians. The installation of flashing lights at the entrance to the I-680 NB ramp has been a help, but, in general, this is a dangerous area and the new hotels and the associated retail will, potentially, bring even more foot traffic to the area.*

### **Response 10-4**

The comment states that the proposed project could decrease pedestrian safety at the Stoneridge Drive/Johnson Drive intersection, which the commenter states is already “dangerous.”

Pedestrian and bicycle safety were analyzed in the Draft SEIR. As stated in the Draft SEIR (page 4.D-67), the City will review project designs and plans to ensure that the design of improvements along Johnson Drive and other roadways in the project area maintain or enhance existing bicycle, transit, and pedestrian facilities, as required by Mitigation Measure 4.D-3, and that the design of Stoneridge Drive improvements likewise maintains or enhances existing bicycle and pedestrian facilities. Moreover, the comment does not address the analysis contained in the Partial Recirculated Draft SEIR; see Response to Comment 10-2.

### **Comment 10-5**

*There is a large empty lot in Hacienda Business Park near the new commuter housing, which would be a much better location for Costco, rather than trying to shoehorn this large project into a confined and problematic area.*

### **Response 10-5**

The comment recommends an alternate location for a Costco store. The comment does not make any statement regarding potential physical environmental effects, nor does it address the adequacy or accuracy of the Draft SEIR, including the Partial Recirculated Draft SEIR.

The Draft SEIR (page 5-6) considered but rejected a potential off-site alternative. The Draft SEIR found that the City had considered other potential sites for an economic development zone that would advance “the City’s goal of remaining competitive in attracting and retaining businesses, and building on existing strengths while also adapting to changing market conditions.” However, the Draft SEIR did not identify other suitable sites that met the criteria, which included “sites that could be at least partially developed in the near term, especially those that are unified under one primary landowner; as well as sites located near a major transportation corridor that could attract regional users, especially those with greater potential for visibility from the corridor.”

The comment will be considered by the decision-makers in their deliberations regarding the proposed project.

## **Letter 11 – Randall Reber**

### **Comment 11-1**

*The increase in traffic and the logistics (i.e., the narrow road that currently exists) with little room to expand along the arroyo or parallel to Hwy580 [I-580] seem to negate this development.*

*By the planning [department’s] own feasibility study we were told the traffic on Stoneridge alone would increase from 3500 per day to 10,000 after completion. Since Stoneridge is one of the mains roads to get to the new Kaiser in Dublin vs 580 this could be a real problem in future years.*

**Response 11-1**

The comment expresses concern regarding the increase in traffic generated by the proposed project, although the commenter makes no specific comment concerning the adequacy or accuracy of the Draft SEIR, including the Partial Recirculated Draft SEIR. Therefore, no response is required. The comment will be considered by the decision-makers in their deliberations regarding the proposed project.

**Letter 12 – Craig Schwab****Comment 12-1**

*The new SEIR shows the JDEDZ impact on air quality “less than significant.” Yet, the BAAQMD determined it to be “unacceptable.” How do you explain??*

**Response 12-1**

The City is uncertain what BAAQMD document the commenter is referring to with regard to the “unacceptable” statement about the project. The City assumes that the commenter is referring to BAAQMD’s 2014 report *Identifying Areas with Cumulative Impacts from Air Pollution in the San Francisco Bay Area*.<sup>13</sup> In this report, BAAQMD identifies zip code 94588 as having a background cancer risk level of 105.2 per million, which exceeds BAAQMD’s cumulative cancer risk threshold of 100 per million. However, BAAQMD did not identify Pleasanton as an “impacted community” as defined in the report.

The 2019 Recirculated HRA and the 2019 Recirculated Air Quality Analysis for the project calculated impacts based on project-level methods, following BAAQMD protocol (see Responses to Comments 1-9, 2-2, and 2-7 for updates to these analyses), while the BAAQMD 2014 report is based on cumulative, region-wide methods for calculating health risks. The two methods are not directly comparable, as stated on page 52 of the 2019 Recirculated HRA:

Based on BAAQMD’s Community Air Risk Evaluation Program (CARE), the project area (zip code 94588) has a lifetime cancer risk of 105 per million. Upon review of CARE’s methodology, lifetime cancer risk is based on an exposure duration of 70 years and exposure to 2015 TAC concentrations were constant throughout the entire 70-year exposure duration. The methodology document for the CARE report states that exposure to 2015 TAC levels is a conservative assumption since Bay Area TAC concentrations have been following a strong downward trend in recent years. The project’s cancer risk values are based on a maximum exposure duration of 30 years and accounts for declining emissions from mobile sources in future years (e.g., 2021 and 2031), and the results are reasonably lower than those estimated by the CARE. [citations omitted]

<sup>13</sup> BAAQMD, *Identifying Areas with Cumulative Impacts from Air Pollution in the San Francisco Bay Area*, Version 2, March 2014, available at [http://www.baaqmd.gov/~media/Files/Planning%20and%20Research/CARE%20Program/Documents/ImpactCommunities\\_2\\_Methodology.ashx?la=en](http://www.baaqmd.gov/~media/Files/Planning%20and%20Research/CARE%20Program/Documents/ImpactCommunities_2_Methodology.ashx?la=en).

In addition, the 2019 Recirculated HRA conducted a cumulative risk assessment and found that “As shown in the tables above, the project would not result in significant impacts by itself or cumulatively for cancer risks, chronic impacts, or annual PM2.5 exhaust concentrations” (page 56). Again, the City cannot locate any comment from BAAQMD that the project’s specific impact on air quality is “unacceptable.” Therefore, the commenter appears to be mistaken.

## **Comment 12-2**

*Regarding the economic impact on businesses, there is no new study since the 2015 study which the new SEIR states to be “recirculated for public comment.” How does this comply with the lawsuit/complaint?*

## **Response 12-2**

The comment states that the economic impact study prepared in 2016 (not 2015, as stated by the commenter) should have been updated in response to the lawsuit (complaint) filed in December 2017. According to the complaint, “The City’s final SEIR contains significant new information and revisions to the draft SEIR’s analysis and mitigation of significant impacts, including but not limited to an economic impact/urban decay analysis that the draft SEIR had omitted. The City therefore had a mandatory duty under CEQA to re-circulate the new information for further public review and comment.”

The City has done precisely what the complaint requested; that is, the City has recirculated the 2016 Economic Impact Analysis for public review and comment as part of the partial revised Draft SEIR that was released in July 2019. The comment provides no evidence to support the proposition that the 2016 Economic Impact Analysis is no longer valid or requires updating.

## **Comment 12-3**

*The current study shows emissions from idling vehicles at 10 minutes while waiting to fuel gasoline. At 26,240,000 annual gallons as shown, this is approximately 72,000 gallons per day. With 20 dispensers or 40 fueling positions, this is 3,600 gallons per day per dispenser and 1800 per day per fueling position. During peak hours there will be long lines: 30-45 minute waits? How did the SEIR arrive at 10 minutes of idling per vehicle?*

## **Response 12-3**

The commenter questions the assumption that the average gas station customer would idle in their personal vehicle for 10 minutes while waiting for gasoline. According to Kittelson & Associates,<sup>14</sup> the average wait times for eight other Costco gas stations with 20 fuel dispensers is 1 minute, 21 seconds during the weekday p.m. peak hour and 2 minutes, 0 seconds for the weekend midday peak hour. For the four Costco gas stations in California, the average wait times are 2 minutes, 8 seconds during the weekday p.m. peak hour and 4 minutes, 33 seconds for the

---

<sup>14</sup> Kittelson & Associates, *Memorandum: Wait Time for Costco Gasoline Fuel Stations*, September 27, 2019 (attached hereto as Appendix D).

weekend midday peak hour. This information is provided below for reference in **Table 1, Costco Gasoline Fuel Station Average Member Wait Times.**

The average wait times shown in Table 1 reflect data collected during weekday evening commuter and weekend midday peak-hour time periods when demand for fuel from the Costco Gasoline station peaks. Average wait times throughout the rest of the day are expected to be less than those reported in the table. Therefore, the 2019 Recirculated HRA and 2019 Recirculated Air Quality Analysis are extremely conservative in the assumption that every single customer of the gas station, including those present during off-peak hours, would wait a full 10 minutes and idle their vehicles for this entire time (2019 Recirculated HRA, page 21; 2019 Recirculated Air Quality Analysis, page 16). As shown in both those analyses, no significant air quality or GHG impacts were identified.

**TABLE 3-10  
COSTCO GASOLINE FUEL STATION AVERAGE MEMBER WAIT TIMES**

Location	Number of Fueling Positions	Average Member Wait Times <sup>a</sup>	
		Weekday P.M. Peak Hour	Weekend Midday Peak Hour
Beaverton, OR	20	3:16	3:31
Clackamas, OR	20	1:29	1:40
Scottsdale, AZ	20	0:37	2:20
Tucson, AZ	20	0:05	0:31
Concord, CA	16	3:01	7:47
Folsom, CA	16	1:37	3:39
Fremont, CA	16	1:53	4:37
Temecula, CA	30	2:01	2:11
<b>Average Wait Time of 20 Fueling Position Sites</b>		<b>1:21</b>	<b>2:00</b>
<b>Average Wait Time of California Sites</b>		<b>2:08</b>	<b>4:33</b>

NOTES:

AZ = Arizona; CA = California; OR = Oregon

<sup>a</sup> Wait time is the total time (min:sec) a vehicle waited in queue from the time they pulled up to and stopped at the back of queue to the time they pulled up to the pump.

SOURCE: Kittelson & Associates, *Memorandum: Wait Time for Costco Gasoline Fuel Stations*, September 27, 2019.

## Comment 12-4

*Wasn't the original Costco proposal for 16 dispensers? How did it go to 20?*

## Response 12-4

The commenter asks whether the original proposal for the Costco gas station included 16 fuel dispensers, versus the 20 fuel dispensers as evaluated in the 2019 Recirculated HRA and 2019 Recirculated Air Quality Analysis.

The Draft SEIR project description never included a specific proposal for 16 fueling stations; however, the traffic report included as Appendix G to the Draft SEIR stated that the number of proposed fueling positions was 20 (Executive Summary Project Description, page i). See Response to Comment 9-1.

### **Comment 12-5**

*I read that the average gas station sells 4,000 gallons per day. This Costco gas facility is equal in sales to 18 gas stations in one spot. Is this safe? Has any other Costco sold 26,240,000 gallons per year? If so, what are the number of vehicle accidents and the number of fuel spills at such locations? What lines of waiting time are created?*

### **Response 12-5**

The commenter expresses concern about the size of the project's gas station relative to other gas stations. It is certainly the case that Costco gasoline stations generally sell more gasoline than a typical gas station, the vast majority of which are smaller than Costco gas stations. It should be noted that the Costco fueling facility is associated with a Costco warehouse, both of which require membership; thus, comparison to a standalone gas station is not a valid comparison. Moreover, that fact is not relevant to CEQA review, which is based on analysis of the project as proposed.

As discussed in Response to Comment 12-6 below, Costco, the project applicant, has revised its BAAQMD permit for the gas station to allow for up to 24,000,000 gallons of throughput annually, rather than the 26,640,000 gallons assumed in the 2019 Recirculated Air Quality Analysis and HRA. The actual annual sales at the gas station are likely to be much lower than 24,000,000 gallons per year: The project applicant estimates, based on facility design and facility location, annual sales of approximately 18,000,000 gallons. Therefore, the assumption that 24,000,000 gallons would be sold annually is highly conservative from an air quality and health risk perspective.

The gas station proposed as part of the project would have 20 pumps, which is common for Costco gas stations. As discussed in Response to Comment 12-3 above, many Costco gas stations range from 16 to 30 pumps.

The commenter also asks about the safety of the gas station and the traffic it may cause. Regarding safety and vehicle accidents, the Draft SEIR analyzes traffic safety hazards in Section 4.D, *Transportation and Traffic*. The Draft SEIR found, under Impact 4.D-9, that "Each individual project developed within the EDZ area would contribute to the increase in traffic; however, incremental increases in traffic would not in and of themselves affect traffic safety on affected intersections and roadways, because all roadway improvements associated with development will be required to comply with all applicable roadway design standards."

The Draft SEIR also found that project traffic "in combination with existing traffic, would result in significant effects to the safety of vehicles and bicycles using this part of Johnson Drive." However, implementation of Mitigation Measure 4.D-3, *Johnson Drive Improvements*, and

Mitigation Measure 4.D-4, *Retention of Bicycle Lanes on Stoneridge Drive*, would reduce this impact to a less-than-significant level: “With implementation of Mitigation Measures 4.D-3 and 4.D-4, development within the EDZ area would cause a less than significant impact related to traffic safety hazards” (page 4.D-59).

Regarding fuel spills, the 2019 Recirculated HRA includes exposure of worker receptors and nearby sensitive receptors to ROG emissions associated with fuel spills. The 2019 Recirculated Air Quality Analysis also calculates ROG emissions associated with fuel spills and compares these emissions to BAAQMD’s thresholds of significance. Both reports conclude that the air quality impact would be less than significant with mitigation.

The commenter also inquires about the wait times of future gas station customers. The average customer wait times for eight other Costco gas stations with 20 fuel dispensers is 1 minute, 21 seconds during the weekday p.m. peak hour and 2 minutes, 0 seconds for the weekend midday peak hour. For the four Costco gas stations in California analyzed, the average wait times are 2 minutes, 8 seconds during the weekday p.m. peak hour and 4 minutes, 33 seconds for the weekend midday peak hour. See Response to Comment 12-4 regarding these average wait times, and see Response to Comment 12-3 for additional discussion of the conservative approach of the 2019 Recirculated Air Quality Analysis to idling calculations.

## **Comment 12-6**

*The number of tanker trucks of gasoline is stated at 6 per day (12 trips). Each would have to carry 12,000 gallons of fuel to supply 72,000 gallons of sales per day. I don’t think that 6 is the right number, nor does 12,000 gallons per tanker meets Caltrans weight limits. Is it really 8-10 fuel tankers per day on our freeways and city streets? This amounts to 16-20 fuel tanker trips per day. Do you agree?*

## **Response 12-6**

The commenter expresses concern that the number of assumed gas station fuel delivery trucks is too low. Upon further review, the project applicant has revised its BAAQMD permit for the gas station to allow for up to 24,000,000 gallons of throughput annually. Based on an average fuel delivery capacity of 8,700 gallons per truck, and 357 annual days of operations (8 annual holidays when the gas station is closed), there would be approximately 8 delivery trucks per day.<sup>15</sup> To account for the emissions associated with the additional two daily delivery trucks, the City has updated the emissions modeling for the project.

It should also be noted that the actual annual sales at the gas station are likely to be much lower than 24,000,000 gallons per year: The project applicant estimates, based on facility design and facility location, annual sales of approximately 18,000,000 gallons.<sup>16</sup> Therefore, the assumption

<sup>15</sup> Calculation = 24,000,000 annual gallons ÷ 358 days operational per year ÷ 8,700 gallons per truck = 7.7 trucks per day; round up to 8 trucks per day.

<sup>16</sup> At 18,000,000 annual gallons, the total anticipated delivery trucks would be 6 per day.

that 24,000,000 gallons would be sold annually is highly conservative from an air quality and health risk perspective.

The results of these modeling changes are presented in Response to Comment 1-9 (see Revised Air Quality Tables 7, 8, 10, 11, and 12 and Revised HRA Tables 6, 7, and 8).

### **Comment 12-7**

*Costco warehouse delivery trucks is shown as 10 (20 trips). A Costco study shows the average 150,000 square feet warehouse receives 25 trucks (50 trips) with 5 loading docks. Can you explain the difference?*

### **Response 12-7**

The commenter asks how the number of daily Costco truck deliveries for the project compares to other Costco stores, and claims that the Partial Recirculated Draft SEIR may underestimate truck trips.

As discussed in Response to Comment 13-2, the 2019 Recirculated Air Quality Analysis is based on the best available information for the Costco proposed as part of the project. This includes 10 daily Costco truck deliveries. The commenter refers to a “Costco study,” but does not cite the study or provide a reference. Therefore, this does not represent evidence that the Costco store proposed as part of the project will require more than 10 trucks per day.

### **Comment 12-8**

*How does the particulate matter from the gas portion go down from 6.95 in 2021 to 1.66 in 2031? (Table 16).*

### **Response 12-8**

The commenter asks how mobile exhaust PM<sub>2.5</sub> emissions associated with the gas station decline from 6.95 lbs/day in 2021 to 1.66 lbs/day in 2031 (2019 Recirculated HRA Appendix A, Section A.1.2, *Operational PM and TOG Emissions*, Table 16, *HHDT PM2.5 Idling Exhaust Emissions*).

Table 16 presents mobile exhaust PM<sub>2.5</sub> emissions associated with all heavy-heavy-duty truck (HHDT) trips associated with the project, including gas station fuel delivery trucks. The table presents emissions for Phase 1 operations in 2021 and full buildout operations in 2031. The table also presents the PM<sub>2.5</sub> emission factors used to calculate emissions; these values are  $3.05 \times 10^{-3}$  for 2021 and  $8.37 \times 10^{-4}$  for 2031. The emission factors are from CARB’s Emission FACtor 2017 (EMFAC2017) model (2019 Recirculated HRA, page 16 and page 18). EMFAC2017 is the latest emissions inventory model that calculates emissions for motor vehicles operating on roads in California.<sup>17</sup> The 73 percent decline in the emission factor from 2021 to 2031 is attributable to

---

<sup>17</sup> CARB, MSEI—Modeling Tools, available at <https://ww2.arb.ca.gov/our-work/programs/mobile-source-emissions-inventory/msei-modeling-tools>. Accessed November 14, 2019.

the implementation of statewide emission control programs, fuel efficiency requirements, and fleet turnover, among other factors. CARB describes the model as follows:<sup>18</sup>

The EMFAC2017 model can be used to show how California motor vehicle emissions have changed over time and are projected to change in the future. This information helps CARB evaluate prospective control programs and determine the most effective, science-based proposals for protecting the environment. EMFAC2017 includes the latest data on California’s car and truck fleets and travel activity. New forecasting methods have been incorporated for developing vehicle age distributions and estimating vehicle miles traveled. The model also reflects the emissions benefits of Federal and California recent rulemakings such as Federal Phase 2 Greenhouse Gas Standards. The model also includes updates to truck emission factors based on the latest test data. More details about the updates in emissions calculation methodologies and data are available in the EMFAC2017 Technical Support Document.

Emissions decline for the HHDT fuel delivery trucks from 6.95 lbs/day in 2021 to 1.66 lbs/day in 2031 as a direct result of the decline in the emissions factor from EMFAC2017. In 2031, the trucks used to deliver fuel will be more fuel efficient than those used in 2021 and will comply with new CARB and statewide emission standards. This approach represents standard air quality modeling protocol used for CEQA documents and recommended by BAAQMD in its CEQA Guidelines (2017), which state, “The latest version of the State of California’s EMFAC model is recommended for estimating emissions from onroad vehicles.”

## **Comment 12-9**

*Will the infrastructure be complete by the second quarter of 2021 when Costco is scheduled to open in Phase 1? Or, will Costco open with 7500 Costco warehouse trips and 3371 gasoline trips per day, totaling 10,871 trips, without complete infrastructure?*

## **Response 12-9**

The transportation mitigation measures identified in the Draft SEIR (Mitigation Measures 4.D-1a, 4.D-1b, 4.D-1c, 4.D-1d, 4.D-2, 4.D-3, and 4.D-4) would provide for improvements to traffic and transportation systems in the project area. These improvements would include new through and turn lanes on Stoneridge Drive and Johnson Drive and an expanded I-680 northbound on-ramp. To fund the required improvements, the City and Costco would jointly provide funding to implement the required mitigation measures, and the City would establish an impact fee applicable to the non-Costco portions of the JDEDZ to help recoup some of the money from other developers. Because the proposed Costco store is, by far, the largest generator of traffic that would occur in the JDEDZ, Costco would bear the greatest share of the financial responsibility for mitigation. The subsequent impact fee would be applied to all non-Costco properties on the

<sup>18</sup> CARB, *EMFAC2017 Volume I—User’s Guide*, V1.0.2, March 1, 2018, available at <https://ww3.arb.ca.gov/msei/downloads/emfac2017-volume-i-users-guide.pdf>. Accessed November 14, 2019.

project site based on the percentage of total JDEDZ vehicle trips generated by the new non-Costco uses.

The City anticipates that up to \$8.4 million of the roadway improvements would be recovered through application of the impact fee. The impact fee would total approximately \$28.28 per square foot for retail uses and \$13.70 per square foot for hotels. These fees also assume right-of-way acquisition, and application of a credit to parcel owners who voluntarily dedicate the necessary land for rights-of-way.

It is noted that, as part of the 2016 Response to Comments document, Mitigation Measures 4.D-1a through 4.D-1d were revised from those in the Draft SEIR to clarify the timing and funding of the implementation of traffic-related mitigation measures. The mitigation measures were revised as follows (new text double underlined):

**Mitigation Measure 4.D-1a: Commerce Drive at Johnson Drive Intersection.** Prior to the granting of a certificate of occupancy for the first use in Phase I that would generate 100 or more PM or Saturday peak-hour trips, the City shall install or require the developer in Phase I to install a traffic signal and construct a southbound left-turn lane to Commerce Drive at the Commerce Drive and Johnson Drive intersection. A funding mechanism for this improvement shall be approved by the City prior to the issuance of the first building permit for a Phase I use that would generate 100 or more PM peak-hour trips.

**Mitigation Measure 4.D-1b: Johnson Drive at Owens Drive (North) Intersection.** Prior to the granting of a certificate of occupancy for the first use in Phase I that would generate 100 or more PM or Saturday peak-hour trips, the City shall install or require the developer in Phase I to install a traffic signal at the Johnson Drive at Owens Drive (North) intersection. A funding mechanism for this improvement shall be approved by the City prior to the issuance of the first building permit for a Phase I use that would generate 100 or more PM peak-hour trips.

**Mitigation Measure 4.D-1c: Johnson Drive at Stoneridge Drive Intersection.** Prior to the granting of a certificate of occupancy for the first use in Phase I that would generate 100 or more PM or Saturday peak-hour trips, the City shall ensure the implementation of the following improvements:

1. Construct a third eastbound left-turn lane from Stoneridge Drive to Johnson Drive in conjunction with an additional northbound receiving lane on Johnson Drive (north side of intersection).
2. Construct an additional southbound right-turn lane on Johnson Drive.
3. Rebuild Johnson Drive as a six lane facility with three or four southbound lanes and three northbound receiving lanes for a minimum of 700 feet north of Stoneridge Drive. This improvement would require widening of Johnson Drive north of Stoneridge Drive by up to 36 feet and widening of Johnson Drive south of Stoneridge Drive a commensurate amount to align travel movements through the intersection.

A funding mechanism for these improvements shall be approved by the City prior to the issuance of the first building permit for a Phase I use that would generate 100 or more PM peak-hour trips.

**Mitigation Measure 4.D-1d: Stoneridge Drive Queue Spillback (Stoneridge Drive and Johnson Drive Improvements).** Prior to the granting of a certificate of occupancy for the first use in Phase I that would generate 100 or more PM or Saturday peak-hour trips, the City shall ensure the implementation the following improvements:

1. Modify the Stoneridge Drive at Northbound I-680 off-ramp to provide a northbound right-turn overlap phase.
2. Construct a second southbound left-turn lane from Johnson Drive to Stoneridge Drive.
3. Extend the existing westbound right-turn pocket at the Johnson Drive and Stoneridge Drive intersection approximately 800 feet east by widening Stoneridge Drive and convert the resulting lane into a through-right-shared lane. Install lane markings in the curb lane and adjacent lane indicating I-680 Northbound Only to reduce lane changes between Johnson Drive and the northbound on-ramp.
4. Construct a second on-ramp lane to northbound I-680 from the westbound Stoneridge Drive approach. The two lane on-ramp should be merged to one lane prior to the freeway merge area. The lane drop will occur over a distance of at least 800 feet, and will require reconstruction and widening of the bridge at this on-ramp from one to two lanes, with the merge occurring after the bridge. (Note: This improvement is within Caltrans right-of-way and requires Caltrans design review and oversight.)

A funding mechanism for these improvements shall be approved by the City prior to the issuance of the first building permit for a Phase I use that would generate 100 or more PM or Saturday peak-hour trips.

However, as stated in the Draft SEIR, the review and approval process for item 4 above in Mitigation Measure 4.D-1d that would eliminate the significant queuing impact at the Stoneridge Drive/Johnson Drive intersection is not under the control of the City of Pleasanton. (Widening of the northbound I-680 onramp would be within the Caltrans right-of-way and would require Caltrans design review and oversight, as well as review by CDFW, the U.S. Army Corps of Engineers, and the Alameda County Flood Control and Water Conservation District.) Thus, the impacts related to vehicle queue spillback periodically impeding through traffic on Stoneridge Drive and blocking access to driveways along Johnson Drive during the p.m. peak hour—Impacts 4.D-1, 4.D-2, and 4.D-3—would be significant and unavoidable.

As also explained in the Draft SEIR, Impact 4.D-5 and Impact 4.D-7 (adverse effects on levels of service on freeway ramps at merge/diverge areas within I-680) would also be significant and unavoidable. This would be the significance conclusion because Mitigation Measure 4.D-2 (freeway improvements, such as the second phase of I-680/I-580 interchange improvements, widening of State Route 84, and other planned roadway system modifications) is not fully funded, leaving the timing and feasibility of implementation uncertain.

## **Comment 12-10**

*Table 8 shows the project boundary. The new Chic-fil-a is within the boundary, yet not shown. Was it considered for traffic purposes at 2000 trips per day? Was Workday at 4000 trips per day? Has there been a new traffic study since 2016 to include new local, and regional projects like IKEA?*

### **Response 12-10**

The comment suggests that the Draft SEIR's traffic analysis does not account for recently completed projects. See Response to Comment 13-6, which thoroughly explains the adequacy of the Draft SEIR with respect to the analysis of cumulative traffic and air quality impacts. (The commenter's reference to "Table 8" appears to be in error.)

## **Letter 13 – Matt Sullivan**

### **Comment 13-1**

*Greenhouse Gas Analysis: Please identify the CEQA provision that permits a project finding that GHG emissions are "insignificant" based on a comparison to global GHG emissions and its effect on global climate change.*

The commenter asks for the CEQA provision that allows for GHG impacts to be determined based on a comparison of a project's GHG emissions with global GHG emissions. In the 2019 Recirculated GHG Analysis, there is no comparison of project emissions to global emissions, nor any conclusion regarding the project's effect on global change based on such a comparison.

### **Response 13-1**

See Response to Comment 1-11.

### **Comment 13-2**

*Table 3, Daily Truck Deliveries, Costco store: How does this compare to other Costco stores of similar square footage and merchandise type?*

### **Response 13-2**

The commenter asks how the number of daily Costco truck deliveries for the project compares to other Costco stores. This question is not relevant to CEQA review, which is based on an analysis of the project as proposed.

The 2019 Recirculated Air Quality Analysis is based on the best available information for the Costco proposed as part of the project. This includes 10 daily Costco truck deliveries. To provide

a point of reference, the Draft EIR for the City of Ukiah Costco Wholesale Project used 10 daily delivery trucks for both the Costco store and the gas station.<sup>19</sup> As stated in this document:

***Ten delivery trucks, on average, are expected in a typical weekday.*** In an average week, approximately 50 to 100 trucks will call upon the Costco warehouse, tire center and gas facility combined. Warehouse deliveries will occur from 4:00a.m. to 2:30p.m., with two to three trucks per hour (typical). Most deliveries will be complete before 10:00 a.m. (prior to the store opening time). The typical truck route is from US 101 [U.S. Highway 101] to Talmage Road, and south on Airport Park Blvd. to the Project site.  
[Emphasis added]

Therefore, the number of daily delivery truck trips used in the analysis is adequate and supported by substantial evidence.

### **Comment 13-3**

*Table 3, Daily Truck Deliveries, Costco Gas Station: How does this compare to other Costco gas stations based on number of pumps and gallons of gasoline sold per day?*

### **Response 13-3**

The commenter asks how the number of daily gas station truck deliveries for the project compares to other Costco gas stations. This question is not relevant to CEQA review, which is based on an analysis of the project as proposed.

The number of gasoline delivery vehicles required for each gas station depends on the size of the gas station and its annual sales. As discussed in Response to Comment 12-6, the project applicant has revised its BAAQMD permit for the gas station to allow for up to 24,000,000 gallons of throughput annually. Based on an average standard fuel delivery capacity of 8,700 gallons per truck, and 357 annual days of operations (8 annual holidays when the gas station is closed), there would be approximately 8 delivery trucks per day.<sup>20</sup> The 8,700-gallon truck capacity is standard for gasoline delivery trucks.

### **Comment 13-4**

*Figure 2, Modeling Boundary: The air quality modeling boundary included very small portions of residential areas Stoneridge Apartments, Val Vista, and Stonedale Dr. These are the closest residential neighborhoods to Costco and where significant neighborhood concern exists about air quality impacts of the project. Why weren't the modeling boundaries extended to evaluate the impact on these entire neighborhoods to give a more accurate assessment of residential impacts?*

<sup>19</sup> City of Ukiah, *City of Ukiah Costco Wholesale Project: Draft Environmental Impact Report*, available at <http://www.cityofukiah.com/projects/costco-project/>, accessed October 2019.

<sup>20</sup> Calculation = 24,000,000 annual gallons ÷ 358 days operational per year ÷ 8,700 gallons per truck = 7.7 trucks per day; round up to 8 trucks per day.

### **Response 13-4**

The commenter asks why the modeling boundary for the 2019 Recirculated HRA was not extended to encompass the entire nearby residential neighborhoods of Stoneridge Apartments, Val Vista, and Stonedale Drive. The commenter suggests that extending the modeling boundary would produce a more accurate assessment of health risk impacts on these residential areas.

The BAAQMD CEQA Guidelines (May 2017) recommend a 1,000-foot radius for assessing health risks at nearby sensitive receptor locations:<sup>21</sup>

For assessing community risks and hazards, a 1,000 foot radius is recommended around the project property boundary. BAAQMD recommends that any proposed project that includes the siting of a new source or receptor assess associated impacts within 1,000 feet, taking into account both individual and nearby cumulative sources (i.e., proposed project plus existing and foreseeable future projects).

Therefore, the 2019 Recirculated HRA for the project included all sensitive receptor locations within 1,000 feet of the project boundary. This includes the portions of the residential neighborhoods identified by the commenter, but not the entire neighborhoods.

The 2019 Recirculated HRA evaluated health risks for exhaust particulate matter (PM<sub>2.5</sub>), diesel particulate matter, and speciated TACs associated with TOG. The primary TAC of concern associated with the project is diesel particulate matter (2019 Recirculated HRA, page 11). The concentration of TACs, including diesel particulate matter, generally declines with distance from the emissions source. BAAQMD has selected the 1,000-foot radius as a reasonable modeling boundary to contain the highest concentrations of TAC emissions from a source, accounting for variability in terrain and meteorology. Beyond 1,000 feet, concentrations decline drastically. According to CARB, concentrations of mobile-source diesel particulate matter emissions are typically reduced by 70 percent at a distance of approximately 500 feet; general pollutant concentrations decline 80 percent or more at 1,000 feet.<sup>22</sup> BAAQMD elaborates on these findings in its CEQA Guidelines, Appendix D, *Threshold of Significance Justification*:

A summary of research findings in ARB's [CARB's] Land Use Compatibility Handbook (ARB 2005) indicates that traffic-related pollutants were higher than regional levels within approximately 1,000 feet downwind and that differences in health-related effects (such as asthma, bronchitis, reduced lung function, and increased medical visits) could be attributed in part to the proximity to heavy vehicle and truck traffic within 300 to 1,000 feet of receptors. In the same summary report, ARB recommended avoiding siting sensitive land uses within 1,000 feet of a distribution center and major rail yard, which supports the use of a 1,000 feet evaluation distance in case such sources may be relevant

---

<sup>21</sup> BAAQMD, *California Environmental Quality Act Air Quality Guidelines*, updated May 2017, available at [http://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa\\_guidelines\\_may2017-pdf.pdf?la=en](http://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en), accessed September 2019.

<sup>22</sup> CARB, *Air Quality and Land Use Handbook: A Community Health Perspective*, April 2005, available at <https://ww3.arb.ca.gov/ch/handbook.pdf>, accessed September 2019.

to a particular project setting. A 1,000 foot zone of influence is also supported by Health & Safety Code §42301.6 (Notice for Possible Source Near School).

Some studies have shown that the concentrations of particulate matter tend to be reduced substantially or can even be indistinguishable from upwind background concentrations at a distance 1,000 feet downwind from sources such as freeways or large distribution centers. Zhu et al. (2002) conducted a systematic ultrafine particle study near Interstate 710, one of the busiest freeways in the Los Angeles Basin... The study found that ultrafine particle concentrations measured 941 feet downwind of I-710 [Interstate 710] were indistinguishable from the upwind background concentration.

As a result, for siting new sensitive land uses such as residences, schools, daycare centers, playgrounds, or medical facilities, CARB recommends a 500- to 1,000-foot buffer from TAC emissions sources. Beyond these distances, pollutant concentrations and associated health risks drop significantly.

Therefore, the health risks reported for the project in the 2019 Recirculated HRA represent the highest health risks associated with project-related TAC emissions. As reported in the 2019 Recirculated HRA, during construction, the maximum exposed individual resident (MEIR) is located at the residential building in the Val Vista neighborhood closest to the project boundary immediately south of Stoneridge Drive; during full-buildout operations, the MEIR is located at the residential building at the Stoneridge Apartments closest to the project boundary immediately west of I-680 (2019 Recirculated HRA, page 47, Figure 4).

The 2019 Recirculated HRA found declines in TAC concentrations and associated health risks the farther from the project boundary a receptor is located, which is consistent with the physical characteristics of pollutant dispersion. Consequently, the 2019 Recirculated HRA identifies the maximum health risk impacts of the project on nearby receptors within the “zone of influence” recommended by BAAQMD. This is consistent with the revised modeling prepared for the project, as discussed in Response to Comment 2-2 (see Revised HRA Table 6, 7, and 8). Any impacts beyond the modeling boundary would be less than those reported in the 2019 Recirculated HRA. As such, extending the modeling boundary would not yield any additional relevant information.

### **Comment 13-5**

*Page 30, Gas Station: Was the fuel delivery truck travel to/from site and when idling on site included in the emissions analysis?*

### **Response 13-5**

The commenter asks whether the emissions modeling and analysis included emissions associated with fuel delivery trucks traveling to and from the site and idling while on the site. As documented in the 2019 Recirculated Air Quality Analysis (pages 16–17), the analysis included both travel and idling emissions. Emissions from daily delivery truck trips were estimated using emissions factors from EMFAC2017 for model year 2016 heavy-heavy-duty trucks. Trip lengths

were assumed to be 30 miles one-way to the nearest fuel delivery location in Benicia; idling emissions on-site were estimated assuming 15 minutes per trip.

### **Comment 13-6**

*Page 42, Future Development Projects: There are a significant number of projects just completed or are planned soon near the project site which were not evaluated either for air quality or traffic impacts. These include:*

#### Pleasanton

- a. *Workday office building adjacent to West Dublin BART station (410,000-square-foot, six story building 2,200 employee)*
- b. *Redevelopment of the JC Penny Home Store site, reportedly for office of high density residential*
- c. *The redevelopment of Stoneridge Mall*
- d. *Chick-Fil-A (CS-#1)*

#### Dublin

- a. *Zeiss Innovations - 433,090 sf; 1396 parking spaces*
- b. *Kaiser Permanente - 220,000 sf (opened May, 2019)*
- c. *At Dublin (Shea Properties) - 77.3 ac; 400,550 sf retail; 665 residential*
- d. *Corrie Center - 78,516 sf*
- e. *Tru Hotel - 120 rooms*
- f. *Hotel Corrie Center - 138 rooms*
- g. *Westin Hotel - 200 rooms*
- h. *Volvo dealership*

*Why were these projects not included in the air quality or previously performed traffic analysis? Please update the analysis to include emissions from these projects.*

### **Response 13-6**

The commenter claims that there are a “significant” number of cumulative projects near the project site that have just been completed or are planned for the near future, and that neither the air quality analysis nor the traffic analysis evaluated these projects. The commenter asks why the air quality analysis and traffic analysis excluded these projects and requests that the air quality analysis include emissions from these cumulative projects.

In the 2019 Recirculated HRA, under the heading *Future Development Projects* (page 42), the analysis simply (and properly) states that there are no new development projects that are planned, approved, or under construction within 1,000 feet of the project site. The closest project is Workday Inc., approximately 1,500 feet northwest of the project site boundary. All other projects

are located farther from the project site. The 2019 Recirculated HRA, by its nature, focuses on development activity and sensitive receptors within 1,000 feet of the project site, to assess whether these sensitive receptors will be subject to any air quality–related health risks as a result of the project. The 2019 Recirculated HRA follows standard BAAQMD protocols for assessing cumulative impacts, which recommend a “zone of influence” of 1,000 feet<sup>23</sup>:

For assessing community risks and hazards, a 1,000 foot radius is recommended around the project property boundary. BAAQMD recommends that any proposed project that includes the siting of a new source or receptor assess associated impacts within 1,000 feet, taking into account both individual and nearby cumulative sources (i.e., proposed project plus existing and foreseeable future projects). Cumulative sources represent the combined total risk values of each individual source within the 1,000-foot evaluation zone. A lead agency should enlarge the 1,000-foot radius on a case-by-case basis if an unusually large source or sources of risk or hazard emissions that may affect a proposed project is beyond the recommended radius.

Because none of the projects listed in the comment are within 1,000 feet of the project site, they are not relevant to the analysis of health risks.

To the extent that the comment is suggesting that the Draft SEIR’s broader analysis of air quality and traffic impacts did not account for future cumulative development growth in the region, the comment is incorrect, and the comment’s reference to page 42 of the 2019 Recirculated HRA is not relevant to this issue. All of the Draft SEIR’s analyses of these issues (the analysis of traffic and air quality impacts initially presented in the Draft SEIR, and the 2019 Recirculated Air Quality Analysis) were based on models that accounted for regional cumulative growth. These models have already effectively accounted for individual development projects such as those identified in the comment, as the models assume that future development will occur in a manner that is generally consistent with the general plan and zoning of each site. Specifically, the JDEDZ Transportation Assessment (March 2015; Chapter 6, page 57) states the following:

Preliminary traffic forecasts for the Cumulative scenario were obtained from City staff, representing existing traffic, ***plus traffic from approved and pending developments, as well as development that could occur under the current General Plan.*** These forecasts were developed using the City of Pleasanton computerized traffic model and ***represent likely traffic conditions in the area over the next 20 to 25 years.*** Adjustments were made to the forecasts to reflect additional information that became available since the development of the traffic model, including land use changes approved with the Housing Element and the proposed Workday project. [Emphasis added]

Therefore, the modeling of future conditions in the traffic analysis does incorporate future planned projects as listed by the commenter. With regard to near-term traffic modeling, the traffic

<sup>23</sup> BAAQMD, *California Environmental Quality Act Air Quality Guidelines*, updated May 2017, available at [http://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa\\_guidelines\\_may2017-pdf.pdf?la=en](http://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en), accessed September 2019.

analysis also incorporates traffic from projects expected to influence traffic over the next 5–10 years (Chapter 6, Page 46):

Traffic volumes for the Near-Term condition were obtained from City staff, representing existing traffic, ***plus traffic from approved developments in the City***. These forecasts were developed using a computerized traffic model and ***represent likely traffic conditions in the area over the next five to ten years***. These forecasts were modified to reflect the recently adopted Housing Element, ***as well as other recently approved Project projects that were not included in the original forecasts, including the Workday project***. Near-Term without Project traffic volumes are shown on Figure 12. The project traffic volumes from Figure 6 and Figure 7 were added to the Near-term without Project traffic volumes to estimate the Near-term with Project traffic volumes, as shown on Figure 13 for Phase 1 and Figure 14 under buildout conditions. [Emphasis added]

It should be noted that CEQA provides two different methodologies a lead agency may employ to analyze cumulative impacts. Under Section 15130(b)(1) of the CEQA Guidelines, a lead agency may conduct its analysis based either on a list of past, present, and probable future projects producing related or cumulative impacts, or on a summary of projections contained in local and/or regional plans that are designed to evaluate conditions contributing to cumulative impacts. In this case, the Draft SEIR uses the “summary of projections” approach. That approach already adequately accounts for current and future individual development projects such as those identified in the comment. This approach does not require an EIR for a project to quantify the emissions (i.e., impacts) of other specific projects in the project’s vicinity.

Moreover, even when a lead agency uses a “list of projects” approach to analyze cumulative impacts, the lead agency has the discretion to determine a reasonable date as a cutoff date for which projects to include. That cutoff date may generally be the date on which the notice of determination is circulated for a project. (See *South of Market Community Action Network v. City and County of San Francisco* [2019] 33 Cal.App.5th 321, 337–338; *Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1128.) In this case, the notice of determination was circulated in 2014, but the traffic and air quality modeling done for the 2019 Partial Recirculated Draft SEIR has been updated to include more recently approved development. Also, as explained in the quoted text above, the Workday project was, in fact, already included in the 2015 traffic assessment.

The traffic and air quality models used in the Draft SEIR already anticipated future development consistent with future development projections in the general plans of the cities of Pleasanton and Dublin. This analysis accounted for each of the 11 projects identified in the comment, with two arguable exceptions, as discussed below:

- (1) *Workday office building adjacent to the West Dublin BART station* (approximately 1,500 feet northwest of the project site): This project was approved in 2014, then revised and approved with less square footage in 2016. As stated above in the quoted text from the traffic study, the analysis in the original Draft SEIR expressly took this project into account.

- (2) *Redevelopment of the JCPenney Home Store Site* (approximately 1,600 feet west of the project site): There has been no formal application for this project. To the extent that the project will require a General Plan amendment, the resulting impacts would have to be analyzed in a future CEQA document. This is not a “probable future project” even at this late date. CEQA does not require EIRs to include future projects for which no application has yet been filed. See, e.g., *Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1127.
- (3) *Stoneridge Mall Redevelopment* (approximately 1,700 feet east of the project site): An application for this redevelopment is under review. The project is consistent with the City’s General Plan and its cumulative impacts are within the scope of the traffic and air quality models used in the Draft SEIR.
- (4) *Zeiss Innovations* (approximately 7,500 feet northeast of the project site): The City of Dublin approved this project in 2018 with an initial study/mitigated negative declaration. The project is consistent with the Dublin General Plan and its cumulative impacts are within the scope of the traffic and air quality models used in the Draft SEIR.
- (5) *Kaiser Permanente* (approximately 2,400 feet west of the project site): The City of Dublin approved this project in 2016 and the facility opened in 2018. The project is consistent with the Dublin General Plan and its cumulative impacts are within the scope of the traffic and air quality models used in the Draft SEIR.
- (6) *At Dublin (Shea Properties)* (approximately two miles east of the project site): The City of Dublin is considering an application for a general plan amendment for this project, for which the City prepared a final EIR in October 2018. Although the project thus requires a general plan amendment, the current Dublin General Plan already contemplates substantial development of that site (261 residential units and 902,563 square feet of commercial uses). The project will increase the number of residential units to 680 and reduce the amount of commercial uses to 454,500 square feet. The traffic and air quality models used in the Draft SEIR thus do not fully account for the cumulative impacts of this proposed development, but they account for much of the effect. However, because the At Dublin project was applied for only recently (the City of Dublin initiated the general plan amendment in October 2017), the City of Pleasanton finds that it would not be reasonable to re-run the traffic and air quality modeling to fully account for the specific details of this project. (See *South of Market Community Action Network v. City and County of San Francisco* [2019] 33 Cal.App.5th 321, 337–338; *Gray v. County of Madera* [2008] 167 Cal.App.4th 1099, 1128.)
- (7) *Corrie Center Office Building and Hotel Corrie Center* (approximately 3,400 feet west of the project site): The City of Dublin City Council has held a study session to consider this proposal, but no application has been filed; CEQA thus would not require the Draft SEIR to consider it under the “list of projects” approach. Still, as proposed, the project appears to be consistent with the Dublin General Plan, and its cumulative impacts are thus within the scope of the traffic and air quality models used in the Draft SEIR.
- (8) *Tru Hotel* (approximately three miles east of the project site): The City of Dublin is considering an application for these two hotel buildings. As proposed, the project

appears to be consistent with the Dublin General Plan, and its cumulative impacts are thus within the scope of the traffic and air quality models used in the Draft SEIR.

- (9) *Hotel Corrie Center* (approximately 3,400 feet east of the project site): See item 7 above.
- (10) *Westin Hotel* (approximately 6,500 feet east of the project site): The City of Dublin is reviewing an application for this project. As proposed, the project appears to be consistent with the Dublin General Plan, and its cumulative impacts are thus within the scope of the traffic and air quality models used in the Draft SEIR.
- (11) *Volvo dealership* (approximately 6,500 feet east of the project site): The City of Dublin is considering an application for a new 23,863-square-foot dealership. As proposed, the project appears to be consistent with the Dublin General Plan, and its cumulative impacts are thus within the scope of the traffic and air quality models used in the Draft SEIR.

Further, with regard to a project's air quality impacts, BAAQMD's project-level thresholds of significance for criteria air pollutants are by definition cumulative thresholds<sup>24</sup>:

Past, present and future development projects contribute to the region's adverse air quality impacts on a cumulative basis. By its very nature, air pollution is largely a cumulative impact. No single project is sufficient in size to, by itself, result in nonattainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. If a project's contribution to the cumulative impact is considerable, then the project's impact on air quality would be considered significant.

In developing thresholds of significance for air pollutants, BAAQMD considered the emission levels for which a project's individual emissions would be cumulatively considerable. If a project exceeds the identified significance thresholds, its emissions would be cumulatively considerable, resulting in significant adverse air quality impacts to the region's existing air quality conditions. Therefore, additional analysis to assess cumulative impacts is unnecessary. The analysis to assess project-level air quality impacts should be as comprehensive and rigorous as possible.

Therefore, a separate estimate of emissions associated with cumulative projects is not required. Consequently, the commenter's request that the 2019 Recirculated Air Quality Analysis quantify these emissions is unwarranted and the current cumulative analysis is adequate.

Regarding health risks, the 2019 Recirculated HRA for the project conducted a cumulative health risk assessment pursuant to the BAAQMD CEQA Guidelines (2019 Recirculated HRA, page 41):

Consistent with BAAQMD's CEQA Guidelines, cumulative exposure to PM<sub>2.5</sub> and TACs were evaluated by calculating the exposure of sensitive receptors to the cumulative effect of existing, proposed project (construction and operation), and reasonably foreseeable

---

<sup>24</sup> BAAQMD, *California Environmental Quality Act Air Quality Guidelines*, updated May 2017, available at [http://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa\\_guidelines\\_may2017-pdf.pdf?la=en](http://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en), accessed September 2019.

future sources of PM<sub>2.5</sub> and TAC emissions within 1,000 feet of the project site boundary or a sensitive receptor.

Consequently, the cumulative analysis in the 2019 Recirculated HRA is adequate.

### **Comment 13-7**

*Page 44, Freeway Sources: Were the Freeway Sources of emissions part of the cumulative air quality Heath Risk Analysis? Please provide a diagram that illustrates the 1000-foot modeling boundary for the Freeway Sources.*

### **Response 13-7**

The commenter asks whether the cumulative HRA included the freeways. Presumably this comment refers to I-680 and I-580. As documented in the 2019 Recirculated HRA (pages 44 and 52), I-680 and I-580 were included in the cumulative analysis: “The BAAQMD Risks and Hazards Highway Screening analysis tool was used to estimate cancer risk, chronic risk, and annual average PM<sub>2.5</sub> exhaust concentrations up to 1,000 feet from freeway segments of Interstates 680 and 580” and “the cumulative analysis included cancer risk, chronic impacts, and PM<sub>2.5</sub> exhaust concentrations for existing stationary sources and freeway segments within 1,000 feet of the project site or sensitive receptor.” Figure 2, *Project Boundary and Modeling Extent*, in the 2019 Recirculated HRA (page 25) illustrates the 1,000-foot modeling boundary, which includes I-680 and I-580.

### **Comment 13-8**

*Appendix A, Table 4: Explain rationale for reducing trip generation.*

### **Response 13-8**

The commenter asks for an explanation for the reduction in trip generation associated with the project, as indicated in 2019 Recirculated HRA Appendix A, Section A.1.2, *Operational PM and TOG Emissions*, Table 4, *Previous Trips Generation Estimates (Phase 1)* (page 91).

Presumably the commenter is referring to the reduction for pass-by and diverted trips, as documented in Table 4. The reduction for pass-by and diverted trips is a common analysis method used to account for trips associated with multiple land uses. For example, Costco customers may be on their way home from work, so the entire trip is not directly attributable to Costco. Pass-by and diverted trips are included as defaults in the CalEEMod model:

Trip link types further describe the characteristics of the trip attracted to each land use, whether it’s a primary trip, a diverted link trip, or a pass-by trip. For example, a commercial customer pass-by trip could be a person going from home to shop on his/her way to work. In addition, a commercial customer diverted-link trip could be a person going from home to work, and on its way making a diversion to shop. Pass-by trips generate virtually no additional running emissions but could generate additional resting and startup emissions. Diverted trips generate less running emissions compared to

primary trips, and can also generate additional resting and startup emissions. The average VMT associated with a trip is adjusted by modifying the primary trip length to account for reductions from pass-by and diverted trips.<sup>25</sup>

The pass-by and diverted trip reductions in the 2019 Recirculated HRA were taken directly from the traffic study conducted for the Draft SEIR, prepared by Fehr & Peers (May 2015), and were developed specifically for a Costco store. As stated in Draft SEIR Appendix H, *Trip Generation Estimate Supporting Documentation*:

Pass-by and diverted trips represent members (and trips) that are currently traveling on the surrounding street network for some other primary purpose (such as a trip from work to home) and stop into the site during their normal travel.... The key difference between inclusion and omission of the diverted trips is related to the overall vehicle miles traveled (VMT), as diverted trips do not create the same system impacts (air quality, noise, and freeway impacts) that entirely new trips to the system could create.

On average, 67% of customer[s] surveyed at Costco locations were identified as either a pass-by or diverted trip from the surrounding street system (or, said another way, only 33% of the trips were identified as primary trips to Costco).

The 2019 Recirculated HRA for the project did not update the trip generation rates or the pass-by and diverted trip capture rates identified in the Draft SEIR traffic study. The 2019 Recirculated HRA merely applies the same trip rates and trip capture rates from the Draft SEIR to the revised square footage values associated with project development.

### **Comment 13-9**

*Appendix A, Table 6: Explain rationale for reducing trip generation.*

### **Response 13-9**

See Response to Comment 13-8 above.

### **Comment 13-10**

*Appendix A, Table 8: Does not include Fuel Truck emissions.*

### **Response 13-10**

The commenter states that 2019 Recirculated HRA Appendix A, Section A.1.2, *Operational PM and TOG Emissions*, Table 8, *TRU Operations Emissions* (page 93) does not include emissions from fuel trucks.

Table 8 includes emissions from transportation refrigeration units for delivery trucks associated with the Costco store, the FedEx shipping facility, Phase 1 retail and hotel uses, and Phase 2 retail

---

<sup>25</sup> California Air Pollution Control Officers Association, CalEEMod User's Guide, Appendix A, Calculation Details for CalEEMod, October 2017, Version 2016.3.2, page 22.

uses. The commenter is correct that Table 8 does not include emissions from fuel trucks. Transportation refrigeration units are only used on trucks that deliver refrigerated materials, such as food. Fuel delivery trucks do not have transportation refrigeration units. Therefore, Table 8 does not include fuel trucks. However, fuel truck emissions are included in the following tables in 2019 Recirculated HRA Appendix A, Section A.1.2, *Operational PM and TOG Emissions*:

- Table 13, *HHDT PM10 Running Exhaust Emissions* (page 98)
- Table 14, *HHDT PM2.5 Idling Exhaust Emissions* (page 99)
- Table 15, *HHDT PM10 Running Exhaust Emissions* (page 100)
- Table 16, *HHDT PM2.5 Idling Exhaust Emissions* (page 101)

These tables include travel and idling emissions from six fuel delivery trucks per day.

### **Comment 13-11**

*Appendix A, Table 13: Does not include Fuel Truck emissions.*

### **Response 13-11**

The commenter states that 2019 Recirculated HRA Appendix A, Section A.1.2, *Operational PM and TOG Emissions*, Table 13, *HHDT PM10 Running Exhaust Emissions* (page 98) does not include emissions from fuel trucks.

Table 13 does include fuel trucks under the source category “Gas Station.” This shows six fuel trucks per day, consistent with the information provided by Costco on the number of fuel trucks required to supply the gas station (see 2019 Recirculated HRA page 19 and Table 3). Therefore, the commenter is incorrect that Table 13 excludes emissions from fuel trucks.

### **Comment 13-12**

*Page 15, Para. 3.a.i: What is basis for annual gasoline throughput, other than “provided by the city”?*

### **Response 13-12**

The commenter asks for a reference for the annual average gasoline throughput used in the 2019 Partial Recirculated Draft SEIR materials.

The project applicant has applied for a permit from BAAQMD for a maximum annual gasoline throughput of 26,640,000 gallons at the new gas station. This is the theoretical maximum, and is much higher than the anticipated annual sales. Based on the design and location of the proposed facility, the project applicant estimates annual sales of approximately 18,000,000 gallons. It should also be noted that the project applicant has recently revised its BAAQMD permit for the gas station to allow for up to 24,000,000 gallons of throughput annually. This 24,000,000-gallon figure is used in the revised analysis herein.

### **Comment 13-13**

*Table 4: Provide data from other Costco operations that corroborates daily truck deliveries.*

#### **Response 13-13**

The commenter asks how the number of daily Costco truck deliveries for the project compares to daily truck deliveries for other Costco stores. This question is not relevant to CEQA review, which is based on analysis of the project as proposed. As discussed in Response to Comment 13-2, the 2019 Recirculated Air Quality Analysis is based on the best available information for the Costco proposed as part of the project. This includes 10 daily Costco truck deliveries. To provide a point of reference, the Draft EIR for the City of Ukiah Costco Wholesale Project used 10 daily delivery trucks for both the Costco store and the gas station.<sup>26</sup> See Response to Comment 13-2 above. Therefore, the number of daily delivery truck trips used in the analysis is adequate.

### **Comment 13-14**

*Page 28-29: The changed emission models have significantly reduced emissions to the point where what was a “significant and unavoidable impact” in the Draft SEIR to “less than significant impact” in the Supplemental SEIR is too good to be true from Costco and the city’s standpoint in terms of approving the project. Provide the technical and regulatory basis for making the modeling change.*

#### **Response 13-14**

The commenter claims that when compared with the emissions estimates in the Draft SEIR, the reduction in emissions associated with the project, as calculated in the 2019 Recirculated Air Quality Analysis, and the associated reduction in air quality impacts are “too good to be true.” The commenter requests the technical and regulatory basis for making the modeling change. Specifically, the commenter refers to the modeling changes identified on pages 28–29 of the 2019 Recirculated Air Quality Analysis.

Pages 28–30 of the 2019 Recirculated Air Quality Analysis discuss the major modeling revisions in the updated analysis of the project’s criteria pollutant emissions. These revisions include:

- The use of new emissions modeling software (such as CalEEMod Version 2016.3.2 and EMFAC2017);
- New land use values;
- New sources of emissions (such as emissions from customer vehicle queuing/idling and startup at the proposed gas station and from heavy-duty delivery vehicles traveling to and from the site); and
- A revised full-buildout year of 2031.

---

<sup>26</sup> City of Ukiah, *City of Ukiah Costco Wholesale Project: Draft Environmental Impact Report*, <http://www.cityofukiah.com/projects/costco-project/>, accessed October 2019.

From a technical standpoint, the most current and most accurate emissions modeling software should be used to estimate a project's emissions for the evaluation of CEQA impacts. The 2019 Recirculated Air Quality Analysis uses the most recent models available: CalEEMod Version 2016.3.2 and EMFAC2017. This is standard practice under CEQA. The Draft SEIR used older models, CalEEMod Version 2013.2.2 and EMFAC2011. Those models are now outdated and do not reflect the latest engine test data, emissions regulations and controls, and emissions modeling protocol. As such, the use of newer models, CalEEMod Version 2016.3.2 and EMFAC2017, is appropriate and represents best practice under CEQA. The reasoning for using these updated models and methods is discussed on pages 28–30 of the 2019 Recirculated Air Quality Analysis.

From a regulatory standpoint, CEQA Guidelines Section 15064(b) states that “The determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the public agency involved, based to the extent possible on scientific and factual data.” The results from the latest emissions models, as used in the Partial Recirculated Draft SEIR analyses, represent the latest scientific and factual data for the project's emissions-generating activities. Older models do not present the latest scientific data. In addition, CEQA Guidelines Section 15064(d) states:

In evaluating the significance of the environmental effect of a project, the Lead Agency shall consider direct physical changes in the environment which may be caused by the project and reasonably foreseeable indirect physical changes in the environment which may be caused by the project.

To determine the direct and indirect physical changes in the environment associated with the project, the City has determined that the use of the latest emissions modeling software is appropriate.

Further, with regard to GHG impacts, CEQA Guidelines Section 15064.4(b)(3) authorizes the lead agency to choose the model or methodology considered most appropriate for informing decision makers about the project's impacts:

A lead agency may use a model or methodology to estimate greenhouse gas emissions resulting from a project. The lead agency has discretion to select the model or methodology it considers most appropriate to enable decision makers to intelligently take into account the project's incremental contribution to climate change. The lead agency must support its selection of a model or methodology with substantial evidence. The lead agency should explain the limitations of the particular model or methodology selected for use.

The air quality analysis uses the same models used for determining GHG emissions and associated impacts. The City has chosen to use the latest available models, such as CalEEMod Version 2016.3.1 and EMFAC2017, and has supported their use with substantial evidence provided in the 2019 Recirculated Air Quality Analysis. In addition, CEQA Guidelines Section 15064.4(b) states, “The agency's analysis should consider a timeframe that is appropriate for the project. The agency's analysis also must reasonably reflect evolving scientific knowledge and state regulatory schemes.” The use of the latest emissions models for the project is the best modeling method available to reflect the latest scientific knowledge and regulatory requirements.

Finally, the BAAQMD CEQA Guidelines recommend using the latest emissions modeling software available at the time of analysis: “Lead agencies are encouraged to tailor the air quality impact analysis to meet the needs of the local community and may conduct refined analysis that utilize more sophisticated models, more precise input data, innovative mitigation measures, and/or other features.”

In conclusion, the models used in the Partial Recirculated Draft SEIR to estimate the project’s air quality impacts represent the latest scientific understanding of emissions-generating activities. These models are updated versions of the models used in the Draft SEIR and are more accurate. Further, the City has the discretion under CEQA to choose the models it uses to estimate project impacts, and the City chose to use the current and most accurate emissions modeling software, consistent with the CEQA Guidelines.

### **Comment 13-15**

*Table 14: Same question.*

### **Response 13-15**

The commenter refers to the question posed in Comment 13-14 above with regard to 2019 Recirculated Air Quality Analysis Table 14, *Comparison of Full Buildout Total Annual Unmitigated Operational Emissions by Source for the Updated Analysis (2031) with the Draft SEIR (2025)* (pages 32–33). Table 14 presents the project’s operational emissions under full-buildout conditions and compares them to the emissions estimated in the Draft SEIR. As shown in the table, emissions of some pollutants increase (e.g., ROG emissions increase from 9.98 tons per year to 10.06 tons per year), while emissions of other pollutants decrease (e.g., NO<sub>x</sub> emissions decrease from 19.91 tons per year to 13.86 tons per year). The rationale for these changes in emissions levels is thoroughly discussed on pages 28–30 of the 2019 Recirculated Air Quality Analysis and in Response to Comment 13-14 above.

### **Comment 13-16**

*Page 10: How can a “CEQA-qualified” Climate Action Plan (CAP) adopted prior to the 2017 Climate Change Scoping Plan Update comply with the CO<sub>2</sub>e reductions as mandated by the 2017 plan?*

### **Response 13-16**

The comment appears to refer to the following statement on page 10 of the 2019 Recirculated GHG Analysis: “A so-called ‘CEQA-qualified’ GHG reduction plan, once adopted, can provide local governments with a streamlining tool for project-level environmental review of GHG emissions, provided there are adequate performance metrics for determining project consistency with the plan.”

However, page 10 of the 2019 Recirculated GHG Analysis does not refer to the City of Pleasanton CAP, or to any other CAP adopted before CARB prepared the 2017 Scoping Plan Update. For the CAP to be “CEQA-qualified” for 2030, it would have to demonstrate how the City would reduce emissions consistent with the SB 32 target referenced in the 2017 Scoping

Plan Update. As explained on page 17 of the 2019 Recirculated GHG Analysis, the City’s current CAP is a qualified GHG Reduction Strategy “for achieving the AB 32 target of 1990 emissions by the year 2020.” However, as stated on page 34, “compliance or consistency with the City of Pleasanton CAP in its current state does not represent a sufficient, stand-alone threshold for analyzing the GHG impacts of the project because it is not qualified out to 2030.”

Accordingly, the City’s current CAP is not “CEQA-qualified” for 2030, and therefore, does not chart a path to achieve the state’s 2030 targets at the City level. As such, the City’s CAP is not used to determine the project’s impact on GHG emissions at full buildout in 2031. See Response to Comment 1-11 for additional discussion.

### **Comment 13-17**

*Page 18, para, 2.4: Describe how the construction of the JDEDZ would hamper the ability to meet the existing CAP GHG reduction goals?*

### **Response 13-17**

Presumably the commenter is asking how the project’s *operations* would impede the ability of the City’s CAP to meet its GHG reduction targets.

As discussed in the 2019 Recirculated GHG Analysis, GHG emissions from the project were evaluated using the project’s consistency with state, regional, and local GHG reduction plans adopted by an agency through a public process to reduce GHG emissions. These plans include Executive Orders S-3-05 and B-30-15, the 2017 Scoping Plan Update, Plan Bay Area 2040, and the City’s CAP.

The 2019 Recirculated GHG Analysis demonstrates, based on substantial evidence, that the project is consistent with and would not impair or impede these plans (see pages 40–47). The analysis concludes that because the project would be consistent with the 2017 Scoping Plan Update, Plan Bay Area 2040, and the City of Pleasanton CAP, and would involve construction of many sustainability features (such as electric vehicle charging and rooftop solar photovoltaic panels), the project’s impact would be less than significant (page 46). See Response to Comment 1-11 for additional discussion.

The commenter may be asking for a description of how the project’s construction emissions would impede the City’s existing CAP. The 2019 Recirculated GHG Analysis estimates that construction emissions for the two phases of the project would total approximately 2,062 MTCO<sub>2</sub>e. Based on the revised GHG modeling described in Responses to Comments 1-9 and 2-2, total construction emissions would be 2,307 MTCO<sub>2</sub>e. Amortized over the 30-year expected life of the project, this results in emissions of approximately 77 MTCO<sub>2</sub>e per year, or 0.01 percent of the City’s total emissions in 2017 as measured by the recent update to the community GHG inventory (see Response to Comment 13-18).

Thus, construction emissions from the project would have a negligible effect on the City’s ability to meet the existing CAP’s GHG reduction goals for 2020, and would not hamper the City’s ability to meet its reduction goals.

**Comment 13-18**

*Page 18, para, 2.4: Provide an update on Pleasanton’s progress on meeting GHG reduction goals of the CAP.*

**Response 13-18**

This comment does not address the adequacy of the Draft SEIR, including the Partial Recirculated Draft SEIR. Nonetheless, the requested information is provided below.

After the 2019 Recirculated GHG Analysis was published in July 2019, the City of Pleasanton provided ESA with an updated community-wide GHG inventory for the City that was prepared for calendar year 2017, as part of a countywide effort led by East Bay Energy Watch (EBEW). The GHG inventory update for 2017 used modeling, source data, and quantification methods that differ somewhat from the 2005 inventory developed for the City’s 2011 CAP. The biggest differences are:

- EBEW’s lower estimate for residential electricity use;
- A lower Pacific Gas and Electric Company emissions factor for 2005;
- A lower VMT estimate based on data from the Metropolitan Transportation Commission, rather than from the use of customized modeling; and
- A different protocol for estimating wastewater treatment emissions that did not include consideration of methane-generating processes.

To allow for an “apples-to-apples” comparison with the 2017 inventory, EBEW re-quantified the City’s 2005 inventory using the same methodology. The table below summarizes the results of the EBEW inventory update and compares them to the CAP’s baseline inventory for 2005. The 2005 inventory as revised by EBEW shows lower emissions for all sectors except off-road transportation and the inclusion of electricity-related emissions from the BART system that were not accounted for previously.

**Table Comparing City of Pleasanton Community GHG Inventories (annual MT CO2e)**

Sector	2011 CAP	EBEW Update	
	2005	2005	2017
Energy	269,419	245,436	221,499
Transportation	402,891	386,963	329,615
BART	NA	1,710	2,648
Off-Road	25,410	31,663	48,813
Waste	38,826	35,497	29,131
Water and wastewater	34,264	5,860	3,742
<b>Total</b>	<b>770,809</b>	<b>707,129</b>	<b>635,450</b>

Comparing the results of the 2017 inventory with the EBEW inventory revision for 2005 indicates a citywide reduction in gross emissions of approximately 10 percent. This represents substantial progress toward meeting the CAP's 2020 reduction target of 15 percent below 2005 emissions. If the 2017 inventory is compared to the CAP's baseline 2005 inventory of 770,809 MTCO<sub>2</sub>e, the reduction is more than 17 percent, exceeding the CAP's 2020 target; however, as noted above, there is methodological inconsistency between the two inventories.

In 2017, the City assessed the implementation status of all 150 individual actions identified in the current CAP (the actions needed to reduce GHG emissions and meet the City's 2020 target). For example, the City noted that in accordance with Measure LU1-6, the City has rezoned key development sites near the BART station for high-density residential/mixed use, but the City has not developed a transit system master plan in accordance with Measure TR-11. As part of its 2017 assessment of CAP implementation, the City did not estimate the GHG emissions reductions associated with those actions.

### **Comment 13-19**

*Table 3: The Emissions Reductions Strategies are policies, not firm or approved plans, and speculative at best. Provide the basis for calculation of GHG reductions for each strategy, timeline for implementation, and approval process to implement each strategy.*

### **Response 13-19**

The commenter claims that the City's CAP strategies are not enforceable and speculative, and requests the basis for the calculation of each strategy's capacity to reduce GHG emissions.

This comment is not relevant to the analysis of the project's GHG emissions under CEQA. However, Table 3 of the 2019 Recirculated GHG Analysis summarizes the GHG emissions reductions as estimated by the City of Pleasanton CAP. In February 2012, the City Council approved and adopted the CAP as a policy document. In that same year, the City Council also certified the SEIR documents for the City's proposed Housing Element, CAP, and associated General Plan Amendment and rezonings. As such, the strategies identified in the CAP are policies to which the City has committed, and the City implements and enforces these policies in the same manner as the policies in its General Plan.

Included in the CAP for each CAP strategy are one or more supporting actions. The CAP's Monitoring and Implementation chapter lays out a timeline for implementation of the supporting actions. The strategies were quantified using a rigorous technical methodology with input from the City on strategy implementation. For the basis of emissions reduction estimates, see CAP Chapter 5, *Monitoring and Implementation*, which also shows a schedule of implementing actions; Appendix C, *Memorandum: Pleasanton Vehicle Miles of Travel with Climate Action Plan Implementation*; and Appendix D, *Cost-Benefit Analysis of GHG Reduction Measures*.

## **Comment 13-20**

*Table 3 and Chapter 2 Conclusion: How will current and future residential, commercial, and industrial growth affect the conclusion that CAP policies will offset GHG impacts of the JDEDZ?*

### **Response 13-20**

The commenter asks how future growth in Pleasanton is consistent with the claim that the City's CAP strategies will reduce GHG emissions associated with the project.

The CAP already takes into account current and future residential, commercial, and industrial growth (again, through 2020) in its analysis. The purpose of the GHG Technical Analysis is to analyze the potential cumulative significance of the project's anticipated GHG emissions in light of current and future residential, commercial, and industrial growth in the city.

As stated in the CAP (page 19), under a business-as-usual scenario, future emissions in Pleasanton are expected to increase by approximately 24.7 percent from 2005 to 2025 as a result of population and economic growth, as forecast for the City by the Association of Bay Area Governments. The City's business-as-usual forecast already includes new projects like the JDEDZ: New projects—including the JDEDZ—and associated socioeconomic growth are built into the models (such as the traffic models) used to forecast business-as-usual emissions.

Table 3 of the 2019 Recirculated GHG Analysis summarizes the annual GHG emissions reductions expected by 2020 with implementation of the City's CAP. Assuming the same population and economic growth as reflected in the business-as-usual scenario, the City expects total future emissions in 2020 to be reduced by more than 15 percent below 2005 levels with implementation of the CAP's policies (GHG reduction measures).

The CAP includes both state and local measures that will reduce the project's emissions and accounts for emissions associated with future residential, commercial and industrial growth in Pleasanton through 2020. The CAP also accounts for this growth in its analysis of GHG emissions reduction measures, and the achievement of its target for 2020. As such, the CAP accounted for projects such as the JDEDZ, provided that those projects would occur before the target year of 2020. Therefore, the CAP strategies reduce GHG emissions in the city in a programmatic fashion for all development. The CAP does not outline specific strategies for reducing emissions beyond 2020, nor does it set an emissions reduction target beyond 2020, although many of the CAP measures will continue to reduce emissions from both existing and new development well after the 2020 target year.

## **Comment 13-21**

*Page 22, Energy Use: SB 32 will require broad-based electrification of energy usage to achieve its carbon reduction goals. Cities in California such as Berkeley have already adopted policies for full electrification of all new construction. Simply complying with the Title 24 Energy Code will be inadequate. Please explain why the city has not required the JDEDZ to be designed as a non-natural gas, fully electric energy usage project.*

### **Response 13-21**

The commenter claims that SB 32 will require building electrification and that cities in California are already requiring this in their building codes.

The commenter's claim that Berkeley has adopted policies for full electrification of all new construction is misleading. It is true that Berkeley adopted an ordinance adding a new Chapter 12.80 to the Berkeley Municipal Code, prohibiting developers from obtaining entitlements for natural gas infrastructure, but the ordinance does not entirely prohibit natural gas for all new development. Berkeley's ordinance has a few exceptions and allows natural gas in certain building types:<sup>27</sup>

The effect of this legislation will be that builders will be prohibited from applying for entitlements that include gas infrastructure—gas piping to heat water, space, food, etc.—except for specific building type and systems that have not yet been modeled for all-electric design by the CEC [California Energy Commission]. Effective January, 2020, this restriction will apply to all currently modeled systems and will be implemented for each new system (e.g., central water heating) as the CEC completes its work for that type.

A project in Berkeley may contain building types (such as the Costco store and hotels as proposed for the JDEDZ) that the CEC has not yet modeled for all-electric design, and are thus exempt from the ordinance. The ordinance also makes an exception for projects that can demonstrate the infeasibility of all-electric design. Therefore, not all new building types may be required to be designed as fully electric buildings:

Notwithstanding BMC [Berkeley Municipal Code] 12.80.040.A, Natural Gas Infrastructure may be permitted in a Newly Constructed Building if the applicant for a Use Permit or Zoning Certificate required to construct the building establishes that it is not physically feasible to construct the building without Natural Gas Infrastructure. (BMC 12.80.040(B))

More importantly, the City of Pleasanton has not adopted a similar ordinance. New buildings in Pleasanton, such as those proposed as part of the project, are not required to be fully electric. Therefore, the project is not required to be fully electric.

The commenter also claims that compliance with Title 24 is not enough to meet the energy targets of SB 32. However, the commenter submits no evidence to support this claim.

In fact, the 2017 Scoping Plan Update includes many policies and programs to reduce emissions in the building energy sector. These include the Renewables Portfolio Standard, which requires Pacific Gas and Electric Company (the project's electricity supplier) to procure 60 percent of its electricity from qualified renewable sources by 2030; strengthening of California's Green

<sup>27</sup> Kate Harrison, Councilmember District 4, 2019, *Revised Agenda Material for Supplemental Packet 2: Adopt an Ordinance adding a new Chapter 12.80 to the Berkeley Municipal Code Prohibiting Natural Gas Infrastructure in New Buildings*, available at <https://www.berkeleyside.com/wp-content/uploads/2019/07/Item-C-Rev-Harrison.pdf>, accessed September 2019.

Building Standards Code; and CARB’s Green Buildings Strategy. These programs will further reduce emissions associated with the project’s electricity use.

In addition, the CEC adopted the 2019 Title 24, Part 6, Building Energy Efficiency Standards as a step toward Zero Net Energy buildings. The California Public Utilities Commission’s Energy Efficiency Strategic Plan identifies targets for energy savings, such as all new residential construction being zero net energy by 2020 and all new commercial construction being zero net energy by 2030. Specifically, the state has a target for all new commercial construction in California to be zero net energy by 2030. If this target is reflected in the building code, any building for the project that is permitted after the code goes into effect (potentially some Phase 2 buildings) would be required to be Zero Net Energy.<sup>28</sup>

As stated on pages 27–30 of the 2019 Recirculated GHG Analysis, numerous project design features would reduce the project’s energy demand and associated GHG emissions. The project would include:

- A rooftop solar photovoltaic system of at least 500 kilowatts on the Costco store;
- Rooftop solar photovoltaic systems on all other buildings, including the Phase 1 hotel(s) and retail space and the Phase 2 retail space; and
- Many energy efficiency and sustainability design features at the Costco store, including an energy management system, 10 electric vehicle charging stations, waste recycling and diversion of organics, water conservation systems, and shipping efficiencies.

These design features go beyond what is required by Title 24, as requested by the commenter.

Finally, the commenter’s assertion that the City should require the project to be fully electric is a matter of public policy, not a CEQA matter. The 2019 Recirculated GHG Analysis determined that the project’s GHG emissions would not have a significant effect on the environment (page 47). Therefore, under CEQA, mitigation measures are not required. CEQA does not require mitigation of impacts found to less than significant (CEQA Guidelines Section 1512.64[a][3]).

## **Comment 13-22**

*Page 34: What is the legal basis for the city to ignore SB 32 mandates for reducing GHG by 40% of 1990 levels by 2030?*

## **Response 13-22**

The commenter asks for the legal basis for the City to “ignore” the statewide GHG target of 40 percent below 1990 levels by 2030, pursuant to SB 32.

First, the City does not ignore the statewide target for 2030 established by SB 32. The 2019 Recirculated GHG Analysis determines the project’s GHG impacts based on a “consistency with

---

<sup>28</sup> California Public Utilities Commission, *Energy Efficiency Strategic Plan*, January 2011 Update, available at <https://www.cpuc.ca.gov/General.aspx?id=4125>.

plans” significance threshold. One of the plans analyzed for consistency is the 2017 Scoping Plan Update, which is the statewide strategy for achieving the 2030 emissions reduction target of 40 percent below 1990 levels. As stated in the 2019 Recirculated GHG Analysis (pages 9–10):

In response to SB 32 and the 2030 GHG reduction target, CARB approved the 2017 Climate Change Scoping Plan Update (2017 Scoping Plan Update) in December 2017.<sup>25</sup> The 2017 Scoping Plan Update outlines the proposed framework of action for achieving the 2030 GHG target of 40 percent reduction in GHG emissions relative to 1990 levels (CARB, 2017)...The 2017 Scoping Plan Update’s strategy for meeting the State’s 2030 GHG target incorporates the full range of legislative actions and state-developed plans that have relevance to the year 2030.

Therefore, consistency with the 2017 Scoping Plan Update is a metric by which the project can demonstrate its fair-share GHG emissions reductions to the statewide target for 2030 under SB 32. The Draft SEIR does not ignore SB 32 or its targets.

The commenter seems to imply that SB 32’s requirement to reduce statewide emissions to a 40 percent reduction below 1990 levels represents a project-level threshold. For one thing, “1990 levels” for the project does not make logical sense, because the project did not exist in 1990 and will not exist in its complete form until after 2030.

In addition, a 40 percent reduction beyond 1990 levels for the project assumes that the statewide goal scales down to individual projects. This assumption does not consider the state’s strategy to meet that target, the 2017 Scoping Plan Update, which has a wide variety of emissions reduction programs across many different sectors, each contributing a different GHG reduction quantity toward the target. For example, the reductions needed from the energy sector are not equivalent to the reductions needed from the transportation sector, nor are the reductions needed from the commercial sector equivalent to the reductions needed from the residential and industrial sectors. Therefore, the statewide target cannot be applied directly to the project level.

Further, under CEQA, individual projects are only required to mitigate a fair share of their impact, which a net-zero or net-negative emissions threshold would exceed. According to the Governor’s Office of Planning and Research’s *Final Statement of Reasons for Senate Bill 97 Revisions to the CEQA Guidelines* in December 2010:<sup>29</sup>

Notably, nothing in either AB32 or SB97 requires a finding of significance for any particular level of increase in greenhouse gas emissions. AB32, and regulations implementing that statute, will require reductions in emissions from certain sectors in the economy, but do not preclude new emissions. Moreover, as explained in the Initial Statement of Reasons, the proposed amendments do not establish a zero emissions

<sup>29</sup> California Natural Resources Agency, December 2009, *Final Statement of Reasons for Regulatory Action Amendments to the State CEQA Guidelines Addressing Analysis and Mitigation of Greenhouse Gas Emissions Pursuant to SB97*, available at [http://resources.ca.gov/ceqa/docs/Final\\_Statement\\_of\\_Reasons.pdf](http://resources.ca.gov/ceqa/docs/Final_Statement_of_Reasons.pdf), accessed September 2019.

threshold of significance because “there is no ‘one molecule rule’ in CEQA. (CBE, *supra*, 103 Cal.App.4th at 120.)”

Finally, the City was not required and did not set out to prove that the project would meet the statewide numerical emissions reductions goal for 2030. Instead, the City exercised its proper discretion under CEQA by choosing a significance threshold that asks whether the project would impair or impede the state, regional, and local plans and policies implemented to collectively help achieve the statewide targets for 2030. This threshold of significance fully complies with CEQA and is supported by case law.

The 2019 Recirculated GHG Analysis clearly demonstrated, based on substantial evidence, that the project was consistent with and would not impair or impede these plans. See Response to Comment 1-11 for additional discussion on this point.

### **Comment 13-23**

*Page 35: What is the legal basis for the city to ignore BAAQMD existing emissions efficiency thresholds?*

### **Response 13-23**

The commenter asks for the legal basis for the City to not use the current BAAQMD efficiency thresholds for GHG emissions for land use projects.

First and foremost, the Draft SEIR does not ignore BAAQMD’s existing efficiency thresholds. Rather, the Draft SEIR explains that the BAAQMD thresholds only address emissions up to 2020, while the project would be built out after 2020, so the Draft SEIR properly uses a threshold based on consistency with applicable plans and programs.

Furthermore, the City, as lead agency, has discretion to select its own threshold of significance for each project under CEQA review. CEQA grants lead agencies discretion to choose thresholds of significance, and such thresholds may be developed on a case-by-case basis for use in EIRs without formal adoption. (*Save Cayuma Valley v. County of Santa Barbara* [2013] 213 Cal.App.4th 1059, 1068 [formal adoption of project-specific thresholds is not required]; *Oakland Heritage Alliance v. City of Oakland* [2011] 195 Cal.App.4th 884, 896 [Section 15064.7 “does not require a public agency to adopt significance thresholds ... and it does not forbid an agency to rely on standards developed for a particular project”].) BAAQMD’s GHG thresholds are merely advisory, and the City has the authority to choose a different threshold so long as it is supported by substantial evidence. Specifically, BAAQMD states the following in its CEQA Guidelines (page 1-1):

The Guidelines are intended to help lead agencies navigate through the CEQA process. The Guidelines for implementation of the Thresholds are for information purposes only to assist local agencies. ***Recommendations in the Guidelines are advisory and should be followed by local governments at their own discretion. These Guidelines may inform environmental review for development projects in the Bay Area, but do not commit***

*local governments or the Air District to any specific course of regulatory action.* The Guidelines offer step-by-step procedures for a thorough environmental impact analysis of adverse air emissions due to land development in the Bay Area. [Emphasis added]

Phase 1 of the project would not be completed until 2021, with full buildout scheduled for 2031. As explained in the 2019 Recirculated GHG Analysis (page 35), BAAQMD's existing GHG thresholds are tied directly to AB 32 and the state's 2020 target:

...the BAAQMD efficiency threshold (4.6 MT of CO<sub>2</sub>e per service population) was calculated by dividing the AB 32 GHG reduction target for land use development emissions in California by the estimated 2020 population and employment level. The BAAQMD efficiency threshold is tied directly to AB 32 and statewide emissions reduction goals for 2020.

As described by BAAQMD in its thresholds justification document:<sup>30</sup>

Staff recommends setting GHG significance thresholds based on AB 32 GHG emission reduction goals while taking into consideration emission reduction strategies outlined in ARB's [CARB's] Scoping Plan. Staff proposes two quantitative thresholds for land use projects: a bright line threshold based on a "gap" analysis and an efficiency threshold based on emission levels required to be met in order to achieve AB 32 goals.

... GHG efficiency metrics can also be utilized as thresholds to assess the GHG efficiency of a project on a per capita basis (residential only projects) or on a "service population" basis (the sum of the number of jobs and the number of residents provided by a project) such that the project will allow for consistency with the goals of AB 32 (i.e., 1990 GHG emissions levels by 2020).

As such, BAAQMD's GHG efficiency thresholds are based on the statewide target for the year 2020 as mandated by AB 32 and the initial Scoping Plan. Therefore, the GHG efficiency thresholds do not address the statewide emissions target mandated by SB 32 for 2030. Further, BAAQMD acknowledges the evolution of these thresholds over time as CARB develops new plans and programs for the state to reduce GHG emissions:

GHG CEQA significance thresholds recommended herein are intended to serve as interim levels during the implementation of the AB 32 Scoping Plan and SB 375, which will occur over time. Until AB 32 has been fully implemented in terms of adopted regulations, incentives, and programs and until SB 375 required plans have been fully adopted, or the California Air Resources Board (ARB) adopts a recommended threshold, the BAAQMD recommends that local agencies in the Bay Area apply the GHG thresholds recommended herein.

<sup>30</sup> BAAQMD, *California Environmental Quality Act Air Quality Guidelines*, updated May 2017, Appendix D, *Thresholds of Significance Justification*, June 2, 2010, available at [http://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa\\_guidelines\\_may2017-pdf.pdf?la=en](http://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en), accessed September 2019.

... As stated previously and below, staff anticipates that significance thresholds (rebuttable presumptions of significance at the project level) will function on an interim basis only until adequate programmatic approaches are in place at the city, county, and regional level that will allow the CEQA streamlining of individual projects. (See State CEQA Guidelines §15183.5 [“Tiering and Streamlining the Analysis of Greenhouse Gas Emissions”].)

Because the project would be built out well after 2020, BAAQMD’s efficiency thresholds for achieving the statewide target for 2020 are not appropriate for evaluating the significance of the project’s operational GHG emissions.

Further, recent case law invalidated the use of efficiency metrics derived from statewide targets. As stated in the 2019 Recirculated GHG Analysis (page 35):

In addition, it should be noted that pursuant to *Golden Door Properties v County of San Diego* (2018), use of the efficiency threshold would require BAAQMD to provide substantial evidence establishing a relationship between the statewide data used to derive the 4.6 MT per person threshold and the threshold’s applicability to the San Francisco Bay Area and to various types of projects.

In this ruling, the Court of Appeal invalidated the County of San Diego’s GHG efficiency threshold because it represented a statewide metric without providing substantial evidence that it accounted for San Diego County’s land use characteristics and demonstrated how the county’s compliance with this threshold would specifically support statewide climate goals:

The Efficiency Metric, which relies on statewide standards, must be justified by substantial evidence to explain why it is sufficient for use in projects in San Diego County... as noted by the trial court, the service population number relies on statewide service population and GHG inventory data; it does not address San Diego County specifically, and it does not explain why using statewide data is appropriate for setting the metric for San Diego County. Additionally, the Efficiency Metric “allows the threshold to be applied evenly to most project types,” but it does not account for variations between different types of development; nor does it explain why the per person limit would be appropriately evenly applied despite project differences. Without substantial evidence explaining why statewide GHG reduction levels would be properly used in this context, the County fails to comply with CEQA Guidelines. (See § 15064.7, subd. (c); see also Biological Diversity, *supra*, 62 Cal.4th at p. 227.)

BAAQMD’s GHG efficiency threshold is derived directly from state metrics; the metric of 4.6 MTCO<sub>2</sub>e/SP is simply equal to the statewide land use emissions target for 2020 under AB 32 divided by statewide service population estimates for 2020. This efficiency threshold does not consider the local land use profile, building characteristics, distribution of emissions sources, or new development project types in the Bay Area. As such, it may no longer be a defensible threshold for GHG emissions impacts under CEQA.

Finally, BAAQMD’s GHG efficiency threshold unfairly penalizes retail and service projects: The “service population” denominator of the efficiency equation includes only project employees, while the “emissions” numerator includes emissions from countless residential customers who frequent the project site. Applying BAAQMD’s GHG efficiency threshold would cause virtually any retail project to have a significant and unavoidable GHG impact. This result is not reasonable, particularly because retail projects, in and of themselves, do not increase population, do not substantially increase employment, and do not necessarily result in an increase in overall demand for goods sold. For example, if the project’s Costco store and gas station were not built, people would shop for their groceries and home goods and buy gasoline at other locations. As stated on page 35 of the 2019 Recirculated GHG Analysis:

Furthermore, its service population basis as defined by BAAQMD penalizes retail projects, like the Johnson Drive Economic Development Zone, which are located in close proximity to existing residential development, but do not include those residents in the service population metric. Customers of retail projects generate trips (and related emissions) that must be included in a project’s emissions inventory, but the customers themselves are not counted in the service population denominator.

Instead of BAAQMD’s efficiency threshold, the 2019 Recirculated GHG Analysis used a “consistency with plans” approach to determine whether the project’s GHG emissions would have a significant impact on the environment, as permitted under CEQA Guidelines Section 15064.4 and Supreme Court precedent. See Response to Comment 1-5 for the rationale behind this approach.

### **Comment 13-24**

*Page 35-36: I would challenge the assertion that the project “would not have a significant effect on the environment” based on the convoluted and illogical arguments presented on page 35 and 36. This appears to be a manipulation of existing environmental law to benefit Costco and the project. Please provide a legal analysis and peer-reviewed interpretation of the arguments made on these pages for this finding.*

### **Response 13-24**

See Responses to Comments 13-22, 13-23, and 1-11.

### **Comment 13-25**

*Table 6: What percentage is the full JDEDZ buildout of 15 million tons annually of GHG emission to the total retail and overall total emissions in the city? How does this increase compare to annual GHG reductions goals in the city as required by the CAP?*

### **Response 13-25**

The commenter asks what the full buildout of the project represents as a percentage of total citywide GHG emissions and how the project’s GHG emissions compare to the CAP’s GHG reduction targets.

As indicated in Table 6 of the 2019 Recirculated GHG Analysis, full buildout of the project in 2031 is estimated to result in 15,617 metric tons of GHG emissions annually, not 15 million tons as suggested by the commenter. Based on the revised GHG modeling described in Responses to Comments 1-9 and 2-2, full buildout of the project in 2031 is estimated to result in 16,258 MTCO<sub>2e</sub> annually. When compared to total citywide emissions of 635,450 MTCO<sub>2e</sub> in 2017, the project's 2031 full-buildout emissions represent approximately 2.5 percent of Pleasanton's total emissions.

The citywide emissions estimate for 2017 represents an updated community-wide GHG inventory for the City that was prepared in 2018 as part of a countywide effort initiated by East Bay Energy Watch, or EBEW. The inventory update used modeling and quantification methods that differ slightly from the 2005 inventory that was developed for the City's 2011 CAP. For that reason, the City's 2005 inventory was re-quantified, using the same methodology to allow for an apples-to-apples comparison with the 2017 inventory. For a summary of the results of the EBEW inventory update and a comparison to the CAP baseline inventory for 2005, see the table provided in Response to Comment 13-18.

One important caveat to this comparison is that the GHG emissions estimated for the project rely on some different models and methods than were used by EBEW to estimate citywide emissions in 2017. For example, the project's GHG emissions are based on the CalEEMod model, while the EBEW inventory does not use CalEEMod. In addition, full-buildout project emissions represent emissions in the year 2031, while the citywide inventory is for the year 2017. Emissions factors change over time, so the comparison is imperfect. The City's CAP estimated that 2025 business-as-usual emissions in Pleasanton would be 1,032,990 MTCO<sub>2e</sub>, which is 63 percent higher than the 2017 estimate. Therefore, when compared to the 2025 business-as-usual forecast for Pleasanton, the project's 2031 full-buildout emissions represent approximately 1.5 percent.

The City's CAP requires a 15 percent reduction in emissions from 2005 levels. Using the results of the new EBEW inventory, this equates to a 2020 target of 601,060 MTCO<sub>2e</sub>, and an average annual reduction of 7,071 MTCO<sub>2e</sub>.

It should be emphasized, however, that some (and perhaps most) of the emissions associated with the project will likely occur regardless of whether the project is developed, and that quantifying project emissions as a percentage of the City's total is not a straightforward exercise. As shown in Table 6 of the 2019 Recirculated GHG Analysis, 11,141 MTCO<sub>2e</sub> of the 15,617 MTCO<sub>2e</sub> associated with the project at full buildout are attributable to traffic trips, such as customer trips. As explained on page 46, footnote 75, of the 2019 Recirculated GHG Analysis: "In reality, the presence of a new Costco store, for example, is likely to result in some redistribution of customer travel to and from existing Costco stores, meaning that the analysis is conservative and likely overstates both total vehicle miles traveled and also GHG emissions."

Total GHG emissions, whether regional or global, are largely a function of population growth and the types of activities in which that population engages. Vehicle travel and other types of fuel and energy consumption play the primary role in the generation of cumulative GHG emissions. Thus, strategies for reducing such emissions focus on changing behaviors, such as improving transit opportunities and discouraging individual trips (for example, by building in higher densities near

transit and discouraging urban sprawl that tends to add to VMT). Emissions reduction strategies also focus on reducing the emissions produced from such fuel and energy consumption. Examples include requiring automakers to build greener cars and by relying on greener energy sources, such as solar.

All of this is to say that development of the project would have little actual impact on GHG emissions reduction strategies and goals in Pleasanton and a less-than-significant impact under CEQA. The Draft SEIR analyzes the GHG impacts of the project to the extent feasible, using standard environmental analytical methods recommended in BAAQMD's CEQA Guidelines. However, it would be infeasible and speculative to try to accurately measure the percentage of actual GHG emissions in the city that would result from the project. Indeed, it is unknown whether developing the project would have a net positive or negative impact in terms of reducing otherwise longer trips by future Costco customers and hotel guests. This is especially relevant given the infill nature of the project, which would conveniently locate these businesses in a central commercial area immediately accessible to two major freeways.

Whatever the incremental percentage of citywide emissions the project would represent, the project would not have a significant adverse impact related to GHG emissions, as explained in the 2019 Recirculated GHG Analysis.

### **Comment 13-26**

*Page 40: Provide the legal basis and criteria for using a "qualitative" analysis when sufficient data exists to perform a "quantitative" analysis?*

### **Response 13-26**

See Responses to Comments 13-22, 13-23, 13-25, and 1-11.

### **Comment 13-27**

*Page 40, bottom of page: Same comment as #7 and #8 (13-#22 and #23).*

### **Response 13-27**

See Responses to Comments 13-22, 13-23, 13-25, and 1-11.

### **Comment 13-28**

*Page 41: Please elaborate on the logic that a project that creates 15 million tons of GHG emissions per year helps meet and is consistent with the 2017 Scoping Plan update. Explain how this is not an inversion of the intent of California law to reduce GHG emissions.*

### **Response 13-28**

The commenter requests additional explanation about why the project can produce GHG emissions and still be consistent with the 2017 Scoping Plan Update. As indicated in Table 6 of

the 2019 Recirculated GHG Analysis, full buildout of the project is estimated to result in 15,617 metric tons of GHG emissions annually, not 15 million tons as suggested by the commenter.

With regard to the consistency of the project with the 2017 Scoping Plan Update, the 2019 Recirculated GHG Analysis thoroughly demonstrated the project's consistency with state climate goals and the 2017 Scoping Plan (pages 40–43). See Response to Comment 1-11 for additional discussion.

The 2017 Scoping Plan Update does not require or presume that new development will generate zero GHG emissions, nor does it require or presume that new development will reduce emissions compared to existing conditions. The statewide target for 2030 (SB 32) represents a reduction in emissions *compared to 1990 statewide levels*, not negative emissions for new development. The 2017 Scoping Plan Update allows for growth in the state, and further allows this growth to generate new emissions. In addition, the statewide target for 2030 (and even for 2050) is not a zero GHG emissions target. As stated by the Governor's Office of Planning and Research, "AB32, and regulations implementing that statute, will require reductions in emissions from certain sectors in the economy, but do not preclude new emissions."<sup>31</sup>

See also Response to Comment 13-22 for additional discussion regarding the state's target for 2030 as it applies to the project.

### **Comment 13-29**

*Table 7: Please provide similar information of how the JDEDZ is consistent or inconsistent with the General Plan Sustainability policies and goals.*

### **Response 13-29**

The commenter asks for an analysis of the project's consistency with the sustainability policies in the City's General Plan.

As discussed in the Draft SEIR, the project is consistent with the City's General Plan. In addition, the CAP on page 3 states, "The measures presented in Chapter 3 of this Climate Action Plan are consistent with the goals and strategies included in the General Plan." The updates to the project description associated with the Partial Recirculated Draft SEIR materials do not change this finding. As such, the project remains consistent with the General Plan. See pages 4.B-11 through 4.B-12 of the 2015 Draft SEIR for a discussion of air quality– and GHG-related goals, policies, and programs in the General Plan that apply to the project.

A full examination of General Plan consistency is beyond the scope of a GHG technical report. The City's staff report for the proposed project will assess General Plan consistency. However, it

---

<sup>31</sup> California Natural Resources Agency, 2009, *Final Statement of Reasons for Regulatory Action Amendments to the State CEQA Guidelines Addressing Analysis and Mitigation of Greenhouse Gas Emissions Pursuant to SB97*, [http://resources.ca.gov/ceqa/docs/Final\\_Statement\\_of\\_Reasons.pdf](http://resources.ca.gov/ceqa/docs/Final_Statement_of_Reasons.pdf), accessed September 2019.

is noted that the Land Use Element of the General Plan states the following with respect to sustainability:

As stated in the General Plan Vision, the City of Pleasanton embraces the concept of sustainable development. A sustainable city strives to draw from the environment only those resources that are necessary and that can be used or recycled perpetually, or returned to the environment in a form that nature can use to generate more resources. Relating the concept of sustainability to land use includes encouraging infill development and planning the city such that its layout would increase walking and bicycle riding, and minimize vehicle-miles traveled and energy usage. In addition, the City is committed to constructing new public facilities using “green-building” practices that would reduce energy usage, as well as requiring that new residential and commercial land uses do the same. The concept of sustainability also relates to the economic and fiscal sustainability of the City. This chapter seeks to ensure that land-use policies and the Land Use Map provide support for fiscal and economic sustainability.

Accordingly, a project that is generally consistent with the General Plan may be considered generally consistent with the plan’s sustainability policies. It is further noted that the project would be fully or largely consistent with the following sustainability policies and programs in the Land Use Element:

**Goal 1, Policy 1: Integrate energy efficiency, energy conservation, and energy self-sufficiency measures into land-use planning.** The project would be consistent with this policy by developing energy-efficient, energy-conserving buildings.

- **Program 1.2: When reviewing development projects (especially in areas where there is likely to be the most change and the greatest impact can be made), consider how the following will impact energy use: density, neighborhood design, proximity to transit, proximity to shopping/employment, walkability, street layout, and construction techniques (Green Building). Develop new measures of sustainability based on these factors and adopt minimum sustainability scores for typical projects.** The project would be generally consistent with this program because it would be developed close to the BART station, would be transit-accessible from the BART station and by connecting bus service, and would be constructed as energy-efficient, energy-conserving buildings.
- **Program 1.5: Support more locally-serving shopping opportunities in neighborhoods so that people do not have to drive far to purchase goods.** The project would be generally consistent with this program because it would provide more shopping opportunities for Pleasanton residents.
- **Program 2.1: Reduce the need for vehicular traffic by locating employment, residential, and service activities close together, and plan development so it is easily accessible by transit, bicycle, and on foot.** The project would be generally consistent with this program because it would provide additional retail shopping opportunities near existing residential neighborhoods. These shopping opportunities would also be readily accessible to other nearby residents of Pleasanton and elsewhere. As noted above, the

project would be developed close to the BART station and would be transit-accessible from the BART station and by connecting bus service.

- **Program 2.2: Encourage the reuse of vacant and underutilized parcels and buildings within existing urban areas.** The project would be generally consistent with this program because Phase 1 of the project would redevelop a currently vacant site that was previously developed with an employment-generating use.
- **Program 2.5: Assure that new major commercial, office, and institutional centers are adequately served by transit and by pedestrian and bicycle facilities.** The project would be generally consistent with this program because, as noted above, it would be developed close to the BART station and would be transit-accessible from the BART station and by connecting bus service. In addition, the project would include a sidewalk along the entire eastern frontage of Johnson Drive from Stoneridge Drive north to Club Sport Pleasanton; this area would include the entire Costco and hotel frontages. The project would also be required to include improvements for bicycle facilities in the project area along the Zone 7 canal.

**Goal 1, Policy 3: When setting land-use policy and when reviewing potential development proposals, make minimizing energy use and impacts on the environment important considerations.** The project would be consistent with this policy because, as noted above, it would develop energy-efficient, energy-conserving buildings.

See also Response to Comment 13-25.

### **Comment 13-30**

*Page 46, Conclusion: The city seems to be basing their judgement of the effects of GHG emissions compared to that of global GHG emissions and global climate change. It is precisely the cumulative impacts of thousands of projects just like this one (and other activities) that have created global climate change. Identify the CEQA provision that permits an evaluation of project GHG emissions significance compared to global GHG emissions.*

### **Response 13-30**

The commenter asserts that the 2019 Recirculated GHG Analysis seems to base its significance determination for the project by comparing project-related GHG emissions with global GHG emissions.

This statement is incorrect. Nowhere does the 2019 Recirculated GHG Analysis compare the project's GHG emissions with global GHG emissions; the analysis only presents the state of California GHG emissions for 2016, in Section 1.3, *Environmental Setting* (Table 1, page 4). Thus, the commenter is incorrect in their assertion that the 2019 Recirculated GHG Analysis determines the significance of the project's GHG impact based on a comparison of project-related GHG emissions with global GHG emissions.

As discussed at length above in Responses to Comments 1-11, 13-22, 13-23, and 13-25, the City exercised its discretion as a lead agency under CEQA to select a threshold of significance for the project's GHG emissions. In this case, the threshold is the project's consistency with state, regional, or local GHG emissions reduction plans adopted by an agency through a public process to reduce GHG emissions. These plans include Executive Orders S-3-05 and B-30-15, the 2017 Scoping Plan Update, Plan Bay Area 2040, and the City's CAP. The 2019 Recirculated GHG Analysis demonstrates, based on substantial evidence, that the project was consistent with and would not impair or impede these plans (see pages 40–47 of the 2019 Recirculated GHG Analysis).

The commenter is correct that the “Conclusion” section of the 2019 Recirculated GHG Analysis notes that the project's contribution to GHG emissions is negligible when compared to global GHG emissions. However, the text also states that no individual project by itself would “generate enough GHG emissions on its own to significantly influence global climate change, given the worldwide scope of GHG emissions” (2019 Recirculated GHG Analysis, page 46). This is consistent with the BAAQMD CEQA Guidelines, which states, “No single project could generate enough GHG emissions to noticeably change the global average temperature.”<sup>32</sup>

Unlike the commenter's assertion, however, the “Conclusion” section does not make a determination of significance based on the comparison to global emissions. Instead, the 2019 Recirculated GHG Analysis concludes that because the project would be consistent with the 2017 Scoping Plan Update, Plan Bay Area 2040, and the City's CAP, and would involve construction of many sustainability features (e.g., electric vehicle charging and rooftop solar photovoltaic panels), the project's impact would be less than significant (2019 Recirculated GHG Analysis, page 46). Again, the Draft SEIR does not base its conclusion on the comparison to global GHG emissions, and CEQA does not require that it do so.

The commenter also states that it is the cumulative impacts of “thousands of projects” and other activities that have created climate change. This has some basis in fact, because climate change is the result of the cumulative activities of human civilization since the Industrial Revolution. The BAAQMD CEQA Guidelines state, “The combination of GHG emissions from past, present, and future projects contribute substantially to the phenomenon of global climate change and its associated environmental impacts.”<sup>33</sup>

As explained in the 2019 Recirculated GHG Analysis, GHG emissions are cumulative by nature and should be analyzed as such. The California Natural Resources Agency has also clarified that the amended CEQA Guidelines focus on the effects of GHG emissions as cumulative impacts, and that they should be analyzed in the context of CEQA's requirements for cumulative impact

---

<sup>32</sup> BAAQMD, *California Environmental Quality Act Air Quality Guidelines*, updated May 2017, available at [http://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa\\_guidelines\\_may2017-pdf.pdf?la=en](http://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en), accessed September 2019.

<sup>33</sup> *Ibid.*

analysis (see Section 15064[h][3]).<sup>34</sup> However, the mere presence of a cumulative effect does not mean that the project has a cumulatively considerable contribution: “The mere existence of significant cumulative impacts caused by other projects alone shall not constitute substantial evidence that the project’s incremental effects are cumulatively considerable” (CEQA Guidelines Section 15064[h][4]).

The Draft SEIR therefore correctly evaluates the project and cumulative GHG impact of the project in light of emissions from other projects and human activities. As stated in the CEQA Guidelines, the presence of GHG emissions from other projects and activities does not constitute substantial evidence that the project’s contribution to GHG emissions is cumulatively considerable.

Therefore, the project may produce new GHG emissions, despite cumulative conditions, and may still be considered to have a less-than-significant cumulative impact. The 2019 Recirculated GHG Analysis makes this conclusion and supports it with substantial evidence (see 2019 Recirculated GHG Analysis pages 37–47). See also Response to Comment 13-25.

### **Comment 13-31**

*The Economic Analysis was performed in 2016 prior to the planning and construction of new retail and other projects in the Tri Valley. Please update the assumptions for newly constructed or planned projects, including the new IKEA in Dublin, not included in the 2016 analysis and reevaluate the economic impacts of Costco.*

### **Response 13-31**

The commenter states that the economic analysis was performed in 2016, before planning and construction of new retail and other projects in the Tri-Valley area. The commenter requests that the assumptions be updated to reflect newly constructed or planned projects that were not included in the 2016 analysis and that the economic impacts of Costco be reevaluated.

The City does not believe that revising the economic impact analysis is warranted, and the commenter provides no basis to require that the analysis be updated. As explained in Response to Comment 2-8, the impacts of the proposed project on the area’s existing retail would be limited. The comment offers no evidence that this conclusion would change, given that only three years have passed and the Tri-Valley area’s economy is generally robust.

---

<sup>34</sup> California Natural Resources Agency, December 2009, *Final Statement of Reasons for Regulatory Action Amendments to the State CEQA Guidelines Addressing Analysis and Mitigation of Greenhouse Gas Emissions Pursuant to SB97*, pages 20–26, available at [http://resources.ca.gov/ceqa/docs/Final\\_Statement\\_of\\_Reasons.pdf](http://resources.ca.gov/ceqa/docs/Final_Statement_of_Reasons.pdf), accessed September 2019.

## Letter 14 – Dorinda Wong

### Comment 14-1

*I understand that Pleasanton wants and needs revenue. From the surface at a global level, our neighboring cities, especially Dublin, seem to have captured a greater share of revenue, sales tax, etc. than our city. Regardless, Pleasanton needs to be diligent about studying the effects of a Costco in the proposed location. In my opinion, the city planners have made decisions that I didn't consider optimal, for example:*

- 1. Why does Pleasanton need to 2 Ranch 99 stores in Pleasanton? Did another Japanese or Korean store request to be at the Pacific Pearl? Did the city think of diversifying the options so that we had a Chinese grocery store and a Japanese or Korean grocery store? Now, we have 2 Chinese grocery stores plus there is a Ranch 99 in Dublin.*
- 2. Why did Pleasanton let 24 Hr Fitness have a Pleasanton location without adequate parking? This caused havoc for the surrounding businesses. The surrounding businesses put up signs to prevent 24 Hr members from encroaching on their parking lot. I was a member of 24 and drove to the 24 in San Ramon simply because of the parking issue.*
- 3. Why did Pleasanton decide to narrow Owen Drive in front of the BART station? Was there a more holistic way of approaching this? Traffic approaching the BART Station and driving to the Hacienda Drive 580 on ramp is challenging.*
- 4. Why did Pleasanton let Chick-Fil-A build in that cramped corner off Hopyard & 580? Cars wind unsafely waiting for service.*

### Response 14-1

The comments in this letter do not address the analysis contained in the Partial Recirculated Draft SEIR. The traffic analysis, associated project traffic report, and traffic mitigation measures are located in the Draft SEIR released for public comment in 2015 and available on the City's website.

These comments do not address the adequacy or accuracy of the Draft SEIR, including the Partial Recirculated Draft SEIR, and do not address potential physical environmental effects of the proposed project. Therefore, no response is required. The comments will be considered by the decision-makers in their deliberations regarding the proposed project.

### Comment 14-2

*I think we need to exercise greater scrutiny for the building of a Costco in Pleasanton. I am sure the city has already done traffic pattern studies of congestion for every minute of every day of the work week and the weekend PLUS environmental impact studies have been done. Maybe an internal evaluation is not as objective as it can be ... maybe the data needs to be assessed or re-assessed by an objective party. In addition to that, does the Tri-Valley area need another Costco within this 20 mile radius, 2 Costcos are more than sufficient.*

### **Response 14-2**

The comment suggests that more analysis should be undertaken for the proposed project, including further traffic analysis. The comment does not explicitly address the adequacy or accuracy of the Draft SEIR, including the Partial Recirculated Draft SEIR. See Response to Comment 3-1 regarding the traffic analysis previously completed for the project and included in the Draft SEIR.

**Note to the reader:** Other comments in this letter do not address the adequacy or accuracy of the Draft SEIR, including the Partial Recirculated Draft SEIR, and do not address the potential physical environmental effects of the proposed project. Therefore, no response is required. The comments will be considered by the decision-makers in their deliberations regarding the proposed project.

### **Other Letters**

The City received approximately 280 additional letters during the public comment period that did not offer comments regarding environmental issues, but merely expressed support for or opposition to the proposed project. (Three other letters expressed no opinion, but only inquired regarding processes for environmental review or project consideration for approval.) Of all the letters received, some 85 percent expressed support for the project, while 14 percent expressed opposition. All comment letters are included in the public record for this project and will be provided to the decision-makers for their consideration.

## CHAPTER 4

---

# Summary of Changes to the Partial Recirculated Draft SEIR

To provide a complete response to a number of public comments as presented in Chapter 3 of this Response to Comments document, notably Comments 1-9 and 2-2, the City has updated the emissions modeling for the project. The updated modeling (shown in Appendix B of this document) affects the results of the Partial Recirculated Draft SEIR, specifically the results presented in the Health Risk Assessment (January 2019); the Updated Air Quality Analysis Technical Memorandum—Criteria Pollutant Emissions Analysis (July 2019); the Greenhouse Gas Technical Analysis (July 2019); and the Energy Analysis Technical Memorandum (July 2019).

No new significant impacts are identified as a result of the updated modeling for any environmental topic analyzed in the Partial Recirculated Draft SEIR: air quality (including health risk), greenhouse gas emissions, or energy use. In addition, one impact identified in the Partial Recirculated Draft SEIR as significant, emissions of reactive organic gases (ROG) from Phase 1 operations in 2021, has been reduced to less than significant as a result of the updated modeling. As such, Mitigation Measure M-AQ-2, *Low-VOC Architectural Coatings*, from the 2019 Recirculated Air Quality Analysis is no longer required and has been eliminated from the Partial Recirculated Draft SEIR.

The updated modeling includes revisions to both Phase 2 construction and operational activities. For Phase 2 construction, the revised modeling includes:

- Additional demolition debris removal truck trips and on-site demolition debris material processing and demolition equipment;
- Additional off-road equipment and on-road haul and vendor truck trips for the construction of 53,363 square feet of retail uses that was not previously assumed;<sup>1</sup> and
- Additional architectural coating emissions associated with this new square footage.

---

<sup>1</sup> Construction-related emissions for this retail square footage were inadvertently not previously included because this space was not considered net new to the project site. However, because this retail space (with floor area adjusted to account for the correct total per the 2015–16 SEIR transportation and air quality analyses) would be demolished and reconstructed as part of the project, demolition and construction emissions for this space are included in the revised emissions modeling reported herein.

For operations, the revised modeling includes:

- Emissions from 27,550 square feet of existing light industrial uses and 53,363 square feet of existing retail uses during full buildout;
- Annual gas station throughput of 24 million gallons;
- Revised emissions factors for fugitive emissions of ROG from gas station operations to reflect current emissions controls for gas station refueling as required by the California Air Resources Board;
- Updated consumer product emissions for all land uses; and
- Updated delivery truck trips associated with the square footage changes and gas station throughput identified above.

For the health risk assessment, a new on-site worker receptor was placed at the existing Dublin San Ramon Services District building at 7035 Commerce Circle (the 27,550 square feet of light industrial uses that would remain with the project).

The results of the new modeling are presented in Appendix B, *Revised Emissions Results Tables*, and discussed in the responses to comments in Chapter 3 of this document. Revised results include:

- Phase 2 (2030) construction criteria pollutant emissions, greenhouse gas emissions, and energy use;
- Phase 1 (2021) and full-buildout (2031) operational criteria pollutant emissions, greenhouse gas emissions, and energy use;
- Existing-condition (2018) emissions of criteria pollutants and greenhouse gases; and
- Project-level and cumulative health risks associated with toxic air contaminant emissions from both construction and operations, including lifetime excess cancer risk, chronic hazard index, and annual average concentrations of particulate matter less than or equal to 2.5 microns in diameter (also known as PM<sub>2.5</sub>).

# CHAPTER 5

---

## Mitigation Monitoring and Reporting Program (Revised November 2019)

### 5.1 Introduction

CEQA requires public agencies that approve projects with EIRs identifying significant impacts to adopt monitoring and reporting programs or conditions of project approval to mitigate or avoid the identified significant effects (Public Resources Code Section 21081.6[a][1]). A public agency that adopts measures to mitigate or avoid the significant impacts of a proposed project is required to ensure that the measures are fully enforceable through permit conditions, agreements, or other means (Public Resources Code Section 21081.6[b]). The mitigation measures required by a public agency to reduce or avoid significant project impacts not incorporated into the design or program for the project may be made conditions of project approval as set forth in a Mitigation Monitoring and Reporting Program (MMRP). The program must be designed to ensure project compliance with mitigation measures during project implementation.

This MMRP includes the mitigation measures identified in the SEIR required to address the significant impacts associated with the proposed Johnson Drive Economic Development Zone (EDZ or JDEDZ). The required mitigation measures are summarized in this program; the full text of the impact analysis and mitigation measures is presented in the Draft SEIR in Chapter 2, *Summary*, except as revised in this Final SEIR.

The MMRP was initially included in the March 2016 Final SEIR. Revisions have been made as a result of the revised analysis of air quality in the 2019 Partial Recirculated Draft SEIR and are included herein. For ease of reading, the newly added mitigation measure from the 2019 Partial recirculated Draft SEIR (Mitigation Measure M-AQ-1) is not shown as double underlined but instead is preceded by a **bold-face, italicized** statement, “***•New measure added in 2019 Partial Recirculated Draft SEIR***” (see page 4-3).

### 5.2 Format

The MMRP is organized in a table format (see **Table 5-1**), keyed to each significant impact and each SEIR mitigation measure. Only mitigation measures adopted to address significant impacts are included in this program. Each mitigation measure is set out in full, followed by a tabular summary of monitoring requirements. The column headings in the tables are defined as follows:

- **Mitigation Measures adopted as Conditions of Approval:** This column presents the mitigation measure identified in the SEIR.

- **Site(s) Affected:** The mitigation measures are, in some cases, site specific. This column identifies which specific sites would need to adhere to the mitigation measure, or states that the measure addresses all sites.
- **Implementation Procedures:** This column identifies the procedures associated with implementation of the mitigation measure.
- **Monitoring Responsibility:** This column contains an assignment of responsibility for the monitoring and reporting tasks.
- **Monitoring and Reporting Action:** This column refers the outcome from implementing the mitigation measure.
- **Mitigation Schedule:** This column shows the general schedule for conducting each mitigation task, identifying both the timing and the frequency of the action, where appropriate.
- **Verification of Compliance:** This column may be used by the City, as Lead Agency, to document the person who verified the implementation of the mitigation measure and the date on which this verification occurred.

## 5.3 Enforcement

If the EDZ is approved, the MMRP would be incorporated as a condition of such approval. Therefore, all mitigation measures for significant impacts must be carried out to fulfill the requirements of approval. A number of the mitigation measures would be implemented during the development review process. These measures would be checked on plans, in reports, and in the field before construction. Most of the remaining mitigation measures would be implemented during the construction or EDZ implementation phase.

**TABLE 5-1  
MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measures	Site(s) Affected	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
<b>4.A. Aesthetics</b>						
None required.						
<b>4.B. Air Quality</b>						
<p>● New measure added in 2019 Partial Recirculated Draft SEIR</p> <p><b>Mitigation Measure M-AQ-1: Construction Emissions Minimization.</b> The project sponsor or the project sponsor's contractor shall comply with the following:</p> <ol style="list-style-type: none"> <li>1. All off-road equipment (including water construction equipment used onboard barges) greater than 50 horsepower shall have engines that meet Tier 3 off-road emission standards.</li> <li>2. Diesel engines, whether for off-road or on-road equipment, shall not be left idling for more than two minutes, at any location, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment (e.g., traffic conditions, safe operating conditions). The contractor shall post legible and visible signs in English, Spanish, and Chinese, in designated queuing areas and at the construction site to remind operators of the two-minute idling limit.</li> <li>3. The contractor shall instruct construction workers and equipment operators on the maintenance and tuning of construction equipment, and require that such workers and operators properly maintain and tune equipment in accordance with manufacturer specifications.</li> </ol>	All	Site developer shall include contractors' contract specifications.	Site developer Community Development Department	Verify inclusion of contract specifications. Inspect site during construction to ensure compliance with contract specifications.	Prior to issuance of grading or building permit, whichever is first. Field inspections during construction.	<i>Verified by:</i> <i>Date:</i>
<p><b>Mitigation Measure 4.B-1:</b> All developers of sites within the EDZ area shall ensure that construction plans include a requirement that the BAAQMD Best Management Practices for fugitive dust control be implemented. All developers of sites within the EDZ area are required to implement the following for all construction activities within the EDZ area, to reduce fugitive dust emissions that would be generated primarily during soil movement, grading, and demolition activities, but also during vehicle and equipment movement on unpaved construction sites:</p> <ol style="list-style-type: none"> <li>1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.</li> <li>2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.</li> <li>3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.</li> </ol>	All	Site developer shall include BAAQMD BMPs in construction plan.	Site developer Community Development Department	Verify inclusion of BMPs in applicable construction plans and specifications; field inspections during construction. Inspect site during construction to ensure compliance with project construction plans.	Prior to issuance of grading or building permit, whichever is first. Field inspections during construction.	<i>Verified by:</i> <i>Date:</i>

**TABLE 5-1 (Continued)  
MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measures	Site(s) Affected	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
<b>4.B. Air Quality (cont.)</b>						
<p>4. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.</p> <p>5. All streets, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.</p> <p>6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of CCR). Clear signage shall be provided for construction workers at all access points.</p> <p>7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.</p> <p>A publicly visible sign shall be posted with the telephone number and person to contact at the City of Pleasanton Planning Division regarding dust complaints. This person shall respond and take corrective action within 48 hours. BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.</p>						
<p><b>Mitigation Measure 4.B-2:</b> All developers of sites within the EDZ area that are located within 1,000 feet of sensitive receptors including church, school, senior housing, or recreational uses (i.e., Valley Bible Church and Love &amp; Care Preschool, Club Sport, or other recreational uses) shall ensure that construction contract specifications include a requirement that all off-road diesel-powered construction equipment used during the construction activities within the EDZ area be equipped with engines that meet or exceed either U.S. Environmental Protection Agency or California Air Resources Board Tier 2 off-road emission standards, and are fitted with Level 3 Verified Diesel Emissions Control (VDEC), which would reduce diesel particulate emissions by at least 85 percent; or ensure that off-road diesel-powered construction equipment engines meet interim or final Tier 4 emission standards.</p>	<p>All sites located within 1,000 feet of sensitive receptors such as church, school, senior housing, recreational, or other sensitive uses</p>	<p>Site developer shall prepare construction plans that adhere to all specifications in this measure.</p>	<p>Site developer Community Development Department</p>	<p>Review and approve construction plans. Inspect site during construction to ensure compliance with project construction plans.</p>	<p>Prior to the issuance of grading or building permits, whichever is first. Field inspections during construction.</p>	<p><i>Verified by:</i> <i>Date:</i></p>

**TABLE 5-1 (Continued)  
MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measures	Site(s) Affected	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
<b>4.B. Air Quality (cont.)</b>						
<p><b>Mitigation Measure 4.B-3:</b> All developers of sites within the EDZ area shall implement Transportation Demand Management (TDM) measures, such as establishment of commute trip reduction program(s) with employers to discourage single-occupancy vehicle trips and encourage alternative modes of transportation such as car-pooling, taking transit, walking, and biking. Developers of sites within the EDZ shall also evaluate increasing transit accessibility to the EDZ, potentially including the use of a BART shuttle. The voluntary commute trip reduction program(s) may include, but would not be limited to, a ride-sharing program for which 50 percent or greater of site employees are eligible, carpooling encouragement, preferential carpool parking, a transportation coordinator, and ride-matching assistance. Specifically, TDM measures shall incorporate the following components to be required in the Development Agreements for individual projects, as appropriate to proposed land uses to be developed:</p> <ul style="list-style-type: none"> <li>• Require commute based trip reduction programs for all businesses of more than 20 on-site employees that may include transit subsidies, parking cash out incentives, and carpool parking preferences;</li> <li>• Provide preferred parking spaces and recharging stations for electric vehicles;</li> <li>• Require businesses to provide bicycle facility amenities such as showers and lockers;</li> <li>• Require electrical hook-ups for diesel trucks at loading docks;</li> <li>• Require any new backup diesel generators to meet CARB's Tier 4 emission standards;</li> <li>• Prohibit all vehicles including commercial motor vehicles with gross vehicular weight ratings of less than 10,000 pounds from idling for more than 2 minutes; and</li> <li>• Require truck fleets based in the area of the proposed EDZ to meet CARB's highest engine tier available at the time the building permits are issued.</li> </ul>	All	Business operator shall include TDM measures in business plan and/or application for occupancy permit or use permit.	Business operator Community Development Department	Verify inclusion of TDM measures in applicable occupancy permit or use permit.	Prior to issuance of occupancy permit or use permit.	<i>Verified by:</i> <i>Date:</i>

**TABLE 5-1 (Continued)  
MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measures	Site(s) Affected	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
<b>4.B. Air Quality (cont.)</b>						
<p><b>Mitigation Measure 4.B-4:</b> If a new sensitive residential use, such as senior housing or a child-care or healthcare facility, is proposed within the EDZ area and within 300 feet of a fuel station or within 1,000 feet of warehouse loading docks or Highway I-680, the developer of this use shall prepare a health risk assessment report to be reviewed and approved by the City. The health risk assessment shall demonstrate that the increased cancer risks for the proposed sensitive use would be below the BAAQMD permitting limit of 10 in one million (per its Policy and Procedure Manual, the BAAQMD would deny an Authority to Construct or a Permit to Operate for any new or modified source of TACs that exceeds a cancer risk of 10 in one million or a chronic or acute hazard index of 1.0); or, should the health risk assessment determine that lifetime cancer risk would exceed 10 in one million, the developer shall install in the sensitive use an enhanced ventilation filtration system such that the resultant lifetime increased cancer risk is less than 10 in one million. No sensitive use shall be approved within the EDZ where the health risk assessment determines that lifetime cancer risk from the freeway and from uses in the EDZ would exceed 10 in one million.</p>	<p>All sites that include a sensitive use such as, but not limited to, a senior housing facility, child-care or healthcare facility, within 300 to 1,000 feet of a source of TACs.</p>	<p>Site developer shall hire a qualified air quality consultant to prepare an HRA.</p>	<p>Community Development Department</p>	<p>Approve air quality consultant selection. Review verification from air quality consultant.</p>	<p>Approve consultant selection, and review verification from air consultant, prior to approval of individual development permit.  Verify inclusion of approved measures.</p>	<p><i>Verified by:</i> <i>Date:</i></p>
<b>4.C. Noise</b>						
<p><b>Mitigation Measure 4.C-1a:</b> To address nuisance impacts of construction activities within the EDZ area, all developers of sites within the EDZ area shall ensure that construction contractors implement the following:</p> <ul style="list-style-type: none"> <li>• Signs shall be posted at all construction site entrances to the property upon commencement of construction, for the purposes of informing all contractors/subcontractors, their employees, agents, material haulers, and all other persons at the applicable construction sites, of the basic requirements of Mitigation Measures 4.C-1a and 4.C-1b.</li> <li>• Signs shall be posted at the construction sites that include permitted construction days and hours, a day and evening contact number for the job site, and a contact number in the event of problems.</li> <li>• An onsite complaint and enforcement manager shall respond to and track complaints and questions related to noise.</li> </ul>	<p>All</p>	<p>Site developer shall incorporate the specifications of this measure into project specifications as well as grading and construction plans.</p>	<p>Site developer Community Development Department Engineering Department</p>	<p><i>Engineering Department:</i> Review and approve project specifications and grading and construction plans for inclusion of this measure into specifications.  <i>Community Development Department:</i> Inspect site during construction to ensure compliance with project construction plans.</p>	<p>Prior to issuance of building or grading permit, whichever is first.  Field inspections during construction.</p>	<p><i>Verified by:</i> <i>Date:</i></p>

**TABLE 5-1 (Continued)**  
**MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measures	Site(s) Affected	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
<b>4.C. Noise (cont.)</b>						
<p><b>Measure 4.C-1b:</b> To reduce daytime noise impacts due to construction within the EDZ area, all project developers shall require construction contractors working within 55 feet of the construction site property boundary to implement the following measures:</p> <ul style="list-style-type: none"> <li>Equipment and trucks used for construction shall use the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically-attenuating shields or shrouds).</li> <li>Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for construction shall be hydraulically or electrically powered where feasible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used where feasible; this could achieve a reduction of 5 dBA. Quieter procedures, such as use of drills rather than impact tools, shall be used unless deemed not feasible by a geotechnical investigation.</li> </ul>	All	Site developer shall incorporate the specifications of this measure into project specifications as well as grading and construction plans.	Site developer Community Development Department Engineering Department	<p><i>Engineering Department:</i> Review and approve project specifications and grading and construction plans for inclusion of this measure into specifications.</p> <p><i>Community Development Department:</i> Inspect site during construction to ensure compliance with project construction plans.</p>	Prior to issuance of building or grading permit, whichever is first.  Field inspections during construction.	Verified by: Date:
<p><b>Mitigation Measure 4.C-1c:</b> Prior to the approval of the development of senior housing projects within the EDZ area, the City shall require site-specific acoustical assessments to determine exposure to existing and approved noise sources, impact, and mitigation regarding non-transportation sources. Noise exposure shall be mitigated to satisfy the applicable City Municipal Code criterion using appropriate housing site design.</p>	All	<p>Site developer shall prepare an acoustical assessment that adheres to all specifications of this measure.</p> <p>If noise thresholds in the General Plan and/or Municipal Code are exceeded, reasonable and feasible mitigation shall be required to reduce levels to City standards.</p>	Community Development Department	<p>Review and approve acoustical assessment and interior measures. Verify approved measures on construction plans.</p> <p>Inspect site during construction to ensure compliance with project construction plans.</p>	Prior to the approval of the development of senior housing projects.	Verified by: Date:
<p><b>Mitigation Measure 4.C-1d:</b> For all senior housing proposed for development within the EDZ area, the City shall require noise disclosures and noise complaint procedures for new residents of these developments, which will include 1) a disclosure of potential noise sources in the project vicinity; and 2) the establishment of procedures and a contact phone number for a site manager the residents can call to address any noise complaints.</p>	All sites within the EDZ proposed for senior housing	Developer/s of new senior housing shall ensure noise disclosures and noise complaint procedures be disseminated to residents of the senior housing.	Community Development Department	<p>Review and approve noise disclosures and noise complaint procedures prior to developer/s disseminating to senior housing residents.</p> <p>Inspect site after occupancy to ensure compliance.</p>	Prior to and after the approval of the development of senior housing projects.	Verified by: Date:

**TABLE 5-1 (Continued)  
MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measures	Site(s) Affected	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
<b>4.D. Transportation and Traffic</b>						
<p><b>Mitigation Measure 4.D-1a: Commerce Drive at Johnson Drive Intersection.</b> Prior to the granting of a certificate of occupancy for the first use in Phase I that would generate 100 or more PM or Saturday peak-hour trips, the City shall install or require the developer in Phase I to install a traffic signal and construct a southbound left-turn lane to Commerce Drive at the Commerce Drive and Johnson Drive intersection. A funding mechanism for this improvement shall be approved by the City prior to the issuance of the first building permit for a Phase I use that would generate 100 or more PM peak-hour trips.</p>	All (Phase I and Full Buildout)	<p>Site developer shall contribute fair-share funds for traffic impact fees or construct the improvement.</p> <p>Community Development Department shall ensure the implementation of improvements and determine funding mechanism.</p>	Site developer Community Development Department	Develop the funding mechanism, the calculation of, and receipt of payment.	Prior to granting certificate of occupancy.	<i>Verified by:</i> <i>Date:</i>
<p><b>Mitigation Measure 4.D-1b: Johnson Drive at Owens Drive (North) Intersection.</b> Prior to the granting of a certificate of occupancy for the first use in Phase I that would generate 100 or more PM or Saturday peak-hour trips, the City shall install or require the developer in Phase I to install a traffic signal at the Johnson Drive at Owens Drive (North) intersection. A funding mechanism for this improvement shall be approved by the City prior to the issuance of the first building permit for a Phase I use that would generate 100 or more PM peak-hour trips.</p>	All (Phase I and Full Buildout)	<p>The site developer shall contribute fair-share funds for traffic impact fees or construct the improvement.</p> <p>Community Development Department shall ensure the implementation of improvements and determine funding mechanism.</p>	Site developer Community Development Department	Develop the funding mechanism, the calculation of, and receipt of payment.	Prior to granting certificate of occupancy.	<i>Verified by:</i> <i>Date:</i>
<p><b>Mitigation Measure 4.D-1c: Johnson Drive at Stoneridge Drive Intersection.</b> Prior to the granting of a certificate of occupancy for the first use in Phase I that would generate 100 or more PM or Saturday peak-hour trips, the City shall ensure the implementation of the following improvements:</p> <ol style="list-style-type: none"> <li>1. Construct a third eastbound left-turn lane from Stoneridge Drive to Johnson Drive in conjunction with an additional northbound receiving lane on Johnson Drive (north side of intersection).</li> <li>2. Construct an additional southbound right-turn lane on Johnson Drive.</li> <li>3. Rebuild Johnson Drive as a six lane facility with three or four southbound lanes and three northbound receiving lanes for a minimum of 700 feet north of Stoneridge Drive. This improvement would require widening of Johnson Drive north of Stoneridge Drive by up to 36 feet and widening of Johnson Drive south of Stoneridge Drive a commensurate amount to align travel movements through the intersection. A funding mechanism for these improvements shall be approved by the City prior to the issuance of the first building permit for a Phase I use that would generate 100 or more PM peak-hour trips.</li> </ol>	Full Buildout not including Phase I	<p>The site developer shall contribute fair-share funds for traffic impact fees or construct the improvement.</p> <p>Community Development Department shall ensure the implementation of improvements and determine funding mechanism.</p>	Site developer Community Development Department	Develop the funding mechanism, the calculation of, and receipt of payment.	Prior to granting certificate of occupancy.	<i>Verified by:</i> <i>Date:</i>

**TABLE 5-1 (Continued)**  
**MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measures	Site(s) Affected	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
<b>4.D. Transportation and Traffic (cont.)</b>						
<p><b>Mitigation Measure 4.D-1d: Stoneridge Drive Queue Spillback (Stoneridge Drive and Johnson Drive Improvements).</b> Prior to the granting of a certificate of occupancy for the first use in Phase I that would generate 100 or more PM or Saturday peak-hour trips, the City shall ensure the implementation of the following improvements:</p> <ol style="list-style-type: none"> <li>1. Modify the Stoneridge Drive at Northbound I-680 off-ramp to provide a northbound right-turn overlap phase.</li> <li>2. Construct a second southbound left-turn lane from Johnson Drive to Stoneridge Drive.</li> <li>3. Extend the existing westbound right-turn pocket at the Johnson Drive and Stoneridge Drive intersection approximately 800 feet east by widening Stoneridge Drive and convert the resulting lane into a through-right-shared lane. Install lane markings in the curb lane and adjacent lane indicating I-680 Northbound Only to reduce lane changes between Johnson Drive and the northbound on-ramp.</li> <li>4. Construct a second on-ramp lane to northbound I-680 from the westbound Stoneridge Drive approach. The two lane on-ramp should be merged to one lane prior to the freeway merge area. The lane drop will occur over a distance of at least 800 feet, and will require reconstruction and widening of the bridge at this on-ramp from one to two lanes, with the merge occurring after the bridge. (Note: This improvement is within Caltrans right-of-way and requires Caltrans design review and oversight. A funding mechanism for these improvements shall be approved by the City prior to the issuance of the first building permit for a Phase I use that would generate 100 or more PM or Saturday peak-hour trips.)</li> </ol>	All (Phase I and Full Buildout)	<p>The site developer shall contribute fair-share funds for traffic impact fees or construct the improvement.</p> <p>Community Development Department shall ensure the implementation of improvements and determine funding mechanism.</p>	Site developer Community Development Department	Develop the funding mechanism, the calculation of, and receipt of payment.	Prior to granting certificate of occupancy.	<i>Verified by:</i> <i>Date:</i>
<p><b>Mitigation Measure 4.D-2: I-680 Northbound and Southbound Ramp Merge/Diverge Areas at Stoneridge Drive.</b> Construct improvements, such as the second phase of I-680/I-580 interchange improvements, widening of State Route 84, and other planned roadway system modifications that would relieve freeway congestion in the study area where feasible.</p>	All (Phase I and Full Buildout)	<p>The site developer shall contribute fair-share funds for traffic impact fees.</p> <p>Community Development Department shall ensure the implementation of improvements.</p>	Site developer Community Development Department	Calculation and receipt of payment.	Prior to issuance of building permits.	<i>Verified by:</i> <i>Date:</i>

**TABLE 5-1 (Continued)  
MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measures	Site(s) Affected	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
<b>4.D. Transportation and Traffic (cont.)</b>						
<p><b>Mitigation Measure 4.D-3: Johnson Drive Improvements.</b> The City will review design plans for club retail and other traffic-intensive uses that would be developed as part of Phase I and buildout of the EDZ to determine needed improvements to accommodate additional traffic on Johnson Drive. If at the conclusion of this review the City determines that additional improvements to Johnson Drive are required, one or more of the following improvements shall be implemented:</p> <ol style="list-style-type: none"> <li>1. If a club retail use is proposed for Parcel 6, signalize one or more entrances at Parcel 6, and widen Johnson Drive at this location, to accommodate a southbound left-turn pocket and a northbound right-turn pocket.</li> <li>2. Widen Johnson Drive to provide up to two vehicle travel lanes in each direction from Stoneridge Drive to the main entries of sites with traffic-intensive uses (such as club retail).</li> <li>3. Implement other improvements as needed at major driveways (signal control, provision of left-turn or right-turn pockets) to provide additional capacity.</li> <li>4. Final design of all improvements along Johnson Drive shall maintain or enhance existing bicycles, transit, and pedestrian facilities, and shall ensure bicycle and pedestrian facilities and access to the Alamo Canal Trail at the signalized crossing at Commerce Circle and any other signalized locations on Johnson Drive.</li> </ol>	All (Phase I and Full Buildout)	<p>The site developer shall contribute fair-share funds for traffic impact fees or construct the improvement.</p> <p>Community Development Department shall ensure the implementation of improvements.</p>	Site developer Community Development Department	Calculation and receipt of payment.	Prior to issuance of building permits.	<i>Verified by:</i> <i>Date:</i>
<p><b>Mitigation Measure 4.D-4: Retention of Bicycle Lanes on Stoneridge Drive.</b> Final design of all improvements along Stoneridge Drive shall maintain or enhance existing bicycles and pedestrian facilities.</p>	All (Phase I and Full Buildout)	Community Development Department shall ensure implementation.	Site developer Community Development Department Engineering Department	<i>Engineering Department:</i> Review and approve project specifications and grading and construction plans for inclusion of this measure into specifications.	Prior to issuance of building permits.	<i>Verified by:</i> <i>Date:</i>

**TABLE 5-1 (Continued)  
MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measures	Site(s) Affected	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
<b>4.E-1. Biological Resources</b>						
<p><b>(2012 SEIR) Modified Mitigation Measure 4.C-1a: Pre-construction Breeding Bird Surveys.</b> The City shall ensure that prior to development of all potential sites for rezoning (Sites 1–4, 6–11, 13, 14, and 16–21) and each phase of project activities that have the potential to result in impacts on breeding birds (e.g., tree removal or demolition of buildings or bridges), the project applicant shall take the following steps to avoid direct losses of nests, eggs, and nestlings and indirect impacts to avian breeding success:</p> <ul style="list-style-type: none"> <li>• If grading or construction activities occur only during the non-breeding season, between August 31 and February 1, no surveys will be required.</li> <li>• Pruning and removal of trees and other landscaped vegetation, including grading of grasslands, should occur whenever feasible, outside the breeding season (February 1 through August 31).</li> <li>• During the breeding bird season (February 1 through August 31) a qualified biologist will survey project sites for nesting raptors and passerine birds not more than 14 days prior to any ground-disturbing activity or vegetation removal. Surveys will include all line-of-sight trees within 500 feet (for raptors) and all vegetation within 250 feet for all other species.</li> <li>• Based on the results of the surveys, avoidance procedures will be adopted, if necessary, on a case-by-case basis. These may include construction buffer areas (up to several hundred feet in the case of raptors) or seasonal avoidance.</li> <li>• Bird nests initiated during construction are presumed to be unaffected by project activities, and no buffer would be necessary except to avoid direct destruction of a nest or mortality of nestlings.</li> <li>• If pre-construction surveys indicate that nests are inactive or potential habitat is unoccupied during the construction period, no further mitigation is required if work is initiated within 14 days of the survey. Trees and shrubs that have been determined to be unoccupied by nesting or other special-status birds may be pruned or removed within 14 days of the pre-construction survey. Should activities be delayed beyond 14 days, pre-construction surveys shall be repeated prior to the start of work.</li> </ul>	<p>1–4, 6–11, 13, 14, 16–21</p>	<p>Site developer shall prepare construction plans that incorporate pre-construction surveys and buffer zones. If required, avoidance procedures shall be implemented.</p> <p>Site developer shall hire a qualified biologist and the site developer’s contractor(s) shall engage the qualified biologist to conduct pre-construction surveys as described.</p>	<p>Site developer Community Development Department</p>	<p>Review and approve a qualified biologist. Review pre-construction survey reports. If active nests are found, inspect construction site to confirm buffer zones.</p>	<p>No more than 14 days before start or restart of construction during the months of February through August.</p>	<p><i>Verified by:</i> <i>Date:</i></p>

**TABLE 5-1 (Continued)  
MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measures	Site(s) Affected	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
<b>4.E-1. Biological Resources (cont.)</b>						
<p><b>Mitigation Measure 4.E-1: Pre-Construction Bat Surveys.</b> Conditions of approval for building and grading permits issued for demolition and construction on sites within the EDZ area shall include a requirement for pre-construction special-status bat surveys when large trees constituting suitable habitat for roosting bats (e.g. trees with cavities or trees with bark that could be used for roosting such as eucalyptus and redwood) are to be removed or underutilized or vacant buildings are to be demolished.</p> <ul style="list-style-type: none"> <li>• Surveys shall be conducted by a qualified biologist prior to any tree removal or building demolition. Removal of trees and structures shall occur when bats are active, approximately between the periods of March 1 to April 15 and August 15 to October 15; outside of bat maternity roosting season (approximately April 15–August 31) and outside of months of winter torpor (approximately October 15–February 28), to the extent feasible.</li> <li>• If removal of trees and structures during the periods when bats are active is not feasible and active bat roosts being used for maternity or hibernation purposes are found on or in the immediate vicinity of the site where tree and structure removal is planned, a no disturbance buffer of 100 feet shall be established around these roost sites until they are determined to be no longer active by the qualified biologist. A 100-foot no disturbance buffer is a typical protective buffer distance; however, buffer width may be modified by the qualified biologist depending on existing screening around the roost site (such as dense vegetation or a building) as well as the type of construction activity which would occur around the roost site.</li> <li>• The qualified biologist shall be present during tree and structure removal if potential bat roosting habitat or active bat roosts are present. Trees and structures with active roosts shall be removed only when no rain is occurring or is forecast to occur for 3 days and when daytime temperatures are at least 50°F.</li> <li>• Removal of trees with potential bat roosting habitat or active bat roost sites shall follow a two-step removal process:             <ol style="list-style-type: none"> <li>1. On the first day of tree removal and under supervision of the qualified biologist, branches and limbs not containing cavities or fissures in which bats could roost, shall be cut only using chainsaws.</li> <li>2. On the following day and under the supervision of the qualified biologist, the remainder of the tree may be removed, either using chainsaws or other equipment (e.g. excavator or backhoe).</li> </ol> </li> </ul>	<p>All sites where buildings shall be demolished or large trees constituting suitable habitat for roosting bats shall be removed.</p>	<p>Site developer shall prepare construction plans that incorporate pre-construction surveys and buffer zones. If required, avoidance procedures shall be implemented.</p> <p>Site developer shall hire a qualified biologist and the site developer's contractor(s) shall engage the qualified biologist to conduct pre-construction surveys as described.</p>	<p>Site developer Engineering Department</p>	<p>Verify inclusion of condition on construction plans. If large trees are to be removed or if vacant buildings are to be demolished, review and approve qualified biologist, pre-construction survey reports, and a construction plan that includes bat avoidance.</p> <p>Inspect construction site to confirm buffer zones, if required.</p>	<p>Prior to issuance of grading or building permit, whichever is sooner.</p> <p>Inspect site during construction to ensure compliance with project construction plans.</p>	<p><i>Verified by:</i> <i>Date:</i></p>

**TABLE 5-1 (Continued)  
MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measures	Site(s) Affected	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
<b>4.E-1. Biological Resources (cont.)</b>						
Removal of structures containing or suspected to contain potential bat roosting habitat or active bat roosts shall be dismantled under the supervision of the qualified biologist in the evening and after bats have emerged from the roost to forage. Structures shall be partially dismantled to significantly change the roost conditions, causing bats to abandon and not return to the roost.						
<b>Mitigation Measure 4.E-2: Wetland Delineation.</b> In coordination with the City, a qualified wetland ecologist shall conduct a wetland delineation of the proposed bridge expansion and replacement site to identify potential waters of the United States (U.S.) (including wetlands) or waters of the state which may be present. If no waters of the U.S. or waters of the state are identified onsite, no further action is required. Should waters of the U.S. or waters of the state be determined present within the site, features shall be mapped and documented in a report for submission to the appropriate jurisdictional agencies retaining authority over the identified features.	Proposed bridge expansion and replacement site	Site developer shall hire a wetland ecologist as described in the measure to conduct wetland delineation.	Site developer Caltrans San Francisco Regional Water Quality Control Board (RWQCB) U.S. Army Corps of Engineers (USACE) Community Development Department	<i>Community Development Department:</i> Review and approval of wetland ecologist. <i>RWQCB/USACE:</i> Review, verify wetland delineation. <i>Community Development Department/Caltrans:</i> Review and approval of construction plan. <i>Community Development Department/Caltrans:</i> Inspect site during construction to ensure compliance with project construction plans.	Prior to issuance of grading or building permit, whichever is first.	<i>Verified by:</i> <i>Date:</i>
<b>Mitigation Measure 4.E-3: Wetland Avoidance and Protection.</b> Access roads, work areas, and infrastructure shall be sited to avoid and minimize direct and indirect impacts to wetlands and waters. Where work will occur within and/or adjacent to federal and state jurisdictional wetlands and waters, protection measures shall be applied to minimize the footprint of overall impacts and protect these features. These measures shall include the following: <ul style="list-style-type: none"><li>• A protective barrier (such as silt fencing) shall be erected around the work area(s) to minimize disturbance to wetland or water features and isolate adjacent to wetland or water features from construction activities to reduce the potential for incidental fill, erosion, or other disturbance beyond what is necessary for bridge expansion and replacement;</li><li>• Signage shall be installed on the fencing to identify sensitive habitat areas and restrict construction activities;</li><li>• No equipment mobilization, grading, clearing, or storage of equipment or machinery, or similar activity shall occur at the site until a representative of the City has inspected and approved the wetland protection fencing; and</li></ul>	All sites within and adjacent to identified wetlands	Site developer shall prepare construction plans that identify wetlands and buffer zones. If required, avoidance and/or protection measures shall be implemented.	Site developer Community Development Department	Review and approve project specifications and grading and construction plans for inclusion of this measure in specifications. Inspect site during construction to ensure compliance with project construction plans.	Prior to issuance of grading or building permit, whichever is first. Field inspections during construction.	<i>Verified by:</i> <i>Date:</i>

**TABLE 5-1 (Continued)  
MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measures	Site(s) Affected	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
<b>4.E-1. Biological Resources (cont.)</b>						
<ul style="list-style-type: none"> <li>The City shall ensure that the temporary fencing is continuously maintained until all construction activities are completed.</li> </ul> <p>A fencing material meeting the requirements of both water quality protection and wildlife exclusion shall be used.</p>						
<p><b>Mitigation Measure 4.E-4: Compensation for Impacts to Wetlands and Other Waters.</b> Where jurisdictional wetlands and other waters cannot be avoided, to offset temporary and permanent impacts that would occur as a result of the bridge expansion and replacement, restoration and compensatory mitigation shall be provided through the following mechanisms:</p> <ul style="list-style-type: none"> <li>Prior to construction, the City or Caltrans shall obtain relevant permits and authorizations from the U.S. Army Corps of Engineers (USACE), California Department of Fish and Wildlife (CDFW), and the San Francisco Bay Regional Water Quality Control Board (RWQCB);</li> <li>Consistent with the terms and conditions of these permits and authorizations, the City or Caltrans shall compensate for the unavoidable loss of wetlands and other waters at a minimum of a 1:1 ratio; and</li> <li>Compensation may be provided by one or more of the following methods: 1) on-site creation or habitat restoration, 2) off-site habitat creation, restoration and/or enhancement, or 3) payment to an approved wetland mitigation bank.</li> </ul> <p>Mitigation bank credits, if available, shall be obtained prior to the start of construction. On-site or off-site creation/restoration/enhancement plans must be prepared by a qualified biologist prior to construction and approved by the permitting agencies. Implementation of creation/restoration/enhancement activities by the permittee shall occur prior to impacts, whenever possible, to avoid temporal loss. On- or off-site creation/restoration/enhancement sites shall be monitored by the City for at least five (5) years to ensure their success.</p>	All	<p>City or Caltrans shall obtain relevant permits as listed.</p> <p>City or Caltrans shall complete wetlands compensation.</p>	<p>Site developer Caltrans San Francisco Regional Water Quality Control Board (RWQCB) U.S. Army Corps of Engineers (USACE) California Department of Fish and Wildlife (CDFW) Community Development Department</p>	<p><i>RWQCB/USACE:</i> Review, verify wetland delineation.</p> <p><i>Community Development Department/Caltrans:</i> Review and approval of construction plan.</p> <p><i>Community Development Department/Caltrans:</i> Inspect site during construction to ensure compliance with project construction plans.</p>	Prior to issuance of grading or building permit, whichever is first.	<i>Verified by: Date:</i>

**TABLE 5-1 (Continued)  
MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measures	Site(s) Affected	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
<b>4.E-2. Cultural Resources</b>						
<p><b>Mitigation Measure 4.E-5: Archeological Resources.</b> If prehistoric or historic-period archaeological resources are encountered during ground disturbing activities for a project under construction within the EDZ, the construction contractor shall halt all activities within 50 feet of the discovery, and the construction contractor shall notify the City. Prehistoric archaeological materials might include obsidian and chert flaked-stone tools (e.g., projectile points, knives, scrapers) or toolmaking debris; culturally darkened soil (“midden”) containing heat-affected rocks, artifacts, or shellfish remains; stone milling equipment (e.g., mortars, pestles, handstones, or milling slabs); and battered stone tools, such as hammerstones and pitted stones. Historic-period materials might include stone, concrete, or adobe footings and walls; filled wells or privies; and deposits of metal, glass, and/or ceramic refuse. The project developer shall ensure that a Secretary of the Interior–qualified archaeologist will inspect the findings within 24 hours of discovery. If the archaeologist determines that construction activities could damage a historical resource or a unique archaeological resource (as defined pursuant to the CEQA Guidelines), mitigation will be implemented in accordance with Public Resources Code (PRC) Section 21083.2 and Section 15126.4 of the CEQA Guidelines, with a preference for preservation in place. Consistent with Section 15126.4(b)(3), this may be accomplished through planning construction to avoid the resource; incorporating the resource within open space; capping and covering the resource; or deeding the site into a permanent conservation easement. If avoidance is not feasible, a qualified archaeologist will prepare and implement a detailed treatment plan in consultation with the City. Treatment of unique archaeological resources shall follow the applicable requirements of PRC Section 21083.2. Treatment for most resources would consist of (but would not be not limited to) sample excavation, artifact collection, site documentation, and historical research, with the aim to target the recovery of important scientific data contained in the portion(s) of the significant resource to be impacted by project construction. The treatment plan will include provisions for analysis of data in a regional context, reporting of results within a timely manner, curation of artifacts and data at an approved facility, and dissemination of reports to local and state repositories, libraries, and interested professionals.</p>	All	Site developer shall hire a qualified archaeologist to prepare an archaeological mitigation program as described.	Site developer Community Development Department	Review and approval of archaeologist. Review and approval of the construction plan that includes archaeological mitigation. Inspect site during construction.	Prior to issuance of grading permit. Field inspections during construction.	<i>Verified by:</i> <i>Date:</i>

**TABLE 5-1 (Continued)  
MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measures	Site(s) Affected	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
<b>4.E-2. Cultural Resources (cont.)</b>						
<p><b>(2012 SEIR) Mitigation Measure 4.D-3:</b> In the event that paleontological resources are encountered during the course of development, all construction activity must temporarily cease in the affected area(s) until the uncovered fossils are properly assessed by a qualified paleontologist and subsequent recommendations for appropriate documentation and conservation are evaluated by the Lead Agency. Excavation or disturbance may continue in other areas of the site that are not reasonably suspected to overlie adjacent or additional paleontological resources.</p>	All	<p>Site developer shall train workers and monitor their activities.</p> <p>Site developer shall halt work and hire a paleontologist if materials are discovered.</p> <p>Paleontologist shall conduct independent review and prepare a treatment plan, if necessary, and file any required reports with the appropriate state agencies.</p> <p>Site developer shall implement treatment plan.</p>	Site developer Community Development Department	<p>If resources are encountered, verify work is suspended as required, review and approve paleontologist and paleontologist's recommendations.</p> <p>Inspect site during construction to ensure compliance with project construction plans.</p>	During construction.	<i>Verified by:</i> <i>Date:</i>
<p><b>Mitigation Measure 4.E-6: Human Remains.</b> In the event that human remains are discovered during ground disturbing activities for a project under construction within the EDZ, the construction contractor shall stop work immediately. No disposition of such human remains shall take place, other than in accordance with the procedures and requirements set forth in California Health and Safety Code Section 7050.5 and Public Resources Section 5097.98. Per these code provisions, the project developer shall ensure appropriate notification of the County Coroner and the Native American Heritage Commission, who in turn must notify the persons believed to be most likely descended from the deceased Native American for appropriate disposition of the remains.</p>	All	<p>Site developer shall train workers and monitor their activities.</p> <p>Site developer shall halt work and notify the County Coroner, if necessary. If appropriate, Coroner shall notify NAHC. NAHC shall notify Most Likely Descendant.</p> <p>This measure shall be printed on all construction documents, contracts, and project plans.</p>	Site developer Community Development Department	<p>Verify mitigation measure on construction plans.</p> <p>Inspect site during construction to ensure compliance with project construction plans.</p>	Prior to issuance of a grading and building permit.  Field inspections during construction.	<i>Verified by:</i> <i>Date:</i>
<b>4.E-3. Greenhouse Gases</b>						
None required.						

**TABLE 5-1 (Continued)  
MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measures	Site(s) Affected	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
<b>4.E-4. Geology and Soils</b>						
None required.						
<b>4.E-5. Hazards and Hazardous Materials</b>						
<p><b>Mitigation Measure 4.E-7: Soil and Groundwater Plan.</b> For proposed development on all sites within the EDZ undergoing or requiring remediation of contaminated soil or groundwater, and prior to issuance of a building or grading permit, the project developer shall demonstrate that its construction specifications include implementation of a Soil and Groundwater Plan (SGP) prepared by a qualified environmental specialist (geologist or engineer) and reviewed and approved by the agency or agencies with oversight over cleanup (San Francisco Regional Water Quality Control Board [RWQCB] and/or State Department of Toxic Substances Control [DTSC]). The SGP shall describe requirements for excavation, stockpiling, and transport of soil and disturbance of groundwater. The SGP shall also include a contingency plan to respond to the discovery of previously unknown contamination. In addition, all construction activities shall require written approval by either RWQCB or DTSC prior to commencement. The SGP shall be present on site at all times as ensured by the construction lead, and readily available to site workers and City staff as needed.</p>	All sites within the EDZ area undergoing or requiring remediation of contaminated soil or groundwater	Site developer shall prepare a Soil and Groundwater Plan that adheres to all specifications of this measure, unless this measure has already been achieved.	Site developer RWQCB and/or California Department of Toxic Substances Control (DTSC) Community Development Department Engineering Department for verification.	RWQCB and/or DTSC: Review and approve environmental specialist (geologist or engineer). Verify approved measures on construction plans.  <i>Engineering Department:</i> Verification and inspection of site during construction to ensure compliance with project construction plans.	Prior to issuance of a grading and building permit.  Field inspections during construction.	<i>Verified by:</i> <i>Date:</i>
<p><b>Mitigation Measure 4.E-8: Soil Vapor Barriers.</b> For proposed development on all sites within the EDZ undergoing or requiring remediation of contaminated soil or groundwater, where residual contamination includes volatile components (such as the chlorinated solvent TCE), and prior to issuance of a building or grading permit, the project developer shall demonstrate to the City either that the building plans include vapor barriers reviewed and approved by San Francisco Regional Water Quality Control Board (RWQCB) or State Department of Toxic Substances Control (DTSC) to be installed beneath foundations for the prevention of soil vapor intrusion, or that RWQCB or DTSC has determined that installation of vapor barriers is not necessary.</p>	All sites within the EDZ area determined by the RWQCB or DTSC to require the installation of vapor barriers in buildings	Site developer shall install vapor barriers that adhere to all specifications of this measure, unless this measure has already been achieved.	Site developer RWQCB and/or DTSC Community Development Department Engineering Department for verification.	RWQCB and/or DTSC: Review and approve building plans.  Engineering Department: Verification.	Prior to issuance of a grading and building permit.	<i>Verified by:</i> <i>Date:</i>
<b>4.E-6. Hydrology and Water Quality</b>						
None required.						
<b>4.E-7. Land Use and Planning</b>						
None required.						

**TABLE 5-1 (Continued)  
MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measures	Site(s) Affected	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
<b>4.E-8. Population and Housing</b>						
None required.						
<b>4.E-9. Public Services and Utility Systems</b>						
<b>Mitigation Measure 4.E-9:</b> For any project proposed for development within the EDZ, prior to the recordation of a Final Map, the issuance of a grading permit, the issuance of a building permit, or utility extension approval, whichever is sooner, the project developer shall submit written verification from the Alameda County Flood Control and Water Conservation District Zone 7 (Zone 7) or the City's Utility Planning Division that water is available for the project. This approval does not guarantee the availability of sufficient water capacity to serve the project.	All	Site developer shall provide written verification from the Alameda County Flood Control and Water Conservation District Zone 7 (Zone 7) or the City's Utility Planning Division that water is available for the project.	Site developer Community Development Department for verification.	Community Development Department for verification.	Prior to the recordation of a Final Map, the issuance of a grading permit, the issuance of a building permit, or utility extension approval, whichever is first.	<i>Verified by: Date:</i>
<b>4.E-10. Recreation</b>						
None required.						

NOTES:

°F = degrees Fahrenheit; BAAQMD = Bay Area Air Quality Management District; BART = Bay Area Rapid Transit; BMP = best management practice; Caltrans = California Department of Transportation; CARB = California Air Resources Board; CCR = California Code of Regulations; CDFW = California Department of Fish and Wildlife; CEQA = California Environmental Quality Act; City = City of Pleasanton; dBA = A-weighted decibels; DTSC = California Department of Toxic Substances Control; EDZ = Johnson Drive Economic Development Zone; General Plan = *Pleasanton General Plan 2005-2025*; HRA = health risk assessment; I-580 = Interstate 580; I-680 = Interstate 680; NAHC = Native American Heritage Commission; PRC = Public Resources Code; RWQCB = Regional Water Quality Control Board; SEIR = Supplemental EIR; SGP = Soil and Groundwater Plan; TAC = toxic air pollutant; TCE = trichloroethylene; TDM = Transportation Demand Management; U.S. = United States; USACE = U.S. Army Corps of Engineers