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# FINAL
# Environmental Impact Report
# Arroyo Lago Residential Project
# Alameda County, California

## State Clearinghouse Number 2023050339

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# SECTION 1: INTRODUCTION

In accordance with California Environmental Quality Act (CEQA) Guidelines Section 15088, the County of Alameda (Lead Agency) has evaluated the comments received on the Arroyo Lago Residential Project Draft Environmental Impact Report (Draft EIR). Pursuant to CEQA Guidelines Section 15132, the Draft EIR (and appendices attached thereto), a list of persons, organizations, and agencies that provided comments on the Draft EIR; responses to the comments received regarding the Draft EIR; and errata, or revisions to the Draft EIR.

This document is organized into three sections:

- **Section 1—Introduction.** Provides an introduction to the Final EIR.
- **Section 2—Master Responses.** Provides single, comprehensive responses to similar comments about a particular topic.
- **Section 3—Responses to Public Comment Letters.** Provides a list of the agencies, organizations, and individuals who provided written comments on the Draft EIR during the 60-day extended public comment period. Copies of all of the letters received regarding the Draft EIR and responses thereto are included in this section.
- **Section 4—Responses to Public Meeting Verbal Comments.** Provides a list of speakers who made verbal comments on the Draft EIR at the Public Meeting on October 29, 2024. A transcript of each verbal comment and a corresponding response are included in this section.
- **Section 5—Errata.** Includes an addendum listing refinements, amplifications and clarifications on the Draft EIR, which have been incorporated.

The Final EIR also includes the Draft EIR and appendices, provided under separate cover.

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# SECTION 2: MASTER RESPONSES

Master responses address similar comments made by multiple public agencies, organizations, or individuals through written comments submitted to the County of Alameda (County).

## 2.1 - List of Master Responses

- Master Response 1–Request for Extension of Comment Period
- Master Response 2–Non-CEQA Issues Not Addressed in Final EIR
- Master Response 3–Health and Safety Issues Not Addressed in the Final EIR
- Master Response 4–General Opposition Comments Not Addressed in Final EIR
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- Master Response 8–Clarifying Information on the Aesthetics, Light, and Glare EIR Section and the Shadow Study
- Master Response 9–Clarifying Information on Public Services EIR Section
- Master Response 10–Clarifying Information on the Wastewater Treatment Plant Operation and Maintenance
- Master Response 11–Clarifying Information on Wastewater Effluent
- Master Response 12–Clarifying Information on the Transportation Analysis

## 2.2 - Master Responses

### Master Response 1–Request for Extension of Comment Period

#### *Summary of Relevant Comments*

Several commenters requested additional time to review the Draft Environmental Impact Report for the Arroyo Lago Residential Project (Draft EIR) beyond the 45-day statutory public review period, which ran from September 9, 2024, to October 24, 2024, as stated in the Notice of Availability (NOA) for the Draft EIR dated September 9, 2024.

#### *Response*

The County made the Draft EIR available for a 45-day public review period pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15105(a). Pursuant to Section 15105(a), the public review period for a Draft EIR shall not be less than 30 days, nor should it be longer than 60 days, except in unusual circumstances. Neither CEQA nor the CEQA Guidelines requires a lead agency to extend a Draft EIR public review period upon request. Thus, if a lead agency elects to extend the

public review period in its discretion, any such extension should not be longer than 60 days except in unusual circumstances. (CEQA Guidelines § 15105(a)).

Although it was not required to do so under CEQA, the County, in its discretion, voluntarily extended the public review period by 15 days to November 8, 2024, in response to these comments, for a total of 60 days. The County determined that there was no unusual circumstance related to the proposed project or the Draft EIR that warranted an extension beyond 60 days. The County also voluntarily scheduled and held a public meeting to provide another opportunity to receive public comments, and this public meeting date was rescheduled to October 29, 2024 to allow for additional time for public review prior to the meeting.

Although not required under CEQA, the County published a new notice titled "Updated NOA" dated September 20, 2024, that detailed the comment period extension and the rescheduled date for the public meeting and an accompanying memo was posted to the State Clearinghouse (https://ceqanet.opr.ca.gov/Project/2023050339) and the County's project website (https:www.acgov.org/cda/planning/landuseprojects/) on September 20, 2024. A notice was also emailed September 20, 2024, to the contact list for the Arroyo Lago Residential Project (proposed project), composed of residents within 1,000 feet of the project site, interested parties, trustee and responsible agencies, those who requested to add their email to the contact list either via email or at the Notice of Preparation (NOP) scoping meeting for the proposed project, and those who provided written comments during the NOP scoping period. All comments received by November 8, 2024, are included in this Final Environmental Impact Report (Final EIR). No further response is required.

## Master Response 2–Non-CEQA Issues Not Addressed in the Final EIR

### *Summary of Relevant Comments*

Several commenters commented on issues that either (1) reference environmental issues generally related but outside of the scope of recognized CEQA frameworks discussed in the Draft EIR; or (2) relate to social, economic, or general health and safety topics that are not project impacts on the physical environment and thus fall outside the scope of CEQA. Generally, these comments, referred to herein collectively as "Non-CEQA Issues" involve, but are not limited to, the following topics:

- Availability of sunlight as a result of the proposed project;
- Mental health strain and stress related to evaluation and implementation of the proposed project;
- General concerns regarding quality of life that are not tied to a specific significance threshold;
- Economic effects or other similar perceived impacts to property values; and
- Social effects or other similar concerns related to the "right to privacy."

This Master Response addresses why these non-CEQA Issues are not further addressed in the Final EIR and confirms that these comments will nonetheless be included in the administrative record and provided to County decision-makers for consideration during the proposed project's public hearing process.

### *Response*

In compliance with CEQA, the Draft EIR evaluates the potential for the proposed project to adversely impact the physical environment based upon an assessment of identified significance thresholds. Under CEQA, the Lead Agency must evaluate comments on the Draft EIR and prepare written responses for inclusion in the Final EIR. (Public Resources Code [PRC] § 21091(d); CEQA Guidelines §§ 15088(a), 15132). The written responses must describe the disposition of any "significant environmental issues" raised by commenters. Providing a detailed written response to all identified significant environmental issues that sets forth a reasoned, good faith analysis, helps ensure the lead agency fully considers the environmental consequences of a decision before it is made and thus facilitates informed decision-making. (CEQA Guidelines § 15088(c)).

However, CEQA does not require that a lead agency respond to every comment received on an EIR, but only comments raising significant environmental issues. (PRC § 21091(d)(2)(B); CEQA Guidelines §§ 15088(a), (c), 15132(d), 15204(a); *Citizens for E. Shore Parks v. State Lands Common* (2011) 202 CA4th 549).

The CEQA Guidelines specify that comments on an EIR should focus on the sufficiency of the document's identification and analysis of significant environmental impacts, and measures to avoid or mitigate those impacts (CEQA Guidelines § 15204(a)). "Environment" is defined as the "physical conditions that exist within [an] area. . . affected by a proposed project, including land, air, water, minerals, flora and fauna, noise, and objects of historic or aesthetic significance." (PRC § 21060.5; CEQA Guidelines § 15360). Further, the impacts analyzed in an EIR must be "related to a physical change." (CEQA Guidelines § 15358(b)). "Economic or social effects of a project" in and of themselves "shall not be treated as significant effects on the environment." (CEQA Guidelines § 15131(a)). Economic and social effects that are not related to physical impacts shall not be evaluated in an EIR. (CEQA Guidelines § 15604(e), 15131(a), 15131(b)). Accordingly, issues related to mental health, privacy, property values and similar economic and/or social concerns are appropriately not addressed in this environmental document.

Additionally, as identified in the "Thresholds of Significance" section within each topical section (Section 3.1, Aesthetics, Light, and Glare through Section 3.18, Wildfire), the County utilized the criteria in CEQA Guidelines Appendix G Environmental Checklist to determine whether the proposed project would have significant environmental impacts to that specific environmental topical area. A lead agency may exercise its discretion and apply standards that are based on its own determination of appropriate thresholds of significance, based on substantial evidence in the record, when deciding whether a project's environmental impacts are significant. (*Rominger v. County of Colusa* (2014) 229 CA4th 690, overruled in part on other grounds by *Union of Med. Marijuana Patients, Inc. v. City of San Diego* (2019) 7 C5th 1171). In the Draft EIR prepared for the proposed project, the Lead Agency elected to analyze the proposed project against the Appendix G Environmental Checklist significance thresholds to ultimately make a significance finding for that topical area, which is the County's standard practice for EIRs.

Several commenters have discussed concerns that could be generally characterized as relating to a specific topical section, but these comments do not specifically relate or apply to any of the thresholds utilized by the Lead Agency and detailed in CEQA Guidelines Appendix G or otherwise

specifically connect the identified concerns to an adverse physical impact to the environment. For example, multiple commenters have expressed concern that the proposed project may adversely impact the amount of sunlight available to adjacent neighbors under existing conditions and have attempted to generally tie this concern to the environmental topic area of Aesthetics, Light, and Glare. However, Appendix G of the CEQA Guidelines does not include any significance threshold related to adjacent properties' access to sunlight. Moreover, neither these commenters nor the County has identified a potential adverse impact to the physical environment within Section 3.1, Aesthetics, Light, and Glare, that involves the amount of sunlight or perceived access to sunlight. Additionally, the County has not adopted any ordinance, regulation, or policy related to physical environmental impacts with respect to sunlight, nor have any of the general comments cited to or identified any relevant thresholds. See also Master Response 8, Clarifying Information on Aesthetics, Light and Glare EIR Section and the Shadow Study, that addresses this generalized concern regarding sunlight.

Similarly, as another example, several commenters discussed concerns related to purported health and safety issues that could be generally characterized as relating to a general environmental topical area, but do not identify any specific environmental issue or otherwise relate or apply to any of applicable significance thresholds. Comments on general health and safety concerns that do not specifically identify a potential adverse impact to the physical environment or otherwise relate to a specific significance threshold are not within the scope of the Draft EIR and/or otherwise within the purview of CEQA and therefore will not be further responded to in the Final EIR. Further, some of the comments provided on the Draft EIR pertain to alleged public health and safety impacts in the existing environment, and do not pertain to impacts of the proposed project on the environment, and similarly, will not be further responded to in the Final EIR. See also Master Response 3, Health and Safety Issues Not Addressed in the Final EIR, which addresses the generalized concerns regarding health and safety.

For the reasons explained above, the Final EIR will not provide further responses to comments on non-CEQA Issues. However, each comment will be included in the administrative record on the proposed project and will be provided to County decision-makers for consideration as part of the public hearing process on the proposed project. In this regard, the County will review, evaluate, and consider, as determined appropriate, all comments received as part of the decision-making process. See also Master Response 4, General Opposition Comments Not Addressed in Final EIR. No changes are warranted, and no further response is required.

## Master Response 3–Health and Safety Issues Not Addressed in Final EIR

### *Summary of Relevant Comments*

Several commenters discussed concerns related to purported health and safety issues that could be generally characterized as relating to a general environmental topical area but do not identify any specific environmental issue or otherwise relate or apply to any applicable significance thresholds. Several commenters have pointed to public health concerns, such as mental health concerns and health concerns related to reduced time spent outside, as the basis for why the proposed project should be denied. This Master Response outlines the legal requirements that must be met in order to deny the proposed project based on impacts related to health and safety issues.

### *Response*

As discussed in Master Response 2, Non-CEQA Issues Not Addressed in the Final EIR, comments on general health and safety concerns that do not specifically identify a potential adverse impact to the physical environment or otherwise relate to a specific significance threshold are not within the scope of the Draft EIR and/or otherwise within the purview of CEQA and therefore will not be further responded to in the Final EIR.

Furthermore, on June 14, 2021, prior to filing a formal development application, the project applicant filed a preliminary application pursuant to Senate Bill (SB) 330 as a housing development project under the Housing Accountability Act (HAA). Subject to certain limited exceptions, SB 330 provides that such a housing development project shall be subject only to the ordinances, policies, and standards adopted and in effect when a preliminary application was submitted. (Cal. Gov. Code § 65589.5(o)). The proposed project meets the definition of a "housing development project" because it consists of residential units. (Cal. Gov. Code § 65589.5(h)(2)(A)). Under the HAA, local agencies (including the County) are prohibited from denying, reducing the density of, or making infeasible housing development projects unless certain, stringent statutory findings are met.

The proposed project meets the definition of a "housing development project" under the HAA (Cal. Gov. Code, § 65589.5 (h)(2)). A "housing development project" that meets all objective standards (except those lawfully modified via State Density Bonus Law incentives, concessions, and waivers) shall not be denied or approved at a lower density except under very limited circumstances; i.e., if the local agency makes written findings, supported by a preponderance of evidence in the record, that (1) "a specific, adverse impact upon the public health or safety" would result, and (2) mitigation of the identified adverse impact is not possible (Cal. Gov. Code § 65589.5(j)(i)(A)). The HAA defines a specific, adverse health and safety impact as "a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date" a preliminary application is submitted (Cal. Gov. Code § 65589.5(j)(i)(A)).

Furthermore, even if a specific adverse impact on public health and safety as defined by the HAA is identified, the proposed project still cannot be denied if there is any feasible way to mitigate the impact. (Cal. Gov. Code § 65589.5(j)(1)(B)). In this case, feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors. (Cal. Gov. Code § 65589.5(h)(1)).

The finding of a specific, adverse impact upon the public health and safety is held to the "preponderance of the evidence" standard. (Cal. Gov. Code § 65589.5(j)(1)). Findings or determinations based on a "preponderance of the evidence" standard require that local governments weigh the evidence and conclude that the evidence on one side "outweighs, preponderates over, is more than the evidence on the other side, not necessarily in the number. . . or quantity, but in its. . . "convincing force upon" those to whom it is addressed. (*People v. Miller* (1916) 171 Cal. 649, 652; *Harris v. Oaks Shopping Center* (1999) 70 Cal.App.4th 206, 209 ("'Preponderance of the evidence' means evidence that has more convincing force than that opposed to it."). Evidence that is substantial, but not a preponderance of the evidence, does not

meet this standard. Additionally, our Legislature has also expressly determined "that the conditions that would have a specific, adverse impact upon the public health and safety" under the HAA "arise infrequently." (Cal. Gov. Code § 65589.5(a)(3)).

As such, this Master Response applies to comments that request denial of the proposed project based on alleged health and safety issues, but do not provide evidence that the impact is significant, quantifiable, direct, unmitigable, and specific to the proposed project based on objective, identified, written health and safety standards. These comments will not be further addressed in the Final EIR. No changes are warranted, and no further response is required.

## Master Response 4–General Opposition Comments Not Addressed in Final EIR

### *Summary of Relevant Comments*

Several commenters expressed general opposition to the merits of the proposed project but did not raise any significant environmental issues related to the adequacy of the environmental impact analysis; and/or objected generally regarding the adequacy of the environmental impact analysis but did not provide a specific basis to support the asserted inadequacy. The County reviewed all such general comments and prepared this Master Response to address them accordingly. Comments that were more specific in nature and provided supporting information are addressed in the individual, unique responses. The general comments addressed in this Master Response fall into one of several categories:

- The comment generally objected to either the merits of the entire proposed project, or a portion thereof, but did not raise any specific environmental issues related to the adequacy of the environmental impact analysis;
- The comment broadly identified environmental topics and requested additional evaluation but did not provide supporting information;
- The comment asked for additional studies, mitigation, or alternatives without explanation, supporting information, or rationale;
- The comment presented generalized claims challenging the adequacy of the analysis in the Draft EIR, which were not supported by data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts; and
- The comment stated an opinion, speculation or conclusion regarding the merits of the proposed project but did not (1) provide any rationale, or (2) raise any issues related to the adequacy of the environmental impact analysis.

The foregoing types of comments received in response to the Draft EIR are referred to herein collectively as "general opposition" and are the focus of this Master Response.

### *Response*

As also discussed in Master Response 2, Non-CEQA Issues Not Addressed in the Final EIR, above, comments on an EIR should focus on the sufficiency of the document's identification and analysis of significant environmental impacts, and the adequacy of measures designed to avoid or mitigate

those impacts (CEQA Guidelines § 15204(a)). "Reviewers should explain the basis for their comments" and provide data, references, or other evidence to support their comments (CEQA Guidelines § 15204(c)).

CEQA requires that the Final EIR address comments submitted during the public comment period that raise significant environmental issues on the adequacy of the Draft EIR (PRC § 21091(d)(2)(B); CEQA Guidelines § 15088(c)). CEQA considerations are limited to significant issues as these relate to potential adverse physical impacts of the proposed project on the environment.

The purpose of the public review and comment process on a Draft EIR and the related responses is intended to share expertise, disclose the basis for and methodologies used to complete the Draft EIR's analyses, check for accuracy, detect and correct omissions, discover public concerns, and solicit counter proposals for mitigation and/or alternatives. General comments and comments that consist merely of speculation or unsupported criticism may be rejected or answered with only a general response.

CEQA Guidelines Section 15204, in part states:

- "In reviewing draft EIRs, persons and public agencies should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and the ways in which the significant effects of the project might be avoided or mitigated. . . . [R]eviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible, in light of [specified] factors. . . . CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR." (CEQA Guidelines § 15204(a)).
- "Reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect shall not be considered significant in the absence of substantial evidence." (CEQA Guidelines § 15204(c)).
- "This section shall not be used to restrict the ability of reviewers to comment on the general adequacy of a document or of the lead agency to reject comments not focused as recommended by this section." (CEQA Guidelines § 15204(e)).

Accordingly, the Lead Agency has discretion to "reject comments" that are "not focused" as provided in the CEQA Guidelines. (CEQA Guidelines § 15204(e)). Thus, CEQA does not require that the County respond to all comments on the Draft EIR, but only to the significant environmental issues presented therein. (CEQA Guidelines §§ 15088(c), 15132(d), 15204(a)). Moreover, the County is not required "to conduct every test or perform all research, stud[ies], and experimentation" at the commenters' request. (PRC § 21091(d)(2)(B); CEQA Guidelines § 15204(a)). An EIR need "not provide all information" reviewers request, as long as the report, when looked at as a whole, reflects "a good faith effort at full disclosure." (CEQA Guidelines § 15204(a)). As the court stated in *City of Long Beach v. Los Angeles Unified Sch. Dist*. (2009) 176 CA4th 889, 901, "[t]he level of detail required in a

response to a comment depends on factors such as the significance of the issues raised, the level of detail of the proposed project, the level of detail of the comment, and the extent to which the matter is already addressed in the Draft EIR or responses to other comments." Accordingly, a general response to a general comment is sufficient. (CEQA Guidelines § 15088(c)).

Related thereto, responses to comments need not address a list of general suggestions for mitigating an environmental impact that are not concrete or specific to the project. A lead agency may respond to a comment that does not raise specific environmental issues or does not disclose specific analytical gaps in the Draft EIR's analysis, by providing a general response and noting the parts of the Draft EIR in which the issues are discussed.

Pursuant to CEQA, personal opinions expressing general support for, or opposition to, the proposed project are noted and will be included within the administrative record for the proposed project for consideration by the County, but do not require a specific written response if they do not relate to a significant environmental issue that is addressed within the Draft EIR and/or otherwise within the purview of CEQA. Likewise, opinions about the general desirability, merits, and/or purely economic, social, or political considerations of the proposed project are not within the purview of CEQA and do not require a specific written response in this Final EIR. See also Master Response 2, Non-CEQA Issues Not Addressed in the Final EIR, above.

In cases where the commenter provides an opinion and/or generalized concerns about the merits of the proposed project and/or the scope and nature of the environmental review but does not identify any particular issue concerning the sufficiency of the Draft EIR, the County notes the opinion in this Final EIR for informational purposes and for consideration by the decision-makers as part of the public hearing process on the merits of the proposed project.

Where a commenter offers unsubstantiated assertions about an environmental issue or the adequacy of the Draft EIR, the County notes the assertion in this Final EIR for informational purposes and consideration by the decision-makers, but does not alter or augment the analysis in the Draft EIR, pursuant CEQA Guidelines Section 15204.

The general response reflected in this Master Response is appropriate when a comment falls into one of the above-referenced categories. While the County does not provide further responses to each of these general opposition comments in this Final EIR, as noted above, each comment will be included in the administrative record on the proposed project and will be provided to County decision-makers for consideration as part of the public hearing process on the merits of the proposed project. In this regard, the County will review, evaluate, and consider, as determined appropriate, all comments received as part of the decision-making process.

Further, it should be noted that certification of a Final EIR by the Lead Agency as having been prepared in compliance with CEQA does not grant any approvals or entitlements for a project. Accordingly, the various land use entitlements necessary to implement the proposed project will be considered by the County as a separate action(s) following certification of the Final EIR. Thus, no changes are warranted, and no further response is required.

## Master Response 5–Recirculation Not Required

### *Summary of Relevant Comments*

The County received several comments stating it should revise and recirculate the Draft EIR to incorporate additional information or because a commenter disagreed with a significance conclusion in the Draft EIR or generally opposed the proposed project. This master response discusses the standards generally applicable to this issue and applies those standards to the comments requesting recirculation.

### *Response*

Although several commenters stated that the Draft EIR should be recirculated, the conditions established in CEQA under which a Draft EIR must be recirculated are not present. As a result, it is not necessary to recirculate the Draft EIR, as explained further below.

Under CEQA, recirculation is only required when the Lead Agency adds "significant new information" to an EIR after the public comment period commences and prior to certification of the EIR. (PRC § 21092.1, CEQA Guidelines § 15088.5; see also *Laurel Heights Improvement Association v. Regents of the University of California* (1993) 6 Cal.4th 1112, 1128). "Information" can include changes in the project or environmental setting, as well as additional data or other information. (CEQA Guidelines § 15088.5(a)). The critical issue in determining whether recirculation is required is whether any new information added to an EIR is "significant."

CEQA Guidelines Section 15088.5(a) further provides that new information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. "Significant new information" requiring recirculation includes, for example, a disclosure showing that:

- "A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented." (CEQA Guidelines § 15088.5(a)(1)).
- "A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance." (CEQA Guidelines § 15088.5(a)(2)).
- "A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it." (CEQA Guidelines § 15088.5(a)(3)).
- "The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded." (CEQA Guidelines § 15088.5(a)(4)).

In *Laurel Heights Improvement Association v. Regents of the University of California* (1993) 6 Cal.4th 1112, the California Supreme Court interpreted this "significant new information" standard and

rejected the proposition that "any new information" triggers recirculation; recirculation is intended to be an exception, not the general rule.

Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an otherwise adequate EIR. (CEQA Guidelines § 15088.5(b)). Here, in response to certain comments, information was added to the EIR to clarify an issue or expand on a topic. Those revisions are detailed in Section 5, Errata, of the Final EIR.

As noted above, recirculation is required only if changes are more than clarification or amplification and rise to the level of significant new information as outlined above. With respect to the suggestion of a new alternative or a mitigation measure specifically, recirculation is required only if the new alternative or mitigation measure meets all of the following criteria:

- It is feasible;
- It is considerably different from the alternatives or mitigation measures already evaluated in the Draft EIR;
- It would clearly lessen the project's significant environmental impacts; and
- It is not adopted.

No new significant impacts have been identified in the Final EIR. Although three Conditions of Approval (COAs), COA UTIL-1a through COA UTIL-1c, have been added in an effort to further respond to specific concerns raised, these COAs merely further address regulatory requirements that were already identified and considered in the Draft EIR, and no new or more severe significant impacts would result from implementing the additional COAs.

Additionally, the process of responding to comments has not resulted in the determination that an environmental impact identified in the Draft EIR has a substantially greater impact than that described in the Draft EIR.

No new feasible alternatives have been suggested or added to the EIR that would significantly reduce impacts compared to what has already been disclosed in the Draft EIR. It is important to note that while the EIR must analyze all potential approvals that are reasonably foreseeable aspects of a proposed project, the County is not obligated to grant all approvals, and an EIR need not treat each individual approval as a separate potential alternative.

Finally, while the Errata reflects certain revisions to the Draft EIR that are clarifying or editorial in nature, such revisions do not rise to the level of significant new information, and therefore recirculation of the Draft EIR is not required. Based on the foregoing and as otherwise supported by information in the administrative record, the County's decision not to recirculate is supported by substantial evidence and consistent with CEQA. As such, no further response is required.

## Master Response 6–Clarifying Information on Cumulative Projects

### *Summary of Relevant Comments*

Several commenters have requested that specific cumulative projects be further analyzed or suggest that the cumulative project list does not fully capture the cumulative projects that would be constructed during project buildout and thus should be considered "probable future projects" for purposes of the cumulative analysis required under CEQA. Specifically, several commenters identify the Senior East County Lakes Project, which is a proposed senior residential community that, if approved, would be located directly east of the project site. This Master Response discusses how a significance finding is found for the cumulative analysis in each of the topical sections included in the Draft EIR. In response to a related but distinct comment, Master Response 7, The Project Considers the Whole of the Action and Does Not Improperly Piecemeal, below, addresses comments that the Senior East County Lakes Project should be considered a component of the proposed project and should have been included in the Project Description and impact analysis in the Draft EIR.

### *Response*

CEQA Guidelines Section 15130(a) requires the consideration of cumulative impacts within an EIR when a project's incremental effects are cumulatively considerable. According to the CEQA Guidelines, ". . . the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." (CEQA Guidelines § 15065(a)(3)). In identifying projects that may contribute to cumulative impacts, CEQA allows the use of "[a] list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency" (CEQA Guidelines § 15130(b)(1)(A)).

CEQA Guidelines Section 15130(b) explains that "[t]he discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great [a level of] detail as is provided for the effects attributable to the project alone. The discussion should be guided by standards of practicality and reasonableness and should focus on the cumulative impact to which the identified other projects contribute rather than the attributes of other projects which do not contribute to the cumulative impact."

In accordance with the foregoing requirements, for each environmental topic area, the proposed project's cumulative analysis properly considered the effects of past, current and probable future projects within an appropriate geographic scope, which included consideration of cumulative projects in the vicinity of the project site within the unincorporated County, as well as the City of Pleasanton (City).

Although the physical conditions existing when the NOP is published are normally used to establish the baseline for the analysis of cumulative impacts (CEQA Guidelines § 15125(a)(1)), the County has discretion to determine which projects to include in a cumulative impact project list. In exercising its discretion, the County is guided by the basic standard that the cumulative list should include projects when it is reasonable, feasible, and practical to do so, given the information available about the projects, and when failure to include such projects would lead to an inadequate analysis of the severity and significance of the cumulative impacts in question. (*Golden Door Props., LLC v. County of*

*San Diego* (2020) 50 Cal.App.5th 467, 529). The County also notes that the CEQA Guidelines specify that location may be an important factor when the location of other projects determines whether they contribute to an impact. Accordingly, to provide a robust analysis of the potential significance of cumulative development combined with the proposed project, the County's list of cumulative projects is based on several factors including the nature of the resource affected, the location of the cumulative project, and the type of cumulative project, consistent with the direction in CEQA Guidelines Section 15130(b)(2).

In preparing the cumulative projects list, the County consulted with the City, and the County appropriately considered the City's input in this regard. As a result, the County included all cumulative projects suggested by the City in the project's cumulative impact list.

Accordingly, in identifying the probable future projects to be included in the cumulative projects list, the County properly included the following: (1) projects that had been approved at the time of NOP issuance; and (2) projects that had been approved and were then under construction at the time of NOP issuance. With respect to "pipeline" projects that fell outside of the foregoing categories, the County included relevant projects within an appropriate geographic scope that had filed formal development applications at the time of NOP issuance. The process is limited by the amount of information available about potential cumulative projects at the time environmental review commences. If a potential cumulative project within the appropriate geographic scope did not have enough information available to meaningfully analyze the project in the Draft EIR, then it was not included in the cumulative project list. The one exception to this general rule of only including projects with sufficient detail available in the Draft EIR is the Senior East County Lakes Project.

Although no formal application had been submitted to the County at the time the NOP was published, the County reasonably assumed that such application would be forthcoming due to filing of the related SB 330 preliminary application during the preparation of the Draft EIR for the proposed project. In order to ensure an appropriately conservative and robust cumulative analysis, the County exercised its discretion to include the Senior East County Lakes Project in the Cumulative Project List in Section 3, Environmental Impact Analysis, of the Draft EIR. The Senior East County Lakes Project was analyzed in the Draft EIR with the information that was reasonably available at the time of NOP publication. The cumulative findings in each of the topical sections consider the Senior East County Lakes Project as part of its analysis to the extent that project would fall within the relevant geographic scope.

The cumulative impact discussions in Sections 3.1, Aesthetics, Light, and Glare, through 3.18, Wildfire, explain the geographic scope of the area affected by each cumulative impact (e.g., immediate project vicinity, City's municipal boundaries, City's planning area, County, watershed, or air basin). The geographic area considered for each cumulative impact depends upon the impact that is being analyzed. For example, in assessing noise impacts, the Draft EIR at page 3.12-25 explains that given the nature of noise impacts, the geographic study area is more local and therefore properly limited to the immediate vicinity of the project site, specifically including the Senior East County Lakes Project. As another example, in assessing air quality impacts, all development within the air basin contributes to regional emissions of criteria pollutants, and basin-

wide projections of emissions are the best tool for determining cumulative effect; therefore, the geographic scope is properly much broader.

After establishing the relevant geographic scope, the Draft EIR's analysis employed a two-step process. The process first evaluated whether the impacts of the proposed project, together with the impacts of cumulative development, would result in a cumulatively significant impact. If there was an identified significant cumulative impact, the analysis then considered whether the proposed project's incremental contribution to the identified significant cumulative impact would be cumulatively considerable. Both conditions must apply for a project's cumulative effects to rise to the level of significance. Under CEQA Guidelines Section 15130(a)(2), where a project's contribution to a cumulative impact is not cumulatively considerable, it is not significant, and the EIR must only "briefly indicate why the cumulative impact is not significant." If there is no impact associated with respect to a particular environmental significance threshold, discussion of cumulative impacts is not required (CEQA Guidelines § 15130).

Accordingly, the cumulative discussion in the Draft EIR is properly limited to the potential impacts that are less than significant, less than significant with mitigation, and significant and unavoidable. For the reasons discussed in each topical section, the proposed project was determined not to have a cumulatively considerable contribution to any cumulative impact where the proposed project impact was less than significant or less than significant with mitigation. The proposed project was found to be able to mitigate all its potentially significant impacts to a less than significant level with the exception of the significant and unavoidable impacts found in Section 3.7, Greenhouse Gas Emissions, and Section 3.16, Transportation, of the Draft EIR. Within these topical sections, the Draft EIR found that impacts of the proposed project, together with the impacts of cumulative development, including the Senior East County Lakes Project, would result in a cumulatively significant impact. The analysis then considered whether the incremental contribution to cumulative impacts associated with the implementation of the proposed project would be cumulatively considerable and thus significant. As noted above, both conditions must apply for the proposed project's cumulative effects to rise to the level of significance. The Draft EIR found that the proposed project would have a significant and unavoidable cumulative impact in both Section 3.7 and Section 3.16, as detailed more fully therein. For the reasons set forth above, no changes to the Draft EIR are warranted, and no further response is required.

## Master Response 7–The Project Considers the Whole of the Action and Does Not Improperly Piecemeal.

### *Summary of Relevant Comments*

Several commenters have asserted that the Draft EIR's description of the proposed project (and the related impact analysis throughout the Draft EIR) should have treated the proposed Senior East County Lakes Project as a component of the proposed project. As explained in Master Response 6, Clarifying Information on Cumulative Projects, the County properly included the Senior East County Lakes Project as a cumulative development to be considered, where appropriate, in the Draft EIR's cumulative analysis, as shown in Chapter 3, Environmental Impact Analysis, Table 3-1, Cumulative Project List. The Draft EIR appropriately evaluated the Senior East County Lakes Project within the cumulative analysis in Sections 3.1, Aesthetics, Light, and Glare, through Section 3.18, Wildfire. This

Master Response addresses why the Senior East County Lakes Project is not part of the proposed project and why the evaluation of that project as a distinct cumulative project is appropriate and does not constitute improper piecemealing.

### *Response*

An EIR's Project Description must describe an accurate, stable, and finite project. An accurate Project Description serves as the foundation for a complete and instructive EIR and thus helps to ensure informed public participation and agency decision-making.

Pursuant to CEQA's requirements, the entire project being proposed for consideration for approval must be described to ensure the environmental impacts of the entire project are considered and disclosed. This reflects the CEQA Guidelines' definition of a "project" as the "whole of the action" that may result in either a direct physical environmental change or a reasonably foreseeable indirect change. (CEQA Guidelines § 15378(a)). A lead agency may not split a single large project into smaller ones resulting in piecemeal environmental review that fails to consider the environmental consequences of the entire project.

Contrary to several commenters' assertions, the Draft EIR did not improperly artificially narrow the Project Description to evade environmental review. Instead, Chapter 2, Project Description, of the Draft EIR provided a detailed description of all project components that are the subject of the discretionary land use entitlements being sought by the applicant, including all phases thereof. Such comments to the contrary have provided no substantial evidence to demonstrate otherwise.

As noted above, CEQA defines a project as "the whole of the action" that may result either directly or indirectly in physical changes to the environment. This broad definition is intended to provide the maximum protection of the environment by ensuring that all components of a development proposal are appropriately considered in the impact analysis. The term "project" refers to the proposed activity that requires an approval by a public agency. When the discretion a lead agency may exercise in granting an approval for a project is confined, CEQA review for that approval may be limited to match the scope of that discretion (see PRC § 21004, 21174 and CEQA Guidelines § 15040).

Improper piecemealing or segmentation means dividing a project into two or more pieces and evaluating each piece in a separate environmental document, rather than evaluating the whole of the project in one environmental document, which can result in an underestimation of the impacts. Improper piecemealing occurs when a lead agency "chop[s] up a large or cumulative project that has significant environmental effects into 'bite-size pieces' that have insignificant effects individually." (*El Dorado County Taxpayers for Quality Growth v. County of El Dorado* (2004) 122 Cal.App.4th 1591, 1599 (internal citations omitted)). In general, if an activity or facility is necessary for the construction or operation of a project, or necessary to achieve the project objectives, or a reasonably foreseeable consequence of approving the project, then it should be considered an integral project component that should be analyzed within the environmental analysis. Conversely, if an activity has independent utility and is not reliant on another project for construction or operation, it is appropriate to evaluate each activity as a separate project, even if they are in immediate proximity or are being proposed by the same applicant.

The following general principles on project segmentation for different project types guide this analysis under CEQA:

- For a linear project with multiple segments such as a highway, individual segments may be evaluated in separate CEQA documents if they have logical termini and independent utility. (*Del Mar Terrace Conservancy, Inc. v. City Council* (1992) 10 Cal.App.4th 712 (overturned on other grounds)).
- For a planning approval such as general plan amendment, the Project Description must include reasonably anticipated physical development that could occur as a result of that initial approval. (*City of Redlands v. County of San Bernardino* (2002) 96 Cal.App.4th 398).
- For a project requiring construction of off-site infrastructure to serve the development proposal at hand (e.g., water and sewer lines), the off-site infrastructure must be included in the Project Description. (*San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713).
- For modification of a permit for an existing facility, the scope of the Project Description can be limited to the scope of the permit modification and does not cover the entire facility. (*Citizens for East Shore Parks v. State Lands Commission* (2011) 202 Cal.App.4th 549).

The following portion of this Master Response demonstrates that (1) the Draft EIR properly considers the Senior East County Lakes Project in the Draft EIR's cumulative analysis as a separate and distinct cumulative development, (2) development of the Senior East County Lakes Project is not necessary or integral to the construction or operation of the proposed project or otherwise necessary to achieve the objectives thereof, and (3) the proposed project would not have a growth inducing impact by installing improvements that could facilitate unplanned growth, such as the Senior East County Lakes Project. Please also refer to Master Response 10, Clarifying Information on the Wastewater Treatment Plant Operation and Maintenance.

As described in Chapter 3, Environmental Impact Analysis, Table 3-1, Cumulative Projects, of the Draft EIR, the Senior East County Lakes Project is conceptualized as a gated, age-restricted mixed density residential project with support services included as a mixed use. The Draft EIR considered in the cumulative analysis that the Senior East County Lakes Project would include 569 dwelling units and approximately 10,000 square feet of support services. The Draft EIR disclosed that the Senior East County Lakes Project would be located directly east of the proposed residential component of the proposed project and south of the proposed off-site infrastructure. The project applicant for the Senior East County Lakes Project submitted a preliminary application pursuant to SB 330 to the County during the preparation of the Draft EIR; however, at the time of publication of this Final EIR, no formal development application for that project has been submitted to the County for review. See also Master Response 6, Clarifying Information on Cumulative Projects, which provides clarifying information on how cumulative impacts were analyzed in the Draft EIR.

Under CEQA, as summarized above, the Senior East County Lakes Project could only properly be considered part of the proposed project if construction of the Senior East County Lakes Project were necessary and integral for the operation of the proposed project; necessary to achieve the proposed

project objectives; or properly construed as a foreseeable consequence of approving the proposed project. However, none of the foregoing circumstances exist.

The proposed project and the Senior East County Lakes Project are distinct development proposals that are the result of entirely distinct application processes, are independently functional separate actions, and serve distinct purposes. Thus, the Senior East County Lakes Project is neither a part of, nor a consequence of, the proposed project. Except for general assertions about its nearby location, purported involvement of the same or similar entities, and potential reliance on certain future, off-site infrastructure, the commenters have provided no basis to claim the proposed project: (1) is in any way dependent on the other referenced proposal; (2) is the necessary first step toward a larger development; or (3) requires or presumes completion of the Senior East County Lakes Project in order to bring the proposed project to fruition.

To the contrary, the proposed project is an independent development proposal, located on the project site and served by identified on- and off-site utility infrastructure that has been sized to meet the needs of the proposed project accordingly. The proposed project would in no way rely on development of the Senior East County Lakes Project to operate and thus has substantial independent utility.

The proposed project and the Senior East County Lakes Project would make different and independent contributions to the County's Regional Housing Need Allocation (RHNA), which is a State-mandated process in California that determines each region's housing needs based on population and household growth. It assigns each city and county their "fair share" of new housing units to plan for in order to address the State housing supply crisis. Each jurisdiction's RHNA is assigned based on varying income-levels, when compared to the average median income of the County: extremely low and very low; low; moderate; and above moderate. The proposed project would include 194 residential units, all of which would contribute toward the above moderate unit requirement for the County as identified in the County's 2023-2031 Adopted Housing Element. However, the Senior East County Lakes Project would be age-restricted and with a mix of affordability levels over 596 dwelling units. The different affordability and age-restrictions means that the two projects would serve different but equally important segments of the local population. Therefore, the two projects each satisfy independent, important local goals.

Whether or not the Senior East County Lakes Project is approved or constructed does not affect the proposed project's ability to be constructed and operated as an independent development, exactly as described in the Draft EIR. Furthermore, whether or not the Senior East County Lakes Project is ultimately approved and constructed has no bearing on the proposed project's ability to meet its project objectives as described in Chapter 2, Project Description. Moreover, the mere fact that the Senior East County Lakes Project may ultimately seek to connect to infrastructure that was originally constructed as part of the proposed project, and thus arguably would "benefit" from such infrastructure, does not mean that the Senior East County Lakes Project is a foreseeable consequence of the proposed project.

Furthermore, a purported common parent ownership of both the project site and the Senior East County Lakes Project site is irrelevant for CEQA purposes and does not demonstrate a piecemeal

review. This has been addressed in relevant case law. "No environmental impact results from the fact that a single parent company holds two or more projects." (*Friends of Davis v. City of Davis* (2000) 83 Cal.App.4th 1004).

Additionally, none of the discretionary entitlements that would be necessary to implement the proposed project would enable or otherwise allow for the Senior East County Lakes Project to proceed; to the contrary, the Senior East County Lakes Project would require an entirely separate development application process involving consideration of a distinct tentative subdivision map on different lands, with its own independent improvements, including, without limitation, the need to obtain approval for all necessary new or expanded utility and roadway infrastructure, all of which would be required to undergo its own environmental review process. In other words, the County's approval of the proposed project in no way commits the County to a particular course of action with respect to the separate and distinct Senior East County Lakes Project.

Although the Senior East County Lakes Project timeline is speculative as the County's formal development application process and related environmental review has not yet begun as of the writing of this Final EIR, it is reasonable to assume that construction of the proposed project, assuming it is approved in 2025, would be completed before the Senior East County Lakes Project construction could begin, which provides further evidence of the proposed project's independent utility. Furthermore, the Senior East County Lakes Project is not a phase of the proposed project; as noted above, it is the subject of a separate development proposal on different lands and would require approval of distinct land use entitlements after undergoing its own CEQA review.

Finally, the mere fact that the Senior East County Lakes Project may ultimately seek to connect to infrastructure that was originally constructed as part of the proposed project, and thus arguably would "benefit" from such infrastructure, does not mean that the Senior East County Lakes Project is a foreseeable consequence of the proposed project. The proposed project's Wastewater Treatment Plant (WWTP), including an influent pump station, a headworks facility, odor control, a membrane bioreactor facility, ultraviolet disinfection, an effluent and recycled water pump station and pipelines, solids handling, a chemical facility, administration, laboratory, operations, and maintenance uses, is described in the Chapter 2, Project Description, and Section 3.17, Utilities and Service Systems, of the Draft EIR. The Senior East County Lakes Project does not propose to use the proposed project's proposed WWTP as it sized specifically to the proposed project and would not support the additional demand generated by the Senior East County Lakes Project.

The infrastructure that is evaluated in the Draft EIR for the proposed project would require significant expansion, involving a separate and distinct permitting process, if it were to also serve the Senior East County Lakes Project. To the extent the Senior East County Lakes Project may seek to connect at some point in the future to utility infrastructure that is built as part of the proposed project, that infrastructure would need to be expanded and upgraded to accommodate the significant additional development that may ultimately be pursued by the Senior East County Lakes Project, which would require a separate entitlement approval process and related CEQA review. As further described in Master Response 10, Clarifying Information of the Wastewater Treatment Plant Operation and Maintenance, the off-site facilities included as part of the proposed project are sized specifically for the proposed project, and would not be sized to accommodate the Senior East County

Lakes Project, which instead would need to obtain separate approval of new and/or expanded utilities in order to be operational, as noted above. Thus, the proposed project does not allow for unplanned growth as a result of developing the off-site utilities required to support the proposed project.

Based on the foregoing and as further documented in the Draft EIR and other materials in the administrative record, the County has properly determined that the Senior East County Lakes Project is an independent, stand-alone development proposal that would need to be analyzed in a separate environmental review process. Accordingly, there was no improper segmentation, no change is warranted, and no further response is required.

## Master Response 8–Clarifying Information on the Aesthetics, Light, and Glare EIR Section and the Shadow Study

### *Summary of Relevant Comments*

Several commenters have requested further information or expressed concern regarding the light and glare analysis and Shadow Study included in Section 3.1, Aesthetics, Light, and Glare, of the Draft EIR. Specifically, the commenters allege the analysis underestimates how the proposed project would impact sunlight and produce shadow on adjacent residences.

### *Response*

*Aesthetics, Light, and Glare,*

As detailed in Section 3.1, Aesthetics, Light, and Glare, of the Draft EIR, the County does not have quantitative thresholds for evaluation of light and glare impacts under CEQA Appendix G Threshold AES-4; therefore, the following qualitative thresholds developed in *City of Los Angeles' CEQA Thresholds Guide for Shade and Shadow Impacts (2006)* were used by the County to evaluate the significance of aesthetics impacts to light and glare from the implementation of the proposed project. Would the proposed project:

- Increase existing nighttime light or daytime glare sources in the plan area or vicinity in a manner that would substantially affect nighttime or daytime views.
- Reduce sunlight or introduce shadows to public parks and plazas, routinely usable outdoor spaces associated with recreational land uses, pedestrian-oriented commercial spaces such as outdoor eating areas, and existing solar facilities.

Therefore, the analysis contained within the Draft EIR evaluated whether components of the proposed project would include light sources that would affect nighttime views or building materials that would create glare that would affect daytime views. The Draft EIR concluded that the proposed project would contain nighttime lighting and building materials consistent with nearby residential projects that would not provide excessive nighttime light or daytime glare and would result in a less than significant impact. As the proposed project is not adjacent to any public spaces, the second bullet described above is not applicable to the project analysis and is not discussed in the Draft EIR.

Although not required to do so, the Draft EIR also provided a Shadow Study for informational purposes to address NOP comments that the proposed project may impact the use of existing

residential solar systems. Because this primarily relates to an economic issue, this analysis was voluntarily provided to address public concern and not required under the County's CEQA significance thresholds. However, many commenters reviewed the results of the Shadow Study and expressed concern regarding backyard shading on adjacent homes as it relates to usability of their space and mental health. This Master Response explains how the Shadow Study was developed and its results as well as how concerns regarding shadows to neighbors' backyards are considered by the County's decision-makers.

As discussed in the Draft EIR, the Shadow Study (included as Exhibits 3.1-1 through 3.1-12 in Section 3.1, Aesthetics, Light, and Glare, of the Draft EIR) compared the net new shadow that would occur as a result of the proposed project's development. The Shadow Study accounted for the height of the proposed project's houses, the raised topography, and the height and location of the residential homes adjacent to the project site's western boundary. The proposed grade change and height and distance of the proposed homes were inputted into a computer simulator that generated the images provided in Exhibits 3.1.-1 through 3.1-12.

Exhibits 3.1-1 through 3.1-12 show the likely shadows of the proposed project during the summer and winter solstices and spring and fall equinoxes. These days are used to approximate shadows because they represent when the sun's path is at the highest, mid, and lowest point on the horizon, thereby providing a general overview of how a building's shadow would change throughout the year. At the time of summer solstice in the Northern Hemisphere, the longest day and shortest night of the year occur around June 21, marking the beginning of summer. At winter solstice, around December 21, the sun is overhead at noon marking the beginning of winter in the Northern Hemisphere. Measuring shadow lengths for the winter and summer solstices represents the extreme shadow patterns that occur throughout the year. Shadows cast on the summer solstice are the shortest shadows during the year, becoming progressively longer until winter solstice when the shadows are the longest they are all year. The Shadow Study concluded that the proposed project would not significantly impact the use of solar panels on adjacent homes. Not only does the Shadow Study demonstrate the most extreme conditions of the year for a conservative analysis, but it also demonstrates that in all four seasons, any shadows cast by the proposed project would not adversely impact adjacent neighbors' backyards because the shadows would be gone before noon, and thus, would not render the adjacent backyards unusable or deprive neighbors of access to sunlight.

For the reasons explained above, the Final EIR will not provide further responses to comments on general concern regarding shadow, which are considered a non-CEQA Issue. However, each comment will be included in the administrative record on the proposed project and will be provided to County decision-makers for consideration as part of the public hearing process on the proposed project. In this regard, the County will review, evaluate, and consider, as determined appropriate, all comments received as part of the decision-making process. See also Master Response 2, Non-CEQA Issues Not Addressed in the Final EIR, and Master Response 3, Health and Safety Issues Not Addressed in the Final EIR. No changes are warranted, and no further response is required.

## Master Response 9–Clarifying Information on Public Services EIR Section

### *Summary of Relevant Comments*

Several commenters have requested clarification on how public services will be provided to the proposed project and how the City and the County will collaborate to ensure the future residents are served. Specifically, the City of Pleasanton's comment letter (PLEASANTON) has requested additional analysis related to fire, police, library services, and parks.

### *Response*

Under CEQA, if a proposed project would create an increased demand for public services, a lead agency must analyze whether new or expanded physical facilities may be required to provide such services and address them. The impacts that must be addressed under CEQA are the physical effects that are the result of constructing and operating the new or expanded facilities triggered in order to provide the increased service. An increase in demand on public services or utilities that will result from a project, in and of themselves, are not environmental impacts that must be evaluated in an EIR. The need for, or deficiency in, public services is not in and of itself a physical impact on the environment contemplated by CEQA. (*City of Hayward v. Board of Trustees of Cal. State University* (2015) 242 Cal.App.4th 833, 843 )need for additional fire protection services that project would generate is not environmental impact that must be mitigated under CEQA); *Santa Rita Union Sch. Dist. v. City of Salinas*, 94 Cal.App.5th 298, 341 (same, as it pertains to school facilities)).

Section 3.14, Public Services, of the Draft EIR discusses existing conditions related to public services in the County and project area, the applicable regulatory framework, and potential impacts on such public services that could result from the proposed project. The Draft EIR uses the County's chosen threshold of significance under the CEQA Guidelines Appendix G Checklist for analyzing impacts on public services: would a project result in "substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:" (a) Fire protection; (b) Police protection; (c) Schools; (d) Parks; (e) Libraries (CEQA Guidelines Appendix G).

This Master Response will address each of the public services individually, below. See also Response to City of Pleasanton (PLEASANTON), for responses to specific individual comments set forth in the City's comment letter.

As stated in Chapter 2, Project Description of the Draft EIR, the proposed project is anticipated to generate 691 new residents and would develop a 0.7-acre private park and approximately 0.5 mile of designated walking trails. The Draft EIR discusses potential impacts related to fire, police, and library services as well as parks in Section 3.14, Public Services, of the Draft EIR. This response is divided into separate topic areas that are identified by headers below.

*Fire Protection*

As a preliminary point, the Draft EIR observed that, due to the proposed project's location, fire protection services would be served by two fire departments: the Alameda County Fire Department

(ACFD) and the Livermore-Pleasanton Fire Department (LPFD). The proposed project is within the jurisdiction of ACFD; however, ACFD and LPFD have entered into an Automatic Mutual Aid Agreement,[1] under which LPFD can provide voluntary fire protection, rescue, and emergency medical services, without supplanting day-to-day services of the ACFD service area. Based on the Automatic Mutual Aid Agreement and prior practice in the County, the Draft EIR reasonably assumes that, in the event of a fire or related emergency at the project site, ACFD and/or LPFD could be first responders based on their availability to respond to the call. Further, all fire departments within the County share a countywide mutual aid agreement and are a part of the State Master Mutual Aid Plan.[2] Accordingly, in the event a fire or similar emergency at the project required additional first responder support, the County could call upon additional local and Statewide responders for support.

The Draft EIR contains a detailed discussion of ACFD, LFPD, and the respective service territories and staffing levels of each. The Draft EIR observed that ACFD serves approximately 508 square miles and a population of 394,000 people. ACFD consists of four battalions, 26 fire stations, 26 engine companies, seven ladder truck companies, one heavy rescue vehicle, as well as air/light support unit, three zodiac boats, an approximately 2,500-gallon water tender, a bulldozer, and a hazardous material response vehicle. The ACFD had 475 authorized positions and 50 reserve firefighters as of 2017, which is the most recent information available (see Section 3.14, Public Services, page 3.14-2 of the Draft EIR). Regarding LPFD, the Draft EIR discusses how that department has a daily staffing level of 36 personnel, which occupy 10 fire stations and provide emergency response to the cities of Livermore and Pleasanton (see page 3.14-3 of the Draft EIR). The LPFD consists of eight engine companies and two truck companies with 121 full-time employees (see page 3.14-3 of the Draft EIR). The Draft EIR also explains that LPFD Fire Station 1 is approximately 0.64 mile south of the project site. Fire Station 1 is normally staffed with one 3-person advanced life support engine company and one Battalion Chief. The personnel at Fire Station 1 also cross-staffs one Type 6 Engine, one rescue boat, and one utility terrain vehicle (UTV) special response vehicle. The LPFD responds with the closest resources to all emergency and non-emergency calls for service. The next closest fire station is LPFD Fire Station 3, located approximately 1.4 miles northwest of the project site. The LPFD's average response time for the project site and surrounding area is approximately 6 minutes and 3 seconds. The nearest ACFD fire station is ACFD Station 18, located approximately 2.36 miles north of the project site (see page 3.14-3 of the Draft EIR).

The Draft EIR acknowledges that the proposed project and its anticipated 691 new residents would be expected to result in an increase in calls for fire protection and emergency medical services (see page 3.14-11 of the Draft EIR). By increasing the population, development of the project site would increase the demand for fire protection and emergency services, which may result in a need for additional staffing at existing facilities; however, the incremental increase in staffing that may result

[1] Alameda County Fire Department (ACFD). 2015. Automatic Mutual Aid Agreement for Exchange of Fire Protection, Rescue and Emergency Medical Services between the Livermore-Pleasanton Fire Department and the Alameda County Fire Department. December. Website: https://www.acgov.org/board/bos_calendar/documents/DocsAgendaReg_12_01_15/SITTING%20AS%20THE%20BOARD%20OF%20DIRECTORS%20OF%20THE%20ALAMEDA%20COUNTY%20FIRE%20DEPARTMENT/Regular%20Calendar/ACFD_225360.pdf. Accessed June 28, 2025.

[2] County of Alameda. Eden Area General Plan at 6-11. Website: https://www.acgov.org/cda/planning/generalplans/documents/06_PublicFacilities.pdf. Accessed June 28, 2025.

from the proposed project would not necessitate the construction of a new facility or expansion of an existing facility in order to maintain acceptable response times. Potential impacts on staffing are generally anticipated by the County for all development and the project applicant would be subject to standard impact fees pursuant to County Ordinance O-93-17 (County Fire Code Sec. 107.2) that would contribute funding for increased staffing and resources.

Certain comments have queried whether the County's fire impact fees can (or should) be used for staffing and resources and have suggested such fees can only be used to fund physical facilities. This is incorrect. As stated in the ACFD 2023–2033 Strategic Business Plan, development impact fees are utilized to ensure full recovery of applicable service costs.[3] Thus, the County and ACFD are authorized to utilize impact fees toward new staffing and equipment and are not legally obligated to commit such funds to new or expanded facilities. Second, California courts have endorsed applicant fee contributions toward additional fire department staffing and equipment as it pertains to fire-related impact determinations under CEQA. (*See League to Save Lake Tahoe Mountain etc. v. Cnty. of Placer* (2022) 75 Cal.App.5th 63, 137, 143: "The project will not significantly affect the Northstar Fire Department's response times. The EIR estimated it would take a crew nine or 10 minutes to respond to a service call from the project site, which met recommended response times for rural areas. The additional population, however, would necessitate additional staffing. The project would pay an impact fee to help fund additional equipment, and it would pay a separate fee under the development agreement to help fund hiring two additional firefighters over time. The County asserts that these measures will improve the fire department's ability as a first responder to extinguish fires that may start in its jurisdiction and keep them from spreading.")

Other comments contend the Draft EIR fails to analyze or to project ongoing operational costs to maintain fire protection services to the proposed project. Such level of analysis is not required under CEQA. The Draft EIR contains a reasonable, good faith analysis of baseline conditions as it pertains to fire protection services in the project vicinity and evaluates the project's individual and cumulative contribution to demand for such services. Numerous unknown factors outside the proposed project can contribute to a local jurisdiction's ability or inability to provide acceptable levels of fire protection services in the future. CEQA does not require lead agencies to engage in speculation—only a good faith effort at disclosure. (CEQA Guidelines § 15003(i)).

In light of the above, the Draft EIR correctly found that the proposed project would have a less than significant impact with respect to fire protection services and would not require the construction of new, or expansion of existing fire facilities. Commenters have introduced no evidence in the record indicating that the proposed project would trigger the need for new or expanded fire stations or facilities.

*Police Service*

As discussed in Section 3.14, Public Services, of the Draft EIR, the County Sheriff provides service to the unincorporated areas of Alameda County, including to the project site (see page 3.14-3 of the Draft EIR). The Sheriff's Office has an operating budget of approximately $564.6 million and has over

[3] Alameda County Fire Department (ACFD). 2022-2023 Strategic Business Plan. Website: https://fire.acgov.org/wp-content/uploads/2024/08/ACFD-Strategic-Business-Plan-Final-with-Cover-Page-04.18.23.pdf. Accessed January 2, 2025.

1,800 authorized positions, including in excess of 1,200 sworn personnel. The Tri-Valley Substation of the Sheriff's Office is responsible for police services at the project site and is located approximately 14.72 miles west of the project site. The Tri-Valley Substation is staffed with a total of one sergeant, 14 deputies and one professional staff member who are required to cover 24 hours per day, 7 days per week.

The existing average response time for priority emergency calls at the Tri-Valley Substation is approximately 18 minutes. In the event of a life-threatening emergency, the County Sheriff can request Pleasanton Police Department (Pleasanton PD) to help address the emergency until the County Sheriff's Office can arrive on the scene. The nearest Pleasanton PD station, which is located approximately 1.8 miles southwest of the project site, would provide service to the project site (see page 3.14-12 of the Draft EIR).

The Draft EIR fully discloses that the proposed project would increase demand for law enforcement services by adding approximately 691 residents to the County's population. However, to the extent additional police resources would be needed to accommodate emergency response calls from the proposed project, it is reasonably foreseeable those would take the form of additional first responder employees (and not physical improvements). Additional police staffing, if required, would not require the construction of new, or the expansion of existing, police facilities because adequate space is available in the Tri-Valley Substation. Additional staffing would improve Sheriff Department response times due to the larger officer-to-resident ratio. This contribution is also consistent with County Policy 243 (County shall require new developments to pay their fair share of the costs for providing police, fire, and emergency medical services and facilities) (see page 3.13-9 of the Draft EIR).

Certain comments have suggested that police protection services would "default" to the Pleasanton PD. The Draft EIR provides no such assertion, but rather advises (as is consistent with baseline conditions), that the County Sheriff may call upon Pleasanton PD in limited, life-threatening emergencies. See also Response to City of Pleasanton (PLEASANTON) in Section 3, Response to Public Comment Letters, of this Final EIR.

Thus, the Draft EIR reasonably concludes that a net addition of 691 residents from the project would result in an incremental increase in the demand for police protection services, but not to the extent that new or expanded police facilities would be necessary.

*Parks*

The Draft EIR includes a thorough discussion of the public park system in the County and City of Pleasanton, which residents of the proposed project may use and benefit from. Specifically, the East Bay Regional Park District (EBRPD) operates 73 parks covering 125,496 acres in the County and Contra Costa County, which exceeds the performance standard codified in the County Code (see pages 3.14-5–3.14-6 of the Draft EIR). The City's park system includes 46 community and neighborhood parks that total 385 acres of parkland and 1,016 acres of open spaces, which also contain trails for recreational uses. With an estimated population of 78,271 as of 2021, the City provides at least approximately 17.9 acres of parkland and other recreational uses per 1,000

residents, which also well exceeds the performance standard codified in the City's General Plan, Program 10.18 (see page 3.14-6 of the Draft EIR).

The proposed project would result in approximately 691 residents and the Draft EIR conservatively assumes all new residents would come from outside of the County. The Draft EIR discloses that no parks or recreational facilities are currently located on the project site, but that the nearest park is Orloff Park, which is located approximately 0.76 mile directly west of the project site. Orloff Park consists of basketball courts, an exercise course, picnic tables, a softball field, a Tot Play Area, and a youth play area (see page 3.14-6 of the Draft EIR). Further, the proposed project itself entails a substantial contribution of open space and on-site recreation space for future residents, which is expected to offset residents' reliance on the public park system. Specifically, the proposed project includes the development of 21 open space and park parcels, ranging from approximately 1,117 square feet to 30,423 square feet in area, and approximately 0.5 mile of designated walking trails (see page 3.14-14 of the Draft EIR).

The proposed project would be required to comply with the County's Park Dedication Ordinance (Chapter 12.20 of the County Code of Ordinance), the purpose of which is to assure that each new residential unit in the unincorporated area bears the burden of its individual, incremental share of improvements needed to accommodate the cumulative demand for park and recreation facilities caused by all new residential development, and to ensure that the current level of park and recreation facilities is maintained. (County Code Section 12.20.030). The proposed project would be required to comply with the Ordinance through a combination of on-site park dedications and a payment of an in lieu fee, as set forth in an enforceable condition of approval.

Certain comments have expressed concern regarding the proposed project's impacts on the City of Pleasanton's park system. These comments identify improvements that have already been identified, planned, and analyzed in the Parks and Recreation Master Plan and by the General Plan. Neither the proposed project nor the cumulative projects identified in the Draft EIR have necessitated these planned improvements. See also Response to City of Pleasanton (PLEASANTON) in Section 3, Response to Public Comment Letters, of this Final EIR.

Thus, the Draft EIR reasonably concludes that a net addition of 691 residents from the proposed project would result in an incremental increase in the demand for existing park facilities but not to the extent that new or expanded park facilities to accommodate residential growth would be necessary.

*Schools*

The Draft EIR discloses that the proposed project is located within the jurisdiction of the Pleasanton Unified School District (PUSD) and would be served by Alisal Elementary School, Harvest Park Middle School, and Amador Valley High School. The Draft EIR also discloses that the proposed project and the approximate 691 residents would increase the need for school services (see page 3.14-13 of the Draft EIR). Specifically, the proposed project would be expected to generate approximately 148 students, with approximately 79 students attending Alisal Elementary School, approximately 34 students attending Harvest Park Middle School, and approximately 36 students attending Amador Valley High School. According to consultation with the PUSD, Harvest Park Middle School and

Amador Valley High School would be able to accommodate the increase in students from the proposed project. However, the PUSD indicated that Alisal Elementary School would potentially be impacted by the increased number of students as a result of the proposed project. Alisal Elementary School has a maximum capacity of approximately 717 students and has a current enrollment of approximately 650 students (see pages 3.14-13 of the Draft EIR). Consultation with PUSD indicated that an increase in students at Alisal Elementary School could require enhancements to the pick up and drop off area at the school, but no substantial physical upgrades.

The proposed project's contribution to student enrollment would be mitigated by the payment of the statutorily required impact mitigation fee or "developer" fee at rates implemented and applicable to the proposed project at the time of building permit issuance. Pursuant to Section 65995(h) of the California Government Code, the payment of statutory fees is "deemed to be full and complete mitigation of the impacts of any legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property, or any change in governmental organization or reorganization. . . " The fees set forth in Government Code Section 65996 constitute the exclusive means of both "considering" and "mitigating" a project's impacts on school facilities. (Cal. Gov. Code §65996(a)). (*See Chawanakee Unified Sch. Dist. v. County of Madera* (2011) 196 Cal. App.4th 1016 (court held that because the methods in the statute are the exclusive means of "considering" impacts on schools, an EIR need not describe and analyze a development's impacts on school facilities)).

To the extent the number of students residing at the project site gradually increases over time, the PUSD has the ability to make decisions as to where such students will attend schools, and if new or future facilities are required. The specific decisions the PUSD may have to make in the future cannot be predicted with any level of certainty at present, and, in any event, are beyond the County's discretion.

Lastly, although important to the quality of life in the project area, impacts to schools from increased development do not necessarily result in physical environmental impacts. In *Goleta Union School District v. Regents of the University of California* (1995) 37 Cal.App.4th 1025,1032, the Court of Appeal found that "[c]lassroom overcrowding, per se, does not constitute a significant effect on the environment." (*See also Corona-Norco Unified School District v. City of Corona* (1993) 13 Cal.App.4th 1577 (sustaining demurrer against allegations of CEQA violations and inadequacy of EIR based on entitlement approvals where schools were overcrowded, proposed developments would exacerbate overcrowding, and statutorily authorized fee was insufficient to fund construction of new facilities to alleviate overcrowding)). Therefore, the Draft EIR correctly found that the proposed project would have a less than significant impact related to school services.

*Libraries*

The Draft EIR explains that the Alameda County Library provides library services from 10 libraries in the cities of Albany, Dublin, Fremont, Newark, and Union City and the unincorporated communities of Castro Valley and San Lorenzo. The County's Dublin Library is located approximately 3.64 miles northwest of the project site.

The nearest library to the project site is the Pleasanton Public Library, located approximately 1.87 miles southwest of the project site. The Pleasanton Public Library is located at 400 Old Bernal Avenue and provides library services to the City of Pleasanton. Based on the most recent data provided on the library's website, as of July 2019, there were 43,523 active library cardholders, and there were 10,396 new registered library cardholders in 2018. Additionally, there were 1.1 million total library materials checked out in 2018. Based on responses provided by the Pleasanton Library, 79 percent of cardholders are Pleasanton residents while 21 percent of cardholders reside in adjacent areas, unincorporated areas, or other California cities. However, for purposes of a conservative analysis, the Draft EIR analyzed the proposed project's impact on both Alameda County and City of Pleasanton library services as there are many factors that contribute to a patron's decision to use one library over another besides proximity to home address, including event schedules, availability of desired resources, and proximity to school, work, etc.

The Draft EIR disclosed that the proposed project would result in an incremental increase in the demand for existing libraries. However, the County's EIR consultants consulted with the Alameda County Library, and according to the Alameda County Library, any increased demand on Alameda County Library facilities would be low, and the Dublin Library would be able to accommodate the demand created by the proposed project. Additionally, the Pleasanton Library was consulted during the preparation of the Draft EIR and in a letter from May 19, 2023, the Pleasanton Library confirmed that the proposed project would not have a substantial impact on the library and that the library would be able to accommodate the proposed project as part of the existing facilities.

Certain comments have expressed concern regarding the proposed project's impacts on the Pleasanton Library. Specifically, the City of Pleasanton identifies the need for expansion of the Pleasanton Library. However, the City of Pleasanton's General Plan and Library Master Plan indicate a planned expansion of the Pleasanton Library. Pleasanton Library is supported by the City's general fund and grant funding at approximately $4 million annually. Thus, the need for an expansion of the library facilities is not necessitated by the proposed project and is an existing deficiency. Neither the proposed project nor cumulative projects analyzed in the Draft EIR alone require the expansion of the library. The need for additional library services has already been analyzed in the General Plan EIR and the Housing Element EIR. See also Response to City of Pleasanton (PLEASANTON) in Section 3, Response to Public Comment Letters, of this Final EIR.

Furthermore, according to the City of Pleasanton's *Library and Recreation Department Strategic Plan 2019–2024,* the library reported that it served 43,523 active cardholders. Even under a conservative assumption that all of the 691 residents of the proposed project routinely visit and become cardholders of the Pleasanton Library (as opposed to the County's Dublin Library), this would represent a 1.5 percent increase in cardholders. Absent an identified and documented service deficiency necessitating new or expanded library facilities at the Pleasanton Library, it is reasonable to conclude that the proposed project would not cause the need for new or expanded library facilities.

Thus, the Draft EIR reasonably concluded that a net addition of 619 residents from the proposed project would result in an incremental increase in the demand for existing libraries, but not to the extent that new or expanded library facilities would be necessary.

Furthermore, Section 3.14, Public Services, of the Draft EIR identifies that cumulative developments would be required to pay development impact fees. Accordingly, there would be a less than significant cumulative impact regarding the additional need for new or altered fire, police, library, or park facilities not already analyzed within and planned for pursuant to the applicable General Plan. Future development of any of the cumulative projects identified in the Draft EIR would also be required to analyze its project-specific impacts on public services. Please refer to Master Response 6, Clarifying Information on Cumulative Projects and Master Response 7, The Project Considers the Whole of the Action and Does Not Improperly Piecemeal. Therefore, the proposed project's impacts on public services are less than significant. No changes to the Draft EIR are warranted.

## Master Response 10–Clarifying Information on the Wastewater Treatment Plant Operation and Maintenance

### *Summary of Relevant Comments*

Several commenters requested clarification on various aspects of the proposed WWTP operation and maintenance. This Master Response will address operational and maintenance responsibilities, permits and regulatory requirements applicable to the proposed WWTP and how the facility would meet those requirements. This Master Response will also provide further information regarding the specifics of the closed membrane technology that would be utilized for the proposed WWTP, specifically addressing concerns regarding odor, sizing, per- and polyfluoroalkyl substances (PFAS), and the production, handling and disposal of biosolids and byproducts.

### *Response*

This response is divided into separate topic areas that are identified by headers below.

*Operator of the Proposed Wastewater Treatment Plant*

As described in Chapter 2, Project Description Section 2.2.5 and Section 3.17, Utilities and Service Systems of the Draft EIR, a proposed off-site WWTP would treat project-generated wastewater, which is a standard treatment solution for project-generated wastewater that is not otherwise discharging to a regional treatment plant. As described in more detail in Chapter 2, Project Description, of the Draft EIR, the proposed WWTP would include an influent pump station, a headworks facility, odor control, a membrane bioreactor (MBR) facility, ultraviolet disinfection, an effluent and recycled water pump station and pipelines, solids handling, a chemical facility and a building housing administration, laboratory and support for operations and maintenance.

The proposed WWTP would be operated and maintained by a private contractor entity that is properly registered by the California State Water Resources Control Board (State Water Board) pursuant to applicable State laws and regulations. The private contractor would employ individuals who are properly certified by the State Water Board to operate a wastewater treatment plant of the proposed WWTP's type, capacity, and technology, and who would be responsible for operating the WWTP's equipment that is used to clean and improve the quality of wastewater. As explained further below, State law requires that all treatment facilities must be operated by certified treatment plant operators who are employed by properly registered private contractor entities. These certified operators are the individuals responsible for operating the treatment plant equipment that is used to clean and improve the quality of wastewater.

As of April 2024, there are over 6,200 operators certified by the State Water Board and over 70 contract operators registered by the State Water Board. A listing of contract operators registered at the time of drafting this Final EIR included in Appendix A: Wastewater Treatment Plant Clarifying Information, of this Final EIR. Currently, the project proponent is in discussions with one of those registered contract operators to operate and maintain the proposed WWTP. As further discussed below, the proposed project would be conditioned to provide documentation to the Lead Agency confirming that a registered contract operator has been retained prior to commencement of operation of the WWTP. This condition is included as COA UTIL-1a and noted in Chapter 5, Errata, of this Final EIR. This enforceable COA documents a requirement imposed on the proposed project as a matter of the State Water Board's laws and regulations. COA UTIL-1a does not result in any new or more severe significant impacts, nor is it required to mitigate a new significant impact.

The certified operators, under the supervision of the Chief Plant Operator, are responsible for all operational aspects of a treatment plant. Examples of their operational duties (as identified by the State Water Board) include but are not limited to adjusting gauges, adjusting dials and valves, taking effluent samples, adding chemicals, monitoring the Supervisory Control and Data Acquisition (SCADA) systems, reading and monitoring gauges, visual inspections of operational equipment and preparing and filing all regulatory reports.

Contract operators are routinely used for publicly and privately owned WWTPs ranging in size and capacity. Nearby examples of contractually operated large wastewater treatment facilities include those owned by the cities of Mountain House and Lathrop. Examples of contract operations of smaller systems include those in the San Joaquin Valley owned by Del Rio West (near the City of Escalon), the Biola Community Services District (near the City of Madera), the Enclave at Del Rio (near the City of Modesto) and until very recently the Oakwood Lake Water District (near the City of Manteca).

Prior to commencement of proposed WWTP operation, the project is required to provide to the County the WWTP's construction and operating permits issued by the State Water Board. The State Water Board will not issue a construction permit or operating permit for the WWTP until a properly registered contract operator is in place. This condition is included as COA UTIL-1b, as added to the Final EIR in Chapter 5, Errata. This enforceable COA documents a requirement imposed on the proposed project as a matter of the State Water Board's laws and regulations. COA UTIL-1b does not result in any new or more severe significant impacts, nor is it required to mitigate a new significant impact.

*Applicable Construction and Operating Permits*

The proposed WWTP would produce recycled water suitable for agricultural irrigation. As such, a Waste Discharge Permit (WDP) would be required to be issued in accordance with State Water Board Order WQ 2016-0068-DDW - Water Reclamation Requirements for Recycled Water Use (General Order) that was adopted by the State Water Board on June 7, 2016 as indicated in the Draft EIR on page 3.17-24 and included in Appendix A: Wastewater Treatment Plant Clarifying Information, of this Final EIR. The General Order implements provisions of the previously adopted Statewide Recycled Water Policy, which was first adopted by the State Water Board on February 3, 2009, and subsequently amended most recently on December 11, 2018 by State Water Board Resolution 2018-

0057.[4] The General Order is also in compliance with the Uniform Statewide Recycling Criteria adopted by the State Water Board for the protection of public health that are codified in the California Code of Regulations, Title 22, Division 4, Chapter 3. Please see Appendix A: Wastewater Treatment Plant Clarifying Information of this Final EIR for the General Order.

The State Water Board regulates the production and use of recycled water in a manner that protects public health and the environment. So long as recycled water treatment and storage facilities comply with the Recycled Water Policy, the Uniform Statewide Recycling Criteria, and all other applicable State and federal water quality laws and regulations, the State Water Board has found that recycled water is safe for the appropriate approved use and strongly supports the use and storage of recycled water. The State Water Board recognizes the importance of recycled water as a critical water supply for California. Recycled water is a key resource for diversifying local supplies and improving the State's long-term water resilience.

In a letter dated October 22, 2024, from the State Water Board commenting on the Draft EIR, the State Water Board did not raise any comments or concerns regarding the project's proposed recycled water treatment facilities, storage facilities, the spray fields or the quality of the recycled water for agricultural irrigation purposes.

Under the Uniform Statewide Recycling Criteria (California Code of Regulations, Title 22, Division 4 Section 3), recycled water is categorized based on treatment levels and intended end uses. There are four relevant use categories of recycled water:

a) Undisinfected secondary recycled water (allowable uses include but are not limited to fodder and fiber crops and seed crops not eaten by humans);

b) Disinfected secondary-23 recycled water (allowable uses include but are not limited to freeway landscaping, restricted access golf courses, ornamental nursery stock and sod farms where access by the general public is not restricted, and nonedible vegetation where access is controlled so that the irrigated area cannot be used as if it were part of a park, playground or school yard);

c) Disinfected secondary-2.2 recycled water (allowable uses include surface irrigation of food crops where the edible portion is produced above ground and not contacted by the recycled water); and

d) Disinfected tertiary recycled water (allowable uses include but are not limited to parks and playgrounds, school yards, residential landscaping, and unrestricted access golf courses).

The proposed WWTP's use is consistent with category (a) which requires only undisinfected secondary recycled water. Nevertheless, the proposed MBR treatment system for the proposed project's WWTP would produce category (d), disinfected tertiary recycled water, which would be suitable for many sorts of applications with regular human contact to the use area. While the proposed project does not necessitate that the recycled water generated by the proposed WWTP be

[4] California Code of Regulations. 2025. Title 22, Division 4, Environmental Health. Chapter 3, Water Recycling Criteria. Website: https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I71B586C05B6111EC9451000D3A7C4BC3&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default). Accessed February 7, 2025.

put to a category (d) use, it would be able to do so under the law given the higher degree of treatment that would occur with the proposed MBR treatment system.

Nevertheless, as described in Chapter 2, Project Description, of the Draft EIR, the proposed use would be limited to agricultural irrigation with access being rigorously controlled to allow only essential operations and maintenance personnel on-site. Accordingly, pursuant to the Uniform Statewide Recycling Criteria, the recycled water produced by the proposed WWTP would comply with all applicable laws and regulations and is thus suitable for the agricultural irrigation proposed for the project.

To enroll the proposed project's WWTP under the General Order, the General Order requires that the owner file a Notice of Intent (NOI) with prescribed contents related to the facilities, recycled water application and monitoring and operations including this environmental review, as well as any additional information requested by the State Water Board after its initial review of the NOI. The NOI effectively commits the applicant (and thus the operator) to comply with the provisions of the General Order The applicant must also prepare a Title 22 Engineering Report addressing protection of public health in compliance with the General Order. Upon a finding that the NOI is consistent with the General Order, the San Francisco Bay Regional Water Quality Control Board (San Francisco Bay RWQCB), which is the applicable regional water quality control board for the proposed project, authorizes use of recycled water by the issuance of enforceable Wastewater Discharge Requirements (WDRs).

The WDR would include enforceable provisions for a regular and routine monitoring program (which program is further described in Master Response 11, Clarifying Information on Wastewater Effluent, below). The WDR would also establish an enforceable program requiring regular data submissions and inspections by the San Francisco Bay RWQCB. Like the proposed WWTP, nearby existing recycled water use in the Livermore Amador Valley (covering the cities of Pleasanton, Livermore, Dublin, and San Ramon) is regulated under the General Order.

*Membrane Bioreactor Technology*

As indicated in Section 3.17, Utilities and Service Systems, the proposed WWTP would include MBR technology. This section provides clarification and amplification of the proposed wastewater treatment process to further explain how the proposed system is designed to address potential hazardous materials concerns and avoid and feasibly minimize potential impacts to water quality, air quality, and odors. This section first explains what a MBR system is, and then explains how MBR technology is designed to control odors and emissions related to hydrogen sulfide ($H_2S$), ammonia ($NH_3$), methane ($CH_4$) and volatile organic compounds (VOCs).

A MBR system is a wastewater treatment process that combines a microfiltration or ultrafiltration membrane unit submerged in a suspended growth bioreactor. It is widely used throughout the United States and California. A bioreactor is a specifically designed chamber to support a biologically active environment, namely where bacteria and protozoa (the so-called biomass) can grow and consume the organic substances within the wastewater. MBR technology can come in various configurations. The MBR proposed for the project would be a suspended growth bioreactor and would have two stages: aerobic (to remove organic matter and oxidize ammonia to nitrate) and

anoxic (to convert nitrates to nitrogen gas). In the MBR process, membranes act as a solid-liquid separation device, keeping the biomass within the bioreactor while allowing the treated effluent to pass through the membrane. Basically, they take the place of clarifiers used in the conventional activated sludge process. MBR systems are a more innovative process for producing usable recycled water and meeting all regulatory requirements. MBR systems are compact in size and have a long track record of trouble-free and odor-free operation. Cloacina or a comparable supplier of "or equal" treatment technology would be the MBR supplier for the proposed WWTP.[5]

Wastewater treatment systems that are not properly designed and operated can be sources of odors and air emissions such as $H_2S$, $NH_3$, $CH_4$ and VOCs. The MBR technology is designed to control odors and these emissions in various ways as discussed below.

**Odors**

MBR facilities are engineered to maintain process conditions that do not lead to odors and overall, MBRs produce less odor than traditional wastewater treatment methods such as the existing activated sludge facilities in the Livermore Amador Valley, which are operated by Livermore within the City of Livermore and the Dublin San Ramon Services District (DSRSD) within the City of Pleasanton. In comparison with activated sludge facilities, MBR facilities are engineered to maintain process conditions that do not lead to odors. Odors would normally be expected from those processes in a wastewater treatment plant that operated under anaerobic (without oxygen) conditions. In comparison, the design, monitoring and control of the MBR technology, the regular off hauling of sludge and the containment and treatment of normally odorous air emissions from certain points in the system act together to ensure that significant odorous conditions will not occur. For example, one possible source of odors from most wastewater treatment plants is from the screening handling facilities at the influent end of the facility. Physical screens are used to remove rags and similar material which would clog downstream mechanical equipment. Screenings can be odor sources. In the case of the MBR technology envisioned for the WWTP, the screening operation would be fully enclosed, thereby eliminating the opportunity for odor release.

**Hydrogen Sulfide**

$H_2S$ is present in all domestic wastewater. If a wastewater system is not properly designed and operated, $H_2S$ can be emitted from the collection system (before the wastewater reaches the wastewater treatment plant) as well as from certain parts of the treatment plant itself. In both locations, $H_2S$ only becomes an odor problem under conditions when the sulfide in solution is exposed to a low pH and anaerobic conditions that favor the formation of $H_2S$ gas which is released from the wastewater and is perceived as a "rotten egg" odor.

The proposed project's wastewater collection system would be both a brand new and short collection system. In comparison, anaerobic conditions are prevalent in long collection systems. Long collection systems that are not properly designed to modern standards can lead to anaerobic conditions because of the biological degradation process due to decaying organic matter present in the wastewater. In contrast, in the proposed collection system as designed, modern design standards

[5] Cloacina is a manufacturer and installer of stainless steel package wastewater treatment plants and equipment, founded and managed by certified wastewater operators and maintenance mechanics. Cloacina MBR technology has been successfully deployed as various locations in Sonoma, Tuolumne Madera, and Napa Counties with sizes ranging from 200,000 gpd to 500,000 gpd.

along with newer polyvinyl chloride (PVC) piping would produce inherently lower "drag coefficients" meaning that the proposed project's wastewater would flow easier and at higher velocities. Both conditions would act to reduce anaerobic conditions, minimizing the potential for hydrogen sulfide release.

The one relatively small wastewater lift station that is envisioned to pump wastewater from the proposed project's collection system into the MBR for treatment would minimize fluctuating water levels in contrast to what would be commonly seen with older pump stations that push odorous and $H_2S$ containing air into the environment. The proposed lift station would use variable frequency drive (VFD) systems to operate at a rate that matches incoming flow, thus minimizing those changes in water elevations. In addition, a chemical scrubber capable of removing odor compounds including $H_2S$ would be installed to purify the air that is vented from the lift station.

Regarding the treatment system itself, the proposed MBR system would maintain an aerobic, neutral pH environment and the biological action would oxidize the sulfide to the odorless sulfate ion form; this would not be odorous and chemically cannot be volatilized or released to the atmosphere. Any $H_2S$ that is conveyed to the proposed project's WWTP would be quickly and naturally converted to the non-odorous sulfate form via the highly aerobic nature of the MBR process. Additionally, the biological suspension at the heart of the MBR would convert any odorous dissolved organic compounds to biomass and carbon dioxide, an odorless gas.

**Ammonia**

The proposed project's MBR system is designed and would be operated to remove organic material from the wastewater. The MBR system would act as a biological nitrogen removal (BNR) process that targets the $NH_3$ present in all wastewater. In the first step of the BNR process, $NH_3$ is naturally and biologically oxidized to nitrate in the same process step that removes organic carbon from the wastewater. This biological process is called nitrification. This is followed by a second anoxic step where the nitrate is biologically converted by different naturally occurring organisms to harmless nitrogen gas; that process is called denitrification. Both the nitrification and denitrification processes are standard and very well understood in the wastewater industry and used throughout California, the United States and the world to remove ammonia in a two-step process that generates no undesirable byproducts and would be incorporated into the proposed project's MBR system.

**Methane**

$CH_4$ can be generated in certain wastewater treatment and biosolids handling processes. Many wastewater systems that are larger than the proposed project's WWTP (such as the facilities in the Livermore Amador Valley and operated by the City of Livermore and the DSRSD) process the biosolids that are naturally produced in the treatment system. The excess biosolids at those larger facilities are "digested" in large, covered tanks. The digestion process produces $CH_4$ gas. $CH_4$ gas is then typically used as fuel at the treatment facilities for generating electricity, driving turbines to power rotating equipment and heating water (digestion is a process that occurs best at elevated temperatures). If the amount of methane that is generated exceeds that used at the facility and when storage is inadequate, the $CH_4$ is "flared" before it is released to the atmosphere.

The proposed WWTP would manage the biosolids it produces by off hauling. There would be no digestion processes where $CH_4$ can be produced. The proposed WWTP would not cause any flaring since $CH_4$ would not be produced.

**Volatile Organic Compounds**

VOCs are a class of organic compounds that can easily volatilize from the liquid to the gas phase. VOCs are expected to be minimal in the type of domestic wastewater that would be generated by the proposed project. In comparison, where there is industrial activity contributing to the wastewater system VOCs can be expected to be significantly higher. VOCs are removed in biological treatment systems to a high degree by the ongoing biological processes. Some small fractions of the VOCs are volatilized and released into the atmosphere. There are currently no regulatory standards for VOC emissions from wastewater facilities.

Low VOC emission rates are an inherent characteristic of MBRs because of their process design parameters that operate at a higher organic loading rate and longer solids retention time compared to conventional activated sludge wastewater treatment process as used at other facilities in the Livermore Amador Valley. Overall, VOC removal rates in MBRs have been measured at over 99 percent. When the high removal rate is coupled with expected very low influent VOC concentrations, as would be the case for the proposed project, the amount of VOCs emitted from the proposed Arroyo Lago MBR is considered to be insignificant.

*Facility Sizing and Modular Nature*

As described in Section 3.17, Utilities and Service Systems, the proposed WWTP would be sized specifically for the proposed project's use. This section first explains how the proposed project flow rate is used to determine which size facility is appropriate and then explains the modular nature of the proposed WWTP. The proposed WWTP consists of several components: the collection system, the influent pumping station, the MBR treatment module, the treated effluent holding basins, and the agricultural spray fields.

MBR facilities in the size range needed for the proposed project are pre-manufactured off-site and come in standard incremental sizes.[6] The projected flow rate at buildout for the proposed project is estimated to be 32,677 gallons per day (GPD). In working with one MBR manufacturer (Cloacina), the smallest MBR module available has a capacity of 50,000 GPD. Even though this capacity does not exactly match project demand, the proposed WWTP is being sized to only accommodate the proposed project, and the anticipated size of the module merely represents the reality of a technology from that supplier that comes in only certain discrete increments or modules. If, at the time of construction, MBR modules with capacities closer to 32,667 GPD are commercially practicable or if an alternative supplier is used that can provide different sized MBR modules, then a smaller sized module would be employed. To ensure this occurs, the proposed project would be conditioned to install the smallest standard MBR capacity module from the selected manufacturer that would be available and of sufficient size to serve the proposed project's wastewater demand. This enforceable condition is included as COA UTIL-1c in Chapter 5, Errata, of this Final EIR. This COA

[6] This is comparable to pipe sizing where pipes are manufactured in standard sizes such as six, eight or ten inches in diameter. When a certain flow capacity is needed, a pipe with the next larger diameter is selected.

does not indicate a new significant impact or new information that affects an existing significance determination.

Furthermore, the proposed project's storage basin and the spray field sizes are designed to only accommodate the 32,677 GPD required by the proposed project, and as such, further limit the size of the proposed WWTP to only serve the project as proposed. As such, there is no opportunity for other developments to connect to the system, to the extent there is any "remaining" capacity in the MBR module, since the facilities inherently limit capacity of the system overall. The waste discharge requirements that would be issued in the proposed project's WDR by the RWQCB would also specify the permitted capacity, limiting the available capacity to only that needed for the proposed project. Accordingly, the proposed WWTP would not be considered growth inducing. See also Master Response 7, The Project Considers the Whole of the Action and Does Not Improperly Piecemeal.

*PFAS and Wastewater Treatment*

This section describes the course and transport of PFAS in a wastewater treatment plant and the course of PFAS in the wastewater effluent from the proposed WWTP. As discussed in Section 3.17, Utilities and Service Systems, PFAS are a group of thousands of chemicals used since the 1940s to make commercial products including carpets, clothing, food packaging, and cookware because they are waterproof, stain-resistant, and non-stick; they also have been used in fire-retarding foam and various industrial processes. In general, they can be introduced into the body through ingestion of contaminated food or liquid and through the inhaling or touching of products with packaging treated with the substance. PFAS can contaminate drinking water supplies when products containing PFAS are used or spilled on the ground and PFAS migrate into groundwater. Once in groundwater, PFAS can travel large distances and can contaminate drinking water wells. Major sources of PFAS contamination include fire training/fire response sites, military bases, industrial sites, and landfills. PFAS has been shown to be present in all municipal wastewater. PFAS in municipal wastewater originates from the PFAS present in the drinking water supplied to customers, certain industrial sources as well as from certain personal care products.

The proposed project would have no industrial uses or other uses that would produce PFAS, so the only source of PFAS would be from the Zone 7 drinking water supplied to the proposed project by Cal Water and personal care products used in the homes of project residents. This is common to all wastewater, including that from the Cities of Pleasanton and Livermore as well as within the service area of the DSRSD.

PFAS in municipal wastewater is not removed with standard wastewater treatment technology. As PFAS is a chemical of emerging concern, the current regulatory control focus is the removal from potable water and elimination of personal care products from the marketplace that contain PFAS. Zone 7 has recently received federal funding assistance for PFAS removal from their drinking water which will reduce the amount of PFAS going to the wastewater treatment systems, including the one contemplated for the proposed project. As of the preparation of this Final EIR, the City of Pleasanton is considering but has not yet implemented PFAS removal technology at its water wells.

At present, there are no effluent standards for PFAS in recycled water or treated wastewater that is discharged to natural water bodies. However, the State Water Board requires recycled water to meet

monitoring and reporting requirements for constituents of emerging concern, including PFAS. The proposed WWTP would comply with applicable monitoring and reporting standards required as a condition of the General Permit for the proposed project.

*Treatment Plant Accidents*

This section addresses the comments that request further information on what would occur if an accident were to happen during operation of the proposed WWTP. As described in Chapter 2, Project Description, and Section 3.17, Utilities and Service Systems, of the Draft EIR, a proposed WWTP would treat project-generated wastewater. This is a standard treatment solution for project-generated wastewater.

Because of the inherent design of an MBR system that would be utilized for the proposed WWTP, system upsets are unlikely as they are completely mitigated within the system. Absent a genuinely novel and unforeseeable emergency situation, which could occur in all wastewater and storm drainage systems, such an accident is highly unlikely.

The MBR system that would be utilized in the proposed WWTP would be built in accordance with industry standard (Metcalf & Eddy) design criteria producing an extremely conservative design and sizing of all process equipment/tankage. The MBR system would be completely automated, requiring no intervening responses from an operator for normal diurnal flow/loading criteria, thereby eliminating concern of upset as a result of operator error. The MBR system would provide redundancy and reliability as required by applicable California Title 22 recycled water design standards. Given the nature of the technology involved, the proposed project's MBR system would be remotely monitored and controlled in its entirety allowing for instantaneous changes to be made in the event of an emergency situation. In addition to the MBR design regarding redundancy, automation and alarming, the facility site itself would be designed to further reduce the likelihood that an emergency would occur through proper influent and effluent equalization sizing, consistent and ongoing effluent monitoring for water quality excursions not allowed pursuant to applicable laws and regulations and storage, as well as site containment and drainage back to the influent lift station to prevent any spillage from escaping the WWTP site.

In the very unlikely event of an upset incident, the contract operator would be required to report the incident immediately to the appropriate regulatory agencies including, but not limited to, the San Francisco Bay RWQCB, the Alameda County Environmental Health Department, and State Office of Environmental Services, which would respond pursuant to standard protocols and procedures.

*Biosolids, Grit, Screenings Handling and Disposal*

**Biosolids**

This section discusses how biosolids would be handled and disposed of as part of the operation of the proposed WWTP and how screenings would be disposed of and handled. This section also explains why grit is not expected to impact the proposed WWTP during operation.

As previously discussed, biosolids from the proposed project's WWTP would be off hauled on a regular basis at a rate based on standard operational needs to avoid odor.[7] Options for the annual disposal of the proposed project's waste biosolids include:

- Hauling liquid sludge to East Bay Municipal Utility District (EBMUD)
- Hauling dewatered sludge cake to the Synagro Liberty Facility
- Hauling dewatered sludge cake to the Synagro Central Valley Composting Facility in Lathrop
- Hauling liquid sludge to the Lystec sludge processing facility in Fairfield

All of the above facilities accept biosolids and each of the foregoing facilities is required to comply with applicable federal and State laws and regulations for biosolids handling, processing and disposal. The decision as to which facility the proposed project would use would be made by the contract operator annually based on economics and other relevant, standard considerations.

**Screenings**

Physical screens are the first step in virtually all wastewater treatment facilities and would be utilized by the proposed project. Screens would be used to remove rags and large objects to ensure that no clogging of, or damage to, downstream mechanical equipment would occur. As explained above, the screening operation incorporated into the MBR would be fully enclosed and screenings would be washed, compacted and bagged. This is standard practice for this type of WWTP and MBR technology that would be used for the proposed project (as compared to other facilities that do not bag the screenings and instead drop them into an open-air dumpster which can be a source of odors). For a system of the size needed for the proposed project, approximately two to five cubic feet per week (0.07 to 0.20 cubic yard) of compacted screenings can be expected. These would be transferred from the compaction zone to a bagged screenings dumpster daily. The dumpster would be emptied on a weekly basis with the screenings transferred by a commercial hauler to an appropriate landfill.

**Grit**

Grit is granular particulate matter such as sand, coffee grounds etc. that can cause premature wear and tear on mechanical equipment due to its abrasive nature. Grit is not expected to be present in any significantly impactful form during construction or operation of the proposed WWTP due to the nature of the collection system and design that is proposed for the project. In terms of construction, any grit that appears would be addressed using standard best management practices employed throughout construction to properly flush the newly installed sewers to remove grit that may be present before the commencement of wastewater treatment operations. From an operational standpoint, the MBR system does not have a separate grit removal and handling system. Rather, any small amount of grit that might enter the system during routine operation would become emmeshed in the wasted biosolids and handled and disposed of as part of those biosolids as described above.

[7] It is anticipated that approximately 800 gallons of biosolids would be produced per week and will be off hauled no more frequently than a weekly basis to avoid odor.

*Ownership and Funding of Wastewater Facilities*

The proposed project's Homeowner's Association (HOA) would be the owner of the wastewater facilities and would be the permit holder under the General Order. As a condition of obtaining approval to commence and continue operations, the HOA would be required to contract with a registered contract operations firm for day-to-day operations and maintenance in compliance with all applicable State required standards, as explained in detail above. Given its nature and legal status, the HOA would be empowered under State law pursuant to its bylaws and recorded Covenants, Conditions and Restrictions (CC&Rs) to enter contracts, borrow funds and impose assessments to fully cover the operations and maintenance of all covered facilities and improvements, including the wastewater. This enforceable condition has been included as COA UTIL-1a, as stated in Chapter 5, Errata, of this Final EIR in response to comments on the Draft EIR and is not required to address a new significant or substantially more severe environmental impact and does not constitute new information.

## Master Response 11–Clarifying Information on Wastewater Effluent

### *Summary of Relevant Comments*

Several commenters requested clarification regarding the treatment and discharge of the proposed WWTP's effluent. This Master Response will provide expanded information regarding the permits and measures that would apply to the proposed project to address runoff and will provide more information on the design of the agricultural spray fields, and the annual reporting mechanism for the effluent. This Master Response will also address concerns related to the potential impacts of wastewater effluent on water quality and groundwater given its proximity to the Zone 7 Chain of Lakes.

### *Response*

This response is divided into separate topic areas that are identified by headers below.

*No Runoff Conditions in Permit*

This section discusses the regulatory framework that applies to the wastewater effluent that would be produced by the proposed WWTP.

As discussed in Section 3.17, Utilities and Service Systems, of the Draft EIR, the proposed project would include a WWTP and the use of recycled water for irrigation of agricultural spray fields. As discussed in Master Response 10, Clarifying Information on the Wastewater Treatment Plant Operation and Maintenance, the General Order will be the regulatory framework for the application of recycled water to the proposed agricultural spray fields. Among other mandates, the General Order requires that recycled water use be controlled to prevent significant runoff from the application areas; the proposed project would be subject to these restrictions.

Runoff would be controlled pursuant to all applicable standards and criteria, including the requirements that are specifically identified in the Title 22 Engineer Report that would be submitted as part of the NOI, which would need to be in place for the proposed project to be covered by the General Order, and thus, authorized to construct and operate the proposed WWTP. See also Master

Response 10, Clarifying Information on the Wastewater Treatment Plant Operation and Maintenance, which discusses this approval process in depth.

Runoff from the proposed agricultural spray fields would be controlled through a combination of site grading (sloping away from the perimeter of the site and toward the interior of the site) and application of recycled water at agronomic rates to minimize short-term ponding within the agricultural spray fields. In addition, in accordance with standard practices, recycled water application would be prohibited immediately before, during and immediately after a rainfall event when the soil is anticipated to be or would be saturated. State-certified personnel employed by the registered contract operator would regularly visually inspect the agricultural spray fields while in operation to ensure that pipes or sprinkler heads have not been broken or are in any way malfunctioning. Broken or malfunctioning sprinkler heads would be promptly replaced when possible or if a prolonged repair is needed (for example due to parts unavailability) they would be isolated and temporarily shut off until they could be repaired or replaced.

The design parameters, operating conditions and inspection frequencies would be as specified by the San Francisco Bay RWQCB in the General Permit and would be legally enforced pursuant to applicable laws and regulations applicable to ongoing permit obligations. Appendices C and D of the General Order specify minimum monitoring and reporting requirements that would govern project operations as discussed in detail below and included in Appendix A: Wastewater Treatment Plant Clarifying Information, of this Final EIR. See also Master Response 10, Clarifying Information on the Wastewater Treatment Plant Operation and Maintenance, of this Final EIR for further information in this regard.

In accordance with the General Order and the relevant WDR permit, recycled water from the proposed project would not be allowed to escape from the agricultural spray field area as overspray or surface flow that could otherwise enter surface waters, including, without limitation, Cope Lake. Standard design best management practices would be employed to position sprinkler heads such that prevailing winds would not carry the spray beyond the confines of the area to be irrigated. In addition, as noted above, there would be appropriate grading to prevent runoff from the area. If weather conditions (high winds) would otherwise cause overspray, then the spray field operation would be temporarily halted until these wind conditions changed. In no case would overspray be allowed to enter any dwelling. Further, access to the proposed project's agricultural spray fields, storage ponds and treatment facilities would be restricted to identified personnel only (no members of the public) at all times, not only during periods of actual irrigation. This would help to further ensure there is no contact by the public with recycled water.

In summary, recycled water would not be permitted to be discharged from treatment facilities or storage ponds other than for permitted use on the agricultural spray fields in accordance with the above-referenced General Order and the related San Francisco Bay RWQCB issued WDR, to which the proposed project would be required to obtain and comply with throughout operations. Runoff and overspray would be tightly controlled and monitored in accordance with all applicable permit conditions. Consequently, based on the foregoing and as further evaluated in the Draft EIR, application of recycled water in the spray fields would not result in any significant water quality impacts as analyzed in the Draft EIR.

*Agronomic Rates, Runoff and Leaching Prevention, and Vector Spray Control*

This section describes how the agronomic rates of the recycled water dispersed to the proposed agricultural spray fields would ensure that runoff and leaching is prevented and how these agronomic rates prevent the growth of vectors. It also discusses how the agronomic rates are monitored and enforced.

Agronomic rates are defined as the rate of application of recycled water to plants necessary to satisfy the plants' nutrient needs and evapotranspiration requirements considering allowances for supplemental water (e.g., effective precipitation), irrigation distribution uniformity, and leaching requirements. Agronomic rates prevent a long-term buildup of water on the soil surface. Recycled water would be applied to the agricultural spray fields at agronomic rates as detailed in the EKI Technical Memorandum dated February 2024 (Appendix J of the Draft EIR).

As discussed in the Draft EIR and above, the proposed project would be subject to the General Order, which requires application of the proposed project's recycled water to take into consideration nutrient levels in recycled water and nutrient demand by plants. Application of recycled water at agronomic rates and taking into consideration soil, climate, and plant demand would minimize the movement of nutrients below the plants' root zone. When applied to cropped land, some of the nitrogen in recycled water would be taken up by the plants, lost to the atmosphere through volatilization of ammonia or denitrification, or stored in the soil matrix. As a result, nitrogen increases are unlikely to significantly impair an existing and/or potential beneficial use of groundwater. The State Water Board Recycled Water Policy and General Order would limit recycled water application to agronomic rates, eliminating or minimizing the transport of any contaminants (total dissolved solids [TDS], nitrates or other constituents) in that recycled water below the vadose zone to the underlying groundwater basin.

Although there may be a temporary and small degree of ponding before the sprayed water soaks into the soil matrix, the runoff from any such minor and temporary ponding would be confined to the site by a combination of site grading (sloping away from the perimeter of the site and toward the interior of the site) and prohibition of recycled water application immediately before, during and immediately after a rainfall when the soil is anticipated to be or would be saturated. Because there would be no long-term surface ponding within the agricultural spray fields, the primary vector concern, associated with mosquitos hatching in ponded water, would be mitigated. Since the recycled water for the proposed project would be applied at agronomic rates, there would be no long-term surface ponding; i.e., none that would last longer than the mosquito incubation period within the agricultural spray fields. Generally, it takes between 7–14 days for a mosquito to develop from an egg to an adult through the pupae and larva stages of its development. Standing surface ponding would not exist in the agricultural spray fields for that length of time because the recycled water would be applied in a manner to ensure it is promptly absorbed by the agricultural spray fields and would not pond.

As discussed above, the agricultural spray fields would be regularly inspected by certified operating personnel to ensure that pipes or sprinkler heads have not been broken. In addition, certified operators employed by the registered contract operator would regularly inspect the agricultural spray fields during their operations to ensure that no overspray is occurring, including, without

limitation, making any necessary adjustments to spray heads to ensure that any such overspray is prevented. The proposed project would adhere to identified design parameters, operating conditions and inspection frequencies, which would be as specified by the San Francisco Bay RWQCB and thus would be legally enforceable. Appendices C and D of the General Permit specify minimum monitoring requirements that would be implemented as part of the project, which are further described below and included in Appendix A: Wastewater Treatment Plant Clarifying Information, of this Final EIR.

Additionally, the San Francisco Bay RWQCB will require a calculation of a monthly water and nutrient budget for the proposed project's application of recycled water. Actual application would be monitored and verified against the budget monthly by the registered contract operator and reviewed by the San Francisco Bay RWQCB in accordance with applicable laws and regulations and related permit obligations.

*Regular Monitoring and Reporting*

This section described the required runoff monitoring and reporting that would be applicable to the proposed project. Annual (and for certain parameters more frequent) monitoring of the effluent shall be as specified in Appendices C and D of the General Permit (See Appendix A: Wastewater Treatment Plant Clarifying Information, of this Final EIR). At a minimum the proposed project, pursuant to the General Order, will be required to adhere to the minimum effluent and facility monitoring identified below (and further detailed in Appendix A). The San Francisco Bay RWQCB would further specify effluent and facility monitoring parameters and frequency when the permit is issued to reflect site specific conditions.

The comprehensive regulatory scheme governing these types of wastewater facilities provides for a detailed ongoing inspection, monitoring and enforcement scheme by San Francisco Bay RWQCB. From a regulatory monitoring perspective, San Francisco Bay RWQCB representatives would inspect the proposed project's facilities on an annual basis and would issue a report identifying any violations, facility deficiencies, and record keeping data gaps observed or identified. To the extent any such issues are found, a compliance order would be issued by the San Francisco Bay RWQCB to the owner and registered contract operator. In addition to an annual inspection, the facility operator would be required to comply with standard frequent monitoring and reporting requirements to address a variety of items and as set forth in more detail in the applicable permit obligations. A table identifying standard reporting frequency for differing monitoring and reporting requirements is included in Appendix A: Wastewater Treatment Plant Clarifying Information, of this Final EIR.

The proposed WWTP's monitoring would be accomplished by a combination of automated monitoring equipment tied to the SCADA system, grab samples collected by the certified operator, and visual observations made by the certified operator as they make regular rounds in accordance with all applicable laws and regulations and specified permit obligations. Additionally, a call-in line would be established so nearby residents or others in the vicinity would have the opportunity to notify the registered contract operator after hours in the event of any concerns.

Given the emerging nature of the regulatory environment, PFAS monitoring in connection with wastewater is not currently required although it is anticipated that it could be required in the future

as the regulatory context evolves in this regard for wastewater treatment facilities in the San Francisco Bay RWQCB region. At such a time as this occurs, the proposed project would comply with any and all such applicable future mandates. Additionally, recycled water applied to the agricultural spray fields at agronomic rates with provisions and other measures would prevent surface runoff and overspray. Therefore, the proposed project would not have a significant impact on downstream surface waters. See also Master Response 10, Clarifying Information on the Wastewater Treatment Plant Operation and Maintenance, of this Final EIR for a discussion of PFAS issues.

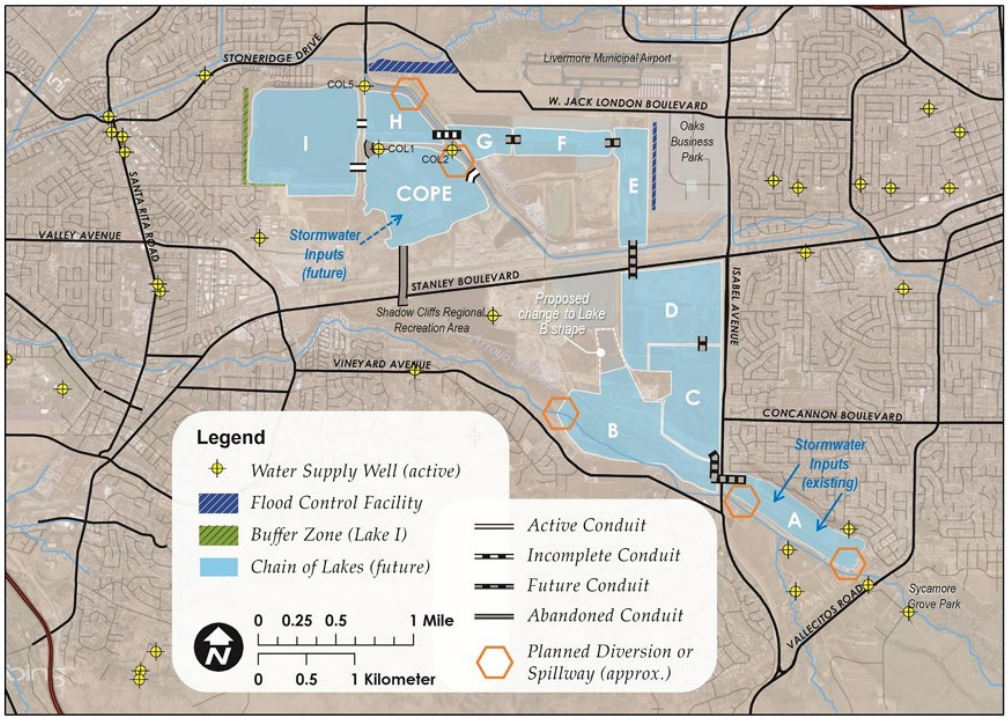
*Hydrologic Connection Between the Chain of Lakes and Alameda Creek*

This section explains the hydrologic connections the proposed project would interact with, and the measures taken to ensure that runoff would not significantly impact Zone 7's system and water quality.

Recycled water applied to the proposed project's agricultural spray fields would not be hydraulically connected to surface or groundwaters in the Livermore Amador Valley. Such connection would be precluded in two ways: (1) by preventing runoff from the agricultural spray fields into Cope Lake or any other surface water by sloping the spray fields away from surface water bodies, and (2) application of recycled water at agronomic rates that prevents the recycled water from migrating into the groundwater and subsequently possibly into the lakes or other surface water as explained in further detail above. Accordingly, as explained in the Draft EIR, the proposed agricultural spray fields would not result in significant water quality impacts to groundwater or surface water.

The Chain of Lakes is planned to receive, and for certain lakes already receives, controlled runoff from the Arroyo Mocho and Arroyo Del Valle for the purpose of recharging the groundwater basin. The water recharged into the Chain of Lakes recharges the groundwater basin via percolation through the lake bottoms and sidewalls. Cope Lake has historically been operated as a "desilting" pond receiving water from Vulcan Sand and Gravel's dewatering wells. Cope Lake is not hydraulically connected to the Main Basin due to its relatively shallow depth (i.e., it is not deep enough to directly connect to either the upper or lower aquifers in the Main Basin through its bottom or side slopes) as well as the thick and virtually impermeable silt layer that has formed on the bottom of the lake from the settling of the silt-laden water from the Vulcan dewatering operation.

The Chain of Lakes, Cope Lake and the local arroyos are not yet fully interconnected. This is because all the lakes are not yet owned by Zone 7 due to ongoing active mining operations. Ownership will be transferred to Zone 7 upon cessation of mining operations in the lakes. At that time, it is anticipated that Zone 7 would install the yet uncompleted interties identified below. See Figure 2-1 below.




Source: Zone 7, 2020.

**Figure 2-1: Chain of Lakes Configuration Showing Existing and Planned Facilities**

As of 2020, the following lakes are intertied:

- Lakes H and I;
- Cope Lake to Lake I;
- Arroyo Mocho diversion into Cope Lake; and
- There exists an incomplete intertie between Lakes G and H.

Future interties are planned between:

- Lakes A and B;
- Lakes B and C;
- Lakes C and D;
- Lakes D and E;
- Lakes E and F; and
- Lakes F and G.

There are planned diversions into the lakes and diversions from the lakes at:

- Arroyo Del Valle into Lake A;
- Arroyo Del Valle into Lake B;
- Arroyo Mocho into Lake H; and
- Arroyo Mocho into Lake I.

Taking this into consideration, even if there were any runoff from the agricultural spray fields (which is very unlikely for the reasons explained above), the runoff could only flow to Cope Lake and eventually to Lake I because the spray fields are only adjacent to Cope Lake and are not adjacent to any of the other water bodies. There is no way for runoff, if any, from the agricultural spray fields to make its way to Alameda Creek (the main creek to which Arroyo Del Valle and Arroyo Mocho are tributary). Further, given that Zone 7 intends to use the Chain of Lakes as groundwater recharge facilities it is very unlikely that there would be more than *de minimis* releases from any of the lakes to Arroyo Mocho or Arroyo Del Valle because any such release would represent a loss of water to Zone 7. This would further ensure that no runoff from the proposed project's agricultural spray fields to the Livermore Amador Valley would occur.

*Compliance with Zone 7 Salt and Nutrient Management Plans*

This section describes the proposed project's compliance with Zone 7 Salt and Nutrient Management Plans. Specifically, this section discusses the proposed project's anticipated TDS, which would have an insignificant impact on water quality.

Zone 7 adopted the Zone 7 Salt Management Plan in 2004 in furtherance of the State Water Board's adoption of the Statewide Recycled Water Policy. A parallel Nutrient Management Plan was adopted by Zone 7 in 2015 in furtherance of the Recycled Water Policy. Many of the adopted Salt and Nutrient Management Plan programs and strategies were subsumed into the 2021 Alternative Groundwater Sustainability Plan (AGSP) prepared by Zone 7 in compliance with the Sustainable Groundwater Management Act (SGMA) of the State of California. The Salt and Nutrient Management Plans do not restrict recycled water use and were adopted in conformance with the State Water Board Recycled Water Policy to further recycled water use in the State. These governing documents do not apply to project-level development and do not implement specific mitigation on a project-level. Rather, these plans are implemented by agencies, and project-level development benefits from the unified agency approach for recycled water use.

Based on recycled water content of 700 milligrams per liter [mg/L TDS], recycled water application from the proposed project is projected to generate approximately 35 tons per year.[8] That amount is less than 0.1 percent of the overall addition of salt to the groundwater basin, and thus, would not result in a significant impact to the quality of the groundwater basin as further discussed in Section 3.9, Hydrology and Water Quality, of the Draft EIR.

In general, nitrogen could be a nutrient that is present in recycled water treated with technologies that do not remove nitrogen. However, as explained in detail in Master Response 10, Clarifying Information on the Wastewater Treatment Plant Operation and Maintenance, of this Final Draft EIR, the MBR system proposed for the project would be a suspended growth bioreactor with two stages: aerobic (to remove organic matter and oxidize ammonia to nitrate) and anoxic (to convert nitrates to nitrogen gas). Thus, no nitrates are expected in the effluent applied to the agricultural spray fields.

Furthermore, the General Order, to which the proposed project would be subject, would require application of the proposed project's recycled water to take into appropriate consideration nutrient

[8] (700 mg/L)*(0.032667 mgd)*(8.34)*365/2000 = 34.8 Tons per year

levels in recycled water and nutrient demand by plants. As discussed further above, this would occur through the application of recycled water at agronomic rates and considering soil, climate, and plant demand, which would then minimize the movement of nutrients below the plants' root zone. When applied to cropped (or landscaped) land, some of the nitrogen that could be present in the recycled water would be taken up by the plants, lost to the atmosphere through volatilization of ammonia or denitrification, or stored in the soil matrix. As a result, even if some amount of nitrogen was present, it would not result in a significant impairment of an existing and/or potential beneficial use of groundwater as explained above. The above project parameters are well within the salt and nutrient management capabilities of the programs adopted and being successfully implemented by Zone 7 as part of the Salt and Nutrient Management Plans.

The Salt and Nutrient Management Plans themselves do not impose requirements or restrictions on specific individual recycled water projects. Rather they identify a series of strategies and mitigation measures that Zone 7 pursues to manage long-term salt and nutrient loading in the Livermore Amador Valley. This is evident in a number of successful valley-wide projects by Zone 7 pursuant to its Salt and Nutrient Management Plans to manage salt and nutrients in the groundwater basin in a holistic manner considering all sources of salt and nutrients and not just recycled water.

In response to the expressed concerns related to possible salt and nutrient loading that could significantly impact the groundwater basin, the proposed project would be required to participate in the funding of the Zone 7 salt and nutrient management strategies either through the payment of capacity fees or through water rates paid by residents of the proposed project. This would be identical to the framework used for all new and existing water users in Zone 7's service area.

*Compliance with Zone 7 Alternative Groundwater Sustainability Plan*

This section describes the proposed project's compliance with the Zone 7 AGSP. Specifically, this section discusses the proposed project's insignificant impact on groundwater resources and the safe yield of the groundwater basin.

The SGMA requires local agencies to form Groundwater Sustainability Agencies (GSAs) for what are defined as high and medium priority groundwater basins. The GSAs are required to develop, regularly update and implement Groundwater Sustainability Plans (GSPs) or AGSP's to (a) operate the basin within its sustainable yield, and (b) avoid undesirable results over a 20-year period. An AGSP is used when it can be demonstrated that the basin has been operating within its sustained yield for at least 10 years. The GSP or AGSP must then be updated every 5 years.

The Zone 7 Water Agency has been designated by the California Department of Water Resources (DWR) as the GSA for the Livermore Valley Groundwater Basin (LVGB). The LVGB has been classified by DWR as a "medium priority basin." Zone 7 adopted the original AGSP in 2016. The 2016 AGSP demonstrated that the LVGB had been operating within its sustained yield for at least the previous 10 years. The AGSP was updated in 2021 as required. Both the original AGSP and the 2021 update have been approved by DWR as being compliant with SGMA.

As noted in the Draft EIR, the AGSP contains a wealth of background and technical information about the LVGB including information about the plan area, the basin setting, groundwater monitoring

networks and groundwater level and quality. It also identifies the Sustainable Management Criteria that are to be met for the LVGB. The AGSP neither identifies specific project-level mitigation that applies to individual projects, nor imposes land use restrictions.

Zone 7 has adopted the following sustainability goal for the LVGB:

> Continue to operate the Livermore Valley Groundwater Basin within its Sustainable Yield and to manage the groundwater resources for the prevention of significant and unreasonable: (1) chronic lowering of groundwater levels, (2) reduction of groundwater storage, (3) degradation of groundwater quality, (4) inelastic land subsidence, and (5) depletion of interconnected surface water supplies such that beneficial uses are not adversely impacted.[9]

The Water Supply Evaluation prepared for the proposed project (Appendix J to the Draft EIR) concludes that the water supply needs of the proposed project, along with other present and future needs within the Zone 7 service area, can be met without a long-term increased use of the safe yield of the groundwater basin. Accordingly, consistent with the Draft EIR's conclusions in this regard, there are no significant impacts from the proposed project related to the following adopted sustainability criteria (noting that these criteria, together with seawater intrusion are the criteria that must be met per DWR and SGMA):

- Chronic lowering of groundwater levels;
- Reduction of groundwater storage;
- Inelastic land subsidence; or
- Depletion of interconnected surface water supplies such that beneficial uses are not adversely impacted.

With regard to the degradation of the groundwater quality sustainability indicator, the AGSP identifies the following general premises.

- **Undesirable Results Definition:** if groundwater recharge or extraction causes significant and unreasonable degradation of water quality in the Basin, such that these changes impact the long-term viability of domestic, agricultural, municipal, environmental, or other beneficial uses over the planning and implementation horizon of this AGSP. Significant and unreasonable changes to water quality associated with undesirable results would include a significant increase, on a regional basis, in concentrations of identified Constituents of Concern (COCs) above applicable State and federal regulatory thresholds, because of groundwater recharge or extraction.
- **Undesirable Results Criteria**: if and when minimum thresholds (MTs) are exceeded for any of the identified COCs in greater than 25 percent of the Representative Monitoring Sites for Degraded Water Quality (RMS-WQ) for at least two consecutive years as a result of

[9] Zone 7 Water Agency. 2021. Alternative Groundwater Sustainability Plan 2021 Update, Livermore Valley Groundwater Basin. Website: https://www.zone7water.com/alternative-groundwater-sustainability-plan-and-updates. Accessed February 6, 2025.

groundwater recharge or extraction, such that they cannot be managed to provide drinking water supply (i.e., that treatment or blending is not possible or practicable).

- **Minimum Threshold:** Greater of Maximum Contaminant Level (MCL) (or other appropriate regulatory criteria) or the SGMA Baseline concentration plus maximum historical annual range.
- **Measurable Objectives:** include the following:
  - TDS: Recommended Secondary MCL (500 mg/L) in the Main Basin;
  - Nitrate: Primary MCL (10 mg/L);
  - Boron: Health Risk Limit (Health Reference Level (HRL) 1,400 micrograms per liter [µg/L]); and
  - Hexavalent Chromium: Primary MCL (50 µg/L).

For the proposed project there are two theoretical sources that conceivably could cause concern related to the degradation of the groundwater quality sustainability indicator from extraction or recharge: (a) recycled water applied in the proposed agricultural spray fields and (b) stormwater runoff. The following discussion considers only the possibility of groundwater recharge because there are no on-site wells that could affect groundwater quality by way of extraction and because the Water Supply Evaluation concludes that the proposed project can be served without long-term sustained use of the safe yield by extraction from the groundwater basin.

**Total Dissolved Solids**

*Minimum Threshold and Management*

There is a comprehensive regulatory framework governing water quality and groundwater recharge, to which Zone 7 as the relevant public agency for purposes of the project, is required to adhere. For the Main Basin, the MT for TDS is established at the Recommended Secondary MCL (based on aesthetics, such as taste and odor) of 500 mg/L, or the SGMA Baseline (i.e., 2015) concentrations plus maximum historical data range, whichever is greater. For the Fringe and Upland Areas, the MT for TDS is established at the Upper Secondary MCL of 1,000 mg/L, or the SGMA Baseline concentrations plus maximum historical data range, whichever is greater. These MTs are consistent with State and federal standards for drinking water quality, and background, pre-SGMA concentrations. Trends toward the MT or exceedances that are correlated to Zone 7 management actions will trigger management responses by Zone 7 in collaboration with the other municipal pumpers in the Basin. The responses can involve short-term actions including further investigation (e.g., resampling or investigation of causes) and reduction of pumping of the affected well along with redistribution of pumping or provision of other supplies to maintain a high-quality supply to customers. Longer-term actions include the salt management strategies identified in the Surface Mining Permit (SMP), such as artificially recharging the Basin with low TDS imported water when available; pumping and delivering additional groundwater to customers so more salts are exported as wastewater; and operating the Mocho Groundwater Demineralization Plant. Overall, the MTs will protect groundwater quality for beneficial uses and users of groundwater and given the resultant reliable high-quality water supply, will protect land uses and property interests.

*Groundwater Concentration*

The Main Basin was projected by the AGSP to have an average of 675 mg/L of TDS in 2025. As of 2021 TDS was not detected above the Minimum Threshold in any RMS-WQ.

*Recycled Water*

Total concentration of dissolved solids in recycled water tends to be twice the average concentration of the average TDS concentration of the potable water served by Zone 7. TDS in the proposed project's recycled water would eventually pass through the soil matrix even considering that the recycled water is applied at agronomic rates; this is because only a very small fraction of the TDS is taken up by the crops. Winter rains would flush the remaining salt through the soil matrix and into the upper groundwater aquifer. Assuming an average TDS in the potable water supply served of 350 mg/L, this would equate to an average TDS in the recycled water supply of 700 mg/L. For the anticipated volume of wastewater generated by the proposed project, this would translate to approximately 190 lbs/day (34.8 tons/year). Recycled water is currently only a minor contributor to salt accumulation in the Main Basin. Mitigation of the water quality concerns related to salt loading from recycled water use is addressed in Zone 7's Salt Management Plan. These mitigation measures to be implemented by Zone 7 in connection with its Salt Management Plan are projected to gradually lower the average TDS concentration in the Main Basin from an average of 675 mg/L in 2025 to below the 500 mg/L secondary MCL by 2075. The proposed project and its future residents would support Zone 7's implementation of the above-referenced measures through the payment of capacity fees and ongoing water service charges.

*Stormwater*

Stormwater runoff has a relatively low TDS level (rainfall TDS levels can vary considerably but are typically very low—WateReuse states rainfall TDS can be as low as 20 mg/L). The Zone 7 AGSP states that Zone 7 uses the capture of stormwater for groundwater recharge as one of its practices for managing salt loading to the Main Basin. In the case of the stormwater from the proposed project, it is proposed to be directed to Cope Lake from where it can enter Lake I and contribute to low TDS water diverted from the arroyos and act to recharge low TDS water to the Main Basin, thereby supporting Zone 7 efforts to manage salt loading in the Main Basin. Further, the proposed project would be required to adhere to the regulatory framework regarding TDS level in the permitting process.

*Mitigation*

As noted above, effectively addressing the water quality concerns related to salt loading from recycled water use occurs via implementation by Zone 7 of its Salt Management Plan. Those measures include artificially recharging the LVGB with low TDS imported water when available; pumping and delivering additional groundwater to customers so more TDS is exported as wastewater; and operating the Mocho Groundwater Demineralization Plant which removes TDS and effectively exports it to the Bay. Those mitigation measures, to be implemented by Zone 7 pursuant to its Salt Management Plan, are projected to gradually lower the average TDS concentration in the Main Basin from an average of 675 mg/L in 2025 to below the 500 mg/L secondary MCL by 2075. The proposed project and its future residents would support Zone 7's implementation of the above-referenced measures through the payment of capacity fees and ongoing water service charges.

*Summary*

In summary, the proposed project would not cause a significant and unreasonable change of TDS levels in the Main Basin from either its proposed recycled water application to the spray fields or from its stormwater runoff to Cope Lake, and thus no significant impact in this regard would occur, consistent with the conclusions in the Draft EIR's impact analysis.

**Nitrates**

*Minimum Threshold and Management*

There is a comprehensive regulatory framework governing water quality and groundwater recharge, to which Zone 7 as the relevant public agency for purposes of the project, is required to adhere. The concentration of 10 mg/L for Nitrate or the SGMA Baseline concentrations plus maximum historical data range, whichever is greater, serves as the MT for the LVGB. This approach is consistent with the federal and State Primary MCL for drinking water, the Basin Water Quality Order (WQO), and the expectations of SGMA. Zone 7 conducts ongoing monitoring of nitrate in groundwater and coordinates with land use agencies for BMPs requirements to manage nitrogen loading to the Basin. Overall, the MT will protect groundwater quality for beneficial uses and users of groundwater (most notably domestic well owners).

*Groundwater Concentration*

Nitrate concentrations in the groundwater vary significantly over in the Main Basin. This is largely attributable to the use of fertilizer and on-site septic systems in the historically rural areas overlying the Basin. The AGSP identified that in the Main Basin, nitrate concentrations average approximately 1 to 2 mg/L in the lower aquifer and from 1 to about 10 mg/L (only in certain portions) of the upper aquifer. However, as of 2021 nitrates were not detected above the Minimum Threshold in any RMS-WQ.

*Recycled Water*

In general, nitrogen in organic and inorganic (as ammonia–$NH_3$) forms is present in untreated wastewater. However, this nitrogen would be essentially totally removed through the proposed project's MBR wastewater treatment process. The MBR process would accomplish this by first oxidizing the organic and inorganic nitrogen to the nightly oxidized nitrate ($NO_3$) and subsequently converting the nitrate to harmless nitrogen gas ($N_2$) in what is termed the "anoxic zone" of the MBR process. That nitrogen gas would then be released to the atmosphere and is thus never applied to the agricultural spray fields. As a further protective feature, the General Recycled Water Permit and the Zone 7 Nutrient Management Plan, to which the proposed project would be subject, would limit the proposed project's application to the agricultural spray fields to agronomic rates (the amount that is taken up by the crops and removed from the water and soil) as explained in detail above. In summary, essentially no nitrates are expected to result from the proposed project's MBR treatment system.

*Stormwater*

In general, nitrate can be present in stormwater originating from landscape irrigation runoff (when the landscaping has been over fertilized) and from street deposits including pet droppings. However, any such sources would be minimized to the extent feasible via HOA restrictions on the application rates of fertilizer and a regular schedule of street sweeping, as set forth in binding and recorded

CC&Rs that would govern the proposed project. Additionally, properly designed bioretention basins, such as the ones for the proposed project, would be anticipated to remove nitrates by converting them to nitrogen gas.

*Mitigation*

In general, elevated nitrate levels in certain areas of the LVGB are addressed through ongoing monitoring of nitrate in groundwater and coordination by Zone 7 with land use agencies for Best Management Practice (BMP) requirements to manage nitrogen loading to the Basin. Additionally, Zone 7 continues to coordinate with Alameda County Environmental Health on its management program for on-site septic systems (including imposition of a moratorium on additional septic systems).

*Summary*

In summary, the proposed project would not cause a significant and unreasonable change of nitrate levels in the Main Basin from either its proposed recycled water application to the spray fields or from stormwater runoff to Cope Lake, consistent with the conclusions in the Draft EIR's impact analysis.

**Boron**

*Minimum Threshold and Management*

There is a comprehensive regulatory framework governing water quality and groundwater recharge, to which Zone 7 as the relevant public agency for purposes of the proposed project, is required to adhere. While there is no MCL for boron, the United States Environmental Protection Agency (EPA) has identified a HRL of 1,400 µg/L (1.4 mg/L). Boron also becomes a problem for certain irrigated crops when present at levels above 1,000 or 2,000 µg/L, depending on the crop sensitivity. As such, the MT is set at 1,400 µg/L or the SGMA Baseline concentrations plus maximum historical data range, whichever is greater, for all Management Areas within the Basin. This is a conservative threshold that is protective of human health as well as sensitive crops and landscaping plants. Boron is a naturally occurring constituent, but its distribution can be affected by Basin wide management activities. Management actions for boron are included in the salt management strategies identified in the AGSP, such as artificially recharging the Basin with low TDS imported water when available; pumping and delivering additional groundwater to customers so more salts are exported as wastewater; and operating the Mocho Groundwater Demineralization Plant.

*Groundwater Concentration*

Boron concentrations in the groundwater of the Main Basin vary somewhat in the range from about 0.25 to 1.0 mg/L. As of 2021, boron was not detected above the Minimum Threshold in any RMS-WQ.

*Recycled Water*

With respect to the proposed project, boron can be expected at trace concentrations in recycled water originating from the carriage water (the potable water supply) as well as from household products. It is anticipated that any such boron concentrations in wastewater would be consistent with typical concentrations, between approximately 0.1 to 1 mg/L, which are below the Minimum Threshold. Boron would not be removed to any great extent by the proposed project's MBR process

other than a small amount of boron that would be associated with suspended material in untreated wastewater.

*Stormwater*

With respect to the proposed project, boron can be present in stormwater runoff. It is anticipated that any such boron concentrations would be consistent with typical concentrations from approximately 0.025 to 0.25 mg/L, which are well below the Minimum Threshold. The proposed project's bioretention basin can be expected to remove a small amount of boron that is associated with suspended material in stormwater.

*Mitigation*

Actions by Zone 7 to effectively address boron are included in the salt management strategies identified in its SMP, such as artificially recharging the LVGB with low boron imported water when available; pumping and delivering additional groundwater to customers so more boron is exported as wastewater; and operating the Mocho Groundwater Demineralization Plant which removes boron and effectively exports it to the San Francisco Bay.

*Summary*

In summary, the proposed project would not cause a significant and unreasonable change of boron levels in the Main Basin from either its recycled water application to the agricultural spray fields nor from stormwater runoff to Cope Lake, consistent with the conclusions in the Draft EIR's impact analysis.

**Hexavalent Chromium**

*Minimum Threshold and Management*

There is a comprehensive regulatory framework governing water quality and groundwater recharge, to which Zone 7 as the relevant public agency for purposes of the proposed project, is required to adhere. For hexavalent chromium (Cr-VI), the MCL of 50 µg/L (0.05 mg/L) or the SGMA Baseline concentrations plus maximum historical data range, whichever is greater, serves as the Minimum Threshold for all Management Areas within the Basin. It is noted that this approach is conservative as some uncertainty exists regarding concentrations of Cr-VI in the Basin.

*Groundwater Concentration*

Chromium is typically found at very low concentrations in groundwater in the Basin. It can be a naturally occurring element found in the Basin and is generally derived from the Franciscan Assemblage, which contains Serpentinite that tends to be rich in magnesium, chromium and nickel. Chromium can also be the result of an anthropogenic impact. Chromium was not detected above the 50 µg/L MT in wells in the upper or lower aquifer of the Main Basin although there were some localized chromium "hot spots" in the fringe basins. Hexavalent chromium concentrations in the groundwater of the Main Basin vary somewhat in the range from about 0.25 to 1.0 mg/L.

*Recycled Water*

With respect to the proposed project, hexavalent chromium is expected to be at trace levels or less in untreated wastewater. The proposed project's MBR treatment process would remove some chromium from wastewater. Recycled water produced by the proposed project would be expected to

contain less than 10 µg/L of chromium, which would be well below the applicable threshold. The soil matrix in the agricultural spray fields can also be expected to remove some chromium.

*Stormwater*

With respect to the proposed project, hexavalent chromium is expected to be at trace levels or less in stormwater and well below the 50 µg/L MT.

*Mitigation*

In order to effectively address concerns associated with hexavalent chromium, Zone 7 (with approval of the SWRCB DDW) blends water produced from any production wells affected by elevated chromium levels with other sources of water as needed to minimize any potential risk of MCL exceedance in delivered water. This protects the municipal drinking water use of groundwater consistent with Zone 7 BMOs and avoids undesirable results.

*Summary*

In summary, the proposed project would not cause a significant and unreasonable change of hexavalent chromium from either its recycled water application to the spray fields or from stormwater runoff to Cope Lake, consistent with the conclusions in the Draft EIR's impact analysis.

This Master Response amplifies and clarifies the Draft EIR's analysis of the proposed project's wastewater effluent. No "significant new information" warranting changes to the Draft EIR, or recirculation has been added. Please see Master Response 5, Recirculation Not Required, in this Final EIR.

## Master Response 12–Clarifying Information on the Transportation Analysis

### *Summary of Relevant Comments*

Several commenters have provided comments requesting clarifying information on the methodology of the analysis prepared for the Draft EIR Transportation section to evaluate traffic and congestion. This Master Response will provide an overview as to why impacts to transportation are analyzed using Vehicle Miles Traveled (VMT) under CEQA, and why the analysis no longer uses Level of Service (LOS) to determine significant traffic impacts.

### *Response*

SB 743, which was signed into law by former Governor Brown in 2013 and was codified in Public Resources Code Section 21099, tasked the California Governor's Office of Planning and Research (OPR) with establishing new criteria for determining the significance of transportation impacts under CEQA. SB 743 requires the new criteria to "promote the reduction of GHG emissions, the development of multimodal transportation networks, and a diversity of land uses." SB 743 changed the way that public agencies evaluate the transportation impacts of projects under CEQA, recognizing that roadway congestion, while an inconvenience to drivers, is not itself an environmental impact (see PRC § 21099(b)(2)).

In November 2017, OPR released a technical advisory containing recommendations regarding the assessment of VMT, proposed thresholds of significance, and potential mitigation measures for lead agencies to use while implementing the required changes contained in SB 743. Also in November

2017, OPR released the proposed text for CEQA Guidelines Section 15064.3, "Determining the Significance of Transportation Impacts," which summarized the criteria for analyzing transportation impacts for land use projects and transportation projects and directed lead agencies to "choose the most appropriate methodology to evaluate a project's VMT, including whether to express the change in absolute terms, per capita, per household or in any other measure." (CEQA Guidelines § 15064.3(b)(4).) OPR recommends that for most instances a per service population threshold should be adopted and that a 15 percent reduction below that of existing development would be a reasonable threshold.

The updated guidelines eliminate the use of automobile delay metrics, such as LOS, from determining significant environmental impacts from vehicle travel. VMT has been identified as the most appropriate metric to evaluate a project's transportation impacts, as projects that result in lower-than-average VMT support goals of reducing greenhouse gas (GHG) emissions, while projects that result in higher-than-average levels of vehicle travel contribute to an increasing rate of GHG emissions.

Projects that are within 0.5 mile of an existing major transit stop, which is defined as a "rail or bus rapid transit station," "[a] ferry terminal served by either a bus or rail transit service," or at "[t]he intersection of two or more major bus routes with a service interval of 15 minutes or less during the morning and afternoon peak commute periods," (PRC § 21064.3) are presumed to be less than significant if the project has the following characteristics:

- Floor area ratio (FAR) greater than 0.75.
- Does not include more parking for use by residents, customers, or employees of the project than required by the jurisdiction (if the jurisdiction requires the project to supply parking).
- Consistent with the applicable Sustainable Communities Strategy (as determined by the Lead Agency, with input from the Metropolitan Planning Organization [MPO]).
- Does not replace affordable residential units with a smaller number of moderate or high-income residential units.[10]

If a project meets the screening requirements, it is presumed to have a less than significant impact related to VMT.

In December 2018, OPR circulated its most recent Technical Advisory on Evaluating Transportation Impacts in CEQA, which provides recommendations and describes various options for assessing VMT for transportation analysis purposes. VMT refers to the amount and distance of automobile travel attributable to a project. Other relevant considerations may include the effects of the project on transit or non-motorized travel. The VMT analysis options described by OPR are primarily tailored toward single-use development residential or office projects, not mixed-use projects, and not

[10] California Governor's Office of Planning and Research (OPR). (2018). Technical Advisory On Evaluating Transportation Impacts In CEQA. Website: https://lci.ca.gov/docs/20180416-743_Technical_Advisory_4.16.18.pdf. Accessed February 6, 2025.

athletic facility projects. OPR recommends the following methodology and criteria for specific land uses:

- For residential projects, OPR recommends that VMT impacts be considered potentially significant if a residential project is expected to generate VMT per capita (i.e., VMT per resident) at a rate that exceeds 85 percent of a regional average.

As noted in the OPR Guidelines, agencies are directed to choose metrics that are appropriate for their jurisdiction to evaluate the potential impacts of a project in terms of VMT. The deadline for adopting policies to implement SB 743 was July 2020; the change to VMT was formally adopted as part of updates to the CEQA Guidelines in December 2018.

In summary, VMT associated with a project is the basis for determining traffic impacts under CEQA. As discussed in the Draft EIR, the County has not yet established specific local VMT thresholds. Absent codified guidelines, the County utilizes OPR's VMT thresholds as a matter of practice in EIRs. As such, guidance provided by the OPR in the publication Transportation Impacts (SB 743) CEQA Guidelines Update and Technical Advisory, 2018, was used for analysis in the Draft EIR. This document indicates that a residential project generating vehicle travel that is 15 or more percent below the existing regional or citywide residential VMT per capita may indicate a less than significant transportation impact.

The Alameda County Transportation Commission (CTC) travel demand model includes thousands of traffic analysis zones (TAZs) within nine Bay Area counties that contain information for the years 2010, 2020, and 2040. The project site is located within TAZ 1080. TAZ 1080 is currently modeled to have no residents under conditions without the proposed project. The Draft EIR utilized the CTC travel demand model to model TAZ 1080 under no project and with project conditions.

According to the Alameda CTC model, the proposed project would be expected to have a daily VMT of 29.9 miles per capita under existing 2020 conditions. In contrast, the average daily VMT for residents of the East Planning Area of Alameda County (which includes Dublin, Pleasanton, Livermore, and surrounding unincorporated areas) is 30.5 miles per capita. As the proposed project would be expected to have a VMT per capita above the threshold of 25.9 miles per capita which is 15 percent less than the regional average, the proposed project would have a potentially significant impact on VMT based on the OPR's guidance. Transportation Demand Management (TDM) measures resulting in a reduction in VMT of 13.4 percent or greater would be required in order to result in a less than significant impact with mitigation incorporated.

As shown in Section 3.16, Transportation, the Draft EIR evaluated several potential TDM measures from the Alameda County Vehicle Miles Traveled Reduction Estimator Tool, Alameda CTC, which, if implemented, could reduce the proposed project's overall VMT. The Alameda CTC tool includes a variety of employer-based or transit-based countermeasures that generally do not apply to the proposed project as the proposed project would have no full-time, on-site employees and the project site is located more than a 0.5-mile walking distance to the nearest transit stop. A summary of the TDMs analyzed to reduce project VMT was summarized in Table 3.16-8: VMT Mitigation Measures and Associated Reductions, in Section 3.16, Transportation, of the Draft EIR.

This analysis determined that even if the proposed project implemented all of the potential TDMs proposed, the proposed project's VMT per capita would be reduced by 4.2 to 5.7 percent below the baseline value for the TAZ. This would translate to a project-specific rate of 28.6 to 28.2 VMT per capita, which would still be greater than the applied significance threshold of 25.9 for the East Planning Area of Alameda County. As previously stated, the proposed project's overall daily VMT of 29.9 per capita would need to be reduced by 13.4 percent to avoid significant impacts.

However, the proposed project would implement MM TRANS-2, as noted in Chapter 5, Errata, of this Final EIR, which requires the proposed project to implement traffic calming elements on all of the street improvements included in the proposed project to help reduce the proposed project's VMT. However, this mitigation measure would not reduce impacts to a less than significant level. Thus, the Draft EIR correctly found that the proposed project would result in significant and unavoidable impacts for project VMT.

Additionally, MM TRANS-2b, which required approximately 1,000 feet of off-site sidewalk and bicycle lane improvements along Busch Road, has been removed as a mitigation measure and instead remains treated as a project design feature, consistent with the discussion in Chapter 2, Project Description, of the Draft EIR. However, removal of this mitigation measure does not change any of the significance findings in the document as it would be implemented as part of the proposed project regardless. Impacts to VMT would remain significant and unavoidable. Related revisions are identified in Chapter 5, Errata, of this Final EIR.

# SECTION 3: RESPONSES TO PUBLIC COMMENT LETTERS

## 3.1 - List of Authors

A list of public agencies, organizations, and individuals that provided comments on the Arroyo Lago Residential Project Draft EIR is presented below. Each comment has been assigned a code. Individual comments within each communication have been numbered so comments can be cross-referenced with responses. Following this list, the text of the communication is reprinted and followed by the corresponding response.

**Author** **Author Code**

### State Agencies

California Department of Transportation ..... CALTRANS
California State Water Resources Control Board ..... STATE WATER BOARD

### Local Agencies

Alameda County Community Development Agency Planning Department ..... ACPWA
Alameda County Water District ..... ACWD
Alameda County Transportation Commission ..... ALAMEDA CTC
Dublin San Ramon Services District ..... DSRSD
Alameda Local Agency Formation Commission ..... LAFCO
City of Pleasanton ..... PLEASANTON
Pleasanton Unified School District ..... PUSD
Zone 7 (First Letter) ..... ZONE 7 1
Zone 7 (Second Letter) ..... ZONE 7 2

### Organizations

East Bay Residents for Responsible Development ..... EBRRD
Pacific Gas and Electric Company (First Letter) ..... PG&E 1
Pacific Gas and Electric Company (Second Letter) ..... PG&E 2

### Individuals

Arne Olson (First Letter) ..... A.OLSON 1
Arne Olson (Second Letter) ..... A.OLSON 2
Pamela Hardy Alpert (First Letter) ..... ALPERT 1
Pamela Hardy Alpert (Second Letter) ..... ALPERT 2
Mimi Basu (First Letter) ..... BASU 1
Mimi Basu (Second Letter) ..... BASU 2
Mimi Basu (Third Letter) ..... BASU 3
Mimi Basu (Fourth Letter) ..... BASU 4
Pamela Chan ..... CHAN
Dennis Romatz (First Letter) ..... D.ROMATZ 1

Dennis Romatz (Second Letter) ..... D.ROMATZ 2
Dennis Romatz (Third Letter) ..... D.ROMATZ 3
David Atwell (First Letter) ..... DAVID ATWELL 1
David Atwell (Second Letter) ..... DAVID ATWELL 2
David Atwell (Third Letter) ..... DAVID ATWELL 3
David Atwell (Fourth Letter) ..... DAVID ATWELL 4
David Atwell (Fifth Letter) ..... DAVID ATWELL 5
Anoopkumar Dawar ..... DAWAR
Jane DeCoite (First Letter) ..... DECOITE 1
Jane DeCoite (Second Letter) ..... DECOITE 2
Saibabu Devabhaktuni ..... DEVABHAKTUNI
Diana Atwell (First Letter) ..... DIANA ATWELL 1
Diana Atwell (Second Letter) ..... DIANA ATWELL 2
Ethan Liang ..... E.LIANG
Katharine Eccles ..... ECCLES
Roland Ewaniuk ..... EWANIUK
Mingying Fan and Yinghai Lu ..... FAN AND LU
Sri Garikipati ..... GARIKIPATI
Gokul ..... GOKUL
Tom Grudkowski (First Letter) ..... GRUDKOWSKI 1
Tom Grudkowski (Second Letter) ..... GRUDKOWSKI 2
Tom Grudkowski (Third Letter) ..... GRUDKOWSKI 3
Tom Grudkowski (Fourth Letter) ..... GRUDKOWSKI 4
Tom Grudkowski (Fifth Letter) ..... GRUDKOWSKI 5
Tom Grudkowski (Sixth Letter) ..... GRUDKOWSKI 6
Tom Grudkowski (Seventh Letter) ..... GRUDKOWSKI 7
Tom Grudkowski (Eighth Letter) ..... GRUDKOWSKI 8
Tom Grudkowski (Ninth Letter) ..... GRUDKOWSKI 9
Sandeep Gupta ..... GUPTA
Harriet Fong ..... H.FONG
Heather Liang (First Letter) ..... H.LIANG 1
Heather Liang (Second Letter) ..... H.LIANG 2
Heather Liang (Third Letter) ..... H.LIANG 3
Heather Liang (Fourth Letter) ..... H.LIANG 4
John and Gaye Harrell (First Letter) ..... HARRELL 1
John and Gaye Harrell (Second Letter) ..... HARRELL 2
John and Gaye Harrell (Third Letter) ..... HARRELL 3
Herbert Hu and Yuying Liu ..... HU AND LIU
Preeti Joshi ..... JOSHI
Linda Romatz ..... L.ROMATZ
Hal LaFlash (First Letter) ..... LAFLASH 1
Hal LaFlash (Second Letter) ..... LAFLASH 2
Hal LaFlash (Third Letter) ..... LAFLASH 3
Hal LaFlash (Fourth Letter) ..... LAFLASH 4

Timothy Lambirth ..... LAMBIRTH
Yu-Ying Liu ..... LIU
Julie and Chris Lo ..... LO
Milton Louie ..... LOUIE
Cliff MacDonald ..... MACDONALD
Basanta and Rajkumari Mitra ..... MITRA
Hari Mudaliar ..... MUDALIAR
Fred Okimoto ..... OKIMOTO
Carol and Arne Olson ..... OLSON
Carol Olson and Tom Grudkowski (First Letter) ..... OLSON AND GRUDKOWSKI 1
Carol Olson and Tom Grudkowski (Second Letter) ..... OLSON AND GRUDKOWSKI 2
Bob Russman ..... RUSSMAN
Chinmaya Sahoo ..... SAHOO
Sandra Schiel (First Letter) ..... SCHIEL 1
Sandra Schiel (Second Letter) ..... SCHIEL 2
Sandra Schiel (Third Letter) ..... SCHIEL 3
Sandra Schiel (Fourth Letter) ..... SCHIEL 4
Sandra Schiel (Fifth Letter) ..... SCHIEL 5
Robin and Karen Seto ..... SETO
Evan Shelan (First Letter) ..... SHELAN 1
Evan Shelan (Second Letter) ..... SHELAN 2
Evan Shelan (Third Letter) ..... SHELAN 3
Evan Shelan (Fourth Letter) ..... SHELAN 4
Jeetendra Shelatkar ..... SHELATKAR
Ted Fong (First Letter) ..... T.FONG 1
Ted Fong (Second Letter) ..... T.FONG 2
Jim Vlamis (First Letter) ..... VLAMIS 1
Jim Vlamis (Second Letter) ..... VLAMIS 2
Bob Watson (First Letter) ..... WATSON 1
Bob Watson (Second Letter) ..... WATSON 2
Bob Watson (Third Letter) ..... WATSON 3
Kenneth Yamada (First Letter) ..... YAMADA 1
Kenneth Yamada (Second Letter) ..... YAMADA 2
Kenneth Yamada (Third Letter) ..... YAMADA 3
Kenneth Yamada (Fourth Letter) ..... YAMADA 4

## 3.2 - Responses to Comments

### 3.2.1 - Introduction

In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15088, the County of Alameda (County), as the Lead Agency, evaluated the comments received on the Draft EIR (State Clearinghouse No. 2023050339) for the Arroyo Lago Residential Project, and has prepared the following responses to the comments received. This Response to Comments document is part of the Final EIR for the proposed project in accordance with CEQA Guidelines Section 15132.

## 3.2.2 - Comment Letters and Responses

The comment letters reproduced in the following pages follow the same organization as used in the List of Authors.

CALIFORNIA STATE TRANSPORTATION AGENCY
GAVIN NEWSOM, GOVERNOR

**California Department of Transportation**

DISTRICT 4
OFFICE OF REGIONAL AND COMMUNITY PLANNING
P.O. BOX 23660, MS–10D | OAKLAND, CA 94623-0660
www.dot.ca.gov

October 24, 2024

SCH #: 2023050339
GTS #: 04-ALA-2017-00858
GTS ID: 6769
Co/Rt/Pm: ALA/580/VAR

Aubrey Rose, Planner III
Alameda County
224 W. Winton Avenue, Room 111
Hayward, CA 94544

**Re: Arroyo Lago Residential Project — Draft Environmental Impact Report (DEIR)**

Dear Aubrey:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Arroyo Lago Residential Project. The Local Development Review (LDR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities. The following comments are based on our review of the September 2024 DEIR.

Please note this correspondence does not indicate an official position by Caltrans on this project and is for informational purposes only.

**Project Understanding**

The proposed project includes construction of 194 single-family homes, with approximately 25 percent designed with deed-restricted Accessory Dwelling Units and construct seven internal streets to provide internal circulation within the site. The proposed project would also include several off-site improvements including the development of a water storage and booster pump facility with a 400,000-gallon capacity, a recycled water storage facility with a 900,000-gallon capacity, a sewer treatment plant that would treat approximately 37,400-gallons of wastewater per day, and approximately 9 acres of agricultural irrigation fields. 1

**Travel Demand Analysis**

With the enactment of Senate Bill (SB) 743, Caltrans is focused on maximizing efficient development patterns, innovative travel demand reduction strategies, and multimodal improvements. For more information on how Caltrans assesses Vehicle 2

Miles Traveled (VMT) analysis for land use projects, please review Caltrans' Transportation Impact Study Guide (*link*).

The project VMT analysis and significance determination are undertaken in a manner consistent with the Office of Planning and Research's Technical Advisory. Per the DEIR, this project is found to have a significant and unavoidable VMT impact.

Caltrans acknowledges the DEIR recommending mitigation strategies identified in Alameda County VMT Reduction Estimator Tool to help reduce VMT and improve multimodal transportation options for land use development. The proposed measures identified in the Alameda County VMT Reduction Estimator Tool should be documented with annual monitoring reports to demonstrate effectiveness. 2 CONT

Also, please note that there may be other VMT mitigation options for the lead agency's consideration if onsite TDM measures cannot mitigate a project's VMT impact to a less-than-significant level, such as VMT-based Transportation Impact Fee program, VMT Mitigation Exchange program, and VMT Mitigation Bank. Some local jurisdictions and county transportation authorities have been successfully awarded funds through Caltrans' Sustainable Transportation Planning program to study those options. Please look at the grant program website (*link*) for more detail information if interested.

**Hydrology and Water Quality**

This project is expected to create 18.8 acres of new impervious surface and is planning to treat 100% stormwater by bioretention. Please consider designating multiple areas in the project design for bioretention. 3

Given the extent of new impervious surfaces, please also consider hydromodification as a design option in the Bioretention strategy.

**Construction-Related Impacts**

Project work that requires movement of oversized or excessive load vehicles on State roadways requires a transportation permit that is issued by Caltrans. To apply, please visit Caltrans Transportation Permits (*link*).

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Melissa Hernandez, Associate Transportation Planner via LDR-D4@dot.ca.gov. 4

For future early coordination opportunities or project referrals, please visit Caltrans LDR website (*link*) or contact LDR-D4@dot.ca.gov.

Sincerely,

YUNSHENG LUO
Branch Chief, Local Development Review
Office of Regional and Community Planning

c: State Clearinghouse

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## State Agencies

### *California Department of Transportation (CALTRANS)*

*Response to CALTRANS-1*
The comment is noted. No environmental issues are raised, and no response is required. However, this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

*Response to CALTRANS-2*
The comment is noted. Annual reporting of the Vehicle Miles Traveled (VMT) reduction mitigation measures included in Section 3.16, Transportation, of the Draft EIR would be required as part of the mitigation measure. The mitigation measures considered to reduce VMT are feasible mitigation measures applicable to the proposed project. The Draft EIR found that even if all of the VMT reduction mitigation measures were applied, impacts would be considered significant and unavoidable. Therefore, the Draft EIR found impacts to VMT to be significant and unavoidable both on the project-level and the cumulative-level analysis. This comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

*Response to CALTRANS-3*
The comment is noted. As discussed in Sections 3.9, Hydrology and Water Quality, and 3.17, Utilities and Service Systems, of the Draft EIR, the proposed bioretention areas and stormwater treatment facilities would have sufficient capacity to meet the stormwater needs of the proposed project. Additionally, a smaller bioretention area would be located adjacent to the water storage and booster pump facility, as noted in Chapter 2, Project Description. Therefore, the proposed project would not require hydromodification as an additional bioretention strategy. No further response is required.

*Response to CALTRANS-4*
The comment is noted. No environmental issues are raised, and no response is required. However, this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

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CALIFORNIA Water Boards

GAVIN NEWSOM
GOVERNOR

YANA GARCIA
SECRETARY FOR
ENVIRONMENTAL PROTECTION

# State Water Resources Control Board

October 22, 2024

Aubrey Rose
Alameda County
224 West Winton Avenue, Room 111
Hayward, CA 94544

COMMENT LETTER ON THE ALAMEDA COUNTY (COUNTY), ENVIRONMENTAL IMPACT REPORT (ENVIRONMENTAL DOCUMENT) FOR THE ARROYO LARGO RESIDENTIAL PROJECT (PROJECT); STATE CLEARINGHOUSE #2023050339

Dear Aubrey Rose:

Thank you for the opportunity to review the Environmental Document for the proposed Project. The State Water Resources Control Board, Division of Drinking Water (State Water Board, DDW) is responsible for regulating public water systems and issuing water supply permits pursuant to the Safe Drinking Water Act. This Project is within the jurisdiction of the State Water Board, DDW's San Francisco District.

A public water system, as defined in the California Health and Safety Code (Health & Saf. Code) § 116275 subd. [h], is "a system for the provision of water for human consumption through pipes or other constructed conveyances that has 15 or more service connections or regularly serves at least 25 individuals daily at least 60 days out of the year."

1

If the above noted project results in the formation of a public water system, an application must be submitted, and a permit must be obtained from the DDW San Francisco District before water can be provided for human consumption. "Human consumption" means the use of water for drinking, bathing or showering, hand washing, oral hygiene, or cooking, including, but not limited to, preparing food and washing dishes." Health & Saf. Code § 116275 subd. [e].

Note, Health & Saf. Code § 116527 subd. (b) requires that any person submitting a permit application for a proposed new public water system must first submit a technical report at least six months before initiating construction of any drinking water-related improvements. The technical report must include an examination of the possibility of connecting to or being annexed by an existing adjacent community water system. Please see the attached *What is a Public Water System* flyer.

The State Water Board, DDW, as a responsible agency under the California Environmental Quality Act, has the following comments on the County's Environmental Document:

- California Water Service recently submitted a preliminary technical report for compliance with California Health and Safety Code §116527, indicating their intent to create a new public water system to serve this Project. The Environmental Document does not discuss a new water system, but instead indicates the proposed Project would connect to the California Water Service-Livermore District (PDF 596). If a new public water system will be created, discuss the water sources that will serve the Project and reasonably foreseeable future development and if the source would be adequate during normal, dry, and multiple dry years. 2
- Cal. Code. Regs. § 64572 requires separation of drinking water service lines from sources of potential contamination such as recycled water pipelines, sanitary sewer pipelines, and stormwater detention basins. The Project will install recycled water pipelines, sewer pipelines, and stormwater detention basins (PDF pages 117, 121 and,129). Please indicate if separation requirements can be met or if a waiver or alternative to Waterworks Standards (Cal. Code. Regs. § 64551.100) will be needed. If a waiver is needed, the water system will need to provide the DDW San Francisco District with the alternative plans. 3
- The Environmental Document mentions "In California, the State Department of Health Services conducts most enforcement activities" (PDF page 602). Authority to regulate public water systems changed from the California Department of Health Services (CDHS) to the California Department of Public Health (CDPH) when CDHS was reorganized in 2007 and then the program transferred from CDPH to the State Water Resources Control Board on July 1, 2014. Please update the document to reflect the State Water Resources Control Board as the agency that regulates the Safe Drinking Water Act. 4

Once the Environmental Document is certified, please forward the following items in support of the new water system's permit application to the State Water Board, DDW San Francisco District Office at DWPDIST04@waterboards.ca.gov:

- A copy of the Environmental Document, Mitigation Monitoring and Reporting Plan (MMRP), comment letters received, and the lead agency responses as appropriate.
- A copy of the Resolution or Board Minutes certifying the Environmental Document and adopting the MMRP; and 5
- A copy of the date stamped Notice of Determination filed at the County Clerk's Office and the Governor's Office of Planning and Research, State Clearinghouse.

Please contact Lori Schmitz of the State Water Board at (916) 449-5285 or Lori.Schmitz@waterboards.ca.gov, for questions regarding this comment letter.

Sincerely,

Lori Schmitz
Environmental Scientist
Division of Financial Assistance
Special Project Review Unit
1001 I Street, 16th floor
Sacramento, CA 95814

Cc:

Office of Planning and Research, State Clearinghouse

Marco Pacheco
District Engineer
San Francisco District

Solmaz Marzooghi
Water Resource Control Engineer
San Francisco District

## *What is a Public Water System?*

A public water system is defined as a system that provides water for human consumption[1] to 15 or more connections or regularly serves 25 or more people daily for at least 60 days out of the year.

### What types of Public Water Systems are there?

Many people think of public water systems as large city or regional water suppliers, but they also include small housing communities, businesses and even schools and restaurants that provide water. A public water system is not necessarily a public entity, and most public water systems are privately owned. There are three legal distinctions between the types of public water systems: community, non-transient non-community, and transient. The type of water system is based on how often people consume the water. Drinking water regulations impose the most stringent monitoring requirements on community and non-transient non- community water systems because the people they serve obtain all or much of their water from that system each day.

| | |
|---|---|
|  | **Community Water Systems** are city, county, regulated utilities, regional water systems and even small water companies and districts where people live. |
|  | **Non-community non-transient water systems** are places like schools and businesses that provide their own water. The same people have a regular opportunity to consume the water, but they do not reside there. |
|  | **Transient water systems** include entities like rural gas stations, restaurants and State and National parks that provide their own potable water source. Most people that consume the water neither reside nor regularly spend time there. |

### What does it take to be a public water system?

Being a public water system means providing affordable, safe drinking water to your customers 24 hours a day, 7 days a week, 365 day a year. This includes the associated legal, fiscal, and operational responsibilities, and future planning. Public water systems typically are run more efficiently when costs can be spread out over a large group of people to obtain good economies of scale. Small public water systems without a very high level of managerial, technical and financial capacity tend to be unsustainable.

**Public water systems are required to have domestic water supply permits.** The first step of the process to obtain a permit for a new public water system is to complete a preliminary technical report. The report involves contacting other existing public water systems to see if the service area of the proposed system could, instead, be served by an existing system. It also evaluates the long-term costs of creating a new public water system. **The preliminary technical report must be submitted at least 6-months prior to any water related construction.** A copy of the preliminary technical report template and the subsequent permit application materials can be obtained by contacting the State Water Resources Control Board, Division of Drinking Water's District Office. A map with District Offices can be found at the following website:

http://www.waterboards.ca.gov/drinking_water/programs/documents/ddwem/DDWdistrictofficesmap.pdf

[1] Human consumption means the use of water for drinking, bathing or showering, hand washing, oral hygiene, or cooking, including but not limited to, preparing food and washing dishes per Section §116275(e) of the Health and Safety Code.

## What are the requirements to create and maintain a public water system?

A new water system applicant should consider all requirements for a public water system that are listed below and on the following page. **Typically, a public water system will incur costs associated with most or all of the required elements.** Other requirements may also be applicable, depending on whether the system is a public or private entity, such as requirements imposed by other programs with the State Water Board, such as Division of Water Rights, and other regulatory agencies, such as Local Area Formation Commissions, Public Utilities Commission, city and county governments. The section from the California Code of Regulations (CCR) Title 22, discussing the specific requirements or the section of the California Health and Safety Code (CHSC) is identified in parentheses. If the requirement comes from another regulatory section, the location is noted. Note that this is a partial list of regulatory requirements.

- Permitting engineering and technical reports (§64552), including pump tests (§64554), at least two water supply well sources for communities (§64554c and §64561), a 50-foot radius source protection zone around all new wells (§64560), a minimum of a 50-foot annular seal on new wells (§64560), a well flow meter (§64561) and initial monitoring
- Construction, including elevated storage or backup electricity for pumps to maintain 40 pounds per square inch (psi) minimum pressure at all times (§64602), proper construction of distribution systems (§64570- 64580), adequate storage capacity (§64554 and 64585) and fire capacity (contact local fire official)
- As-built maps (§64604)
- Annual water-treatment chemicals (§64590) and equipment for distribution monitoring of any added chemical treatment (dependent on the type of needed treatment)
- Ongoing raw water chemical monitoring sampling and analysis (§64431-64445.2)
- Ongoing raw water bacteriological monitoring sampling and analysis (§64430)
- Ongoing treated water bacteriological monitoring sampling and analysis (§64421-64430)
- Maintenance of bacteriological plans (§64422) and emergency notification plans for water quality emergencies (§64463-64466)
- Ongoing lead and copper monitoring including sampling and analysis and maintenance of a lead and copper plan (§64670-64690.80)
- Ongoing disinfection byproducts monitoring and maintenance of an associated plan (64530-64537.6)
- Maintaining a customer water quality complaint program (§64470)
- Main flushing (§64575), valve and meter maintenance (§64600), and maintaining system maps (§64604)
- Cross connection program and annual back-flow device testing (from Title 17, §7583-7605)
- Licensed water treatment operator and distribution staff (§64413.1-64413.7)
- Written procedures for system maintenance, for example pipeline break procedures, etc. (64580, 64582, & 64583)
- Source capacity planning studies and permit amendments for any additional growth (§64558 and §64556)
- Annual Consumer Confidence Report preparation and distribution (§64480-64483)

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CONT

Requirements continue on next page...

...Requirements to create and maintain a public water system, continued

- Annual Electronic Report submittal to State Water Resource Control Board-Division of Drinking Water (CHSC §116530)
- Records of the estimated life of all pumps, treatment, storage, and distribution system and an annual capital improvement plan to fund infrastructure replacement (CHSC §116540)
- Metering and billing staff (CHSC §116540)
- Emergency reserves for drought, regulatory changes, public notice of bacteriological or chemical failures, etc. (CHSC §116540)
- Maintaining of business licenses, annual drinking water permit fees (CHSC §116565) and payment of any State enforcement fees for actions resulting from water system noncompliance (CHSC §116577)
- Appropriate working area for staff, chemicals, and records (§64470, §64423.1)
- Insurance and liability for staff, with duties including climbing tanks, handling hazardous chemicals, etc
- Management staff that is knowledgeable about drinking water. Staff coordinate the above and maintain financial controls (per Corporation Code and Government Code requirements and CHSC §116540)
- If the source is surface water, there may be additional requirements:
    - A water treatment plant meeting all Surface Water Treatment Rule requirements (§64650-64666),
    - Continuous operator supervision of the water treatment plant when in service (§64660)
    - Chemical monitoring equipment, at minimum turbidity and chlorine (§64655-64656.5, §64659)
    - Operations Plan (§64661) and Alarms (§64659)
    - Monthly monitoring reports to the Division of Drinking Water(§64662-64664.2)
    - Additional raw water sampling requirements (§64654.8)

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CONT



## Is there any flexibility on these requirements?

All public water systems are subject to the same health based standards and laws whether they are a big city, a small community, or a rural restaurant. However, there are some minor adjustments that are made to monitoring frequencies based on population and water system type. Each public water system is expected to continuously supply high quality water meeting all the applicable requirements.

## How do I find an existing public water system to serve my project area?

***California Water System Area Boundaries:***
https://gispublic.waterboards.ca.gov/portal/apps/webappviewer/index.html?id=272351aa7db14435989647a86e6d3ad8 This website provides a map of the boundaries of public water systems. It is currently under development and does not include all public water systems, but is searchable by address or county and includes other useful map layers.

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CONT

***Drinking Water Watch:*** https://sdwis.waterboards.ca.gov/PDWW/
All active and inactive public water systems in California are provided on this website as well as a contact phone number or address for the public water system. The listing can be filtered by county, but no map is provided.

***Contact the Division of Drinking Water District Office Serving Your Area and Ask:*** If you are unable to find a public water system nearby, contact the District Engineer for additional support. A webpage link of Division District offices and contacts is provided on the first page of this document.

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## *California State Water Resources Control Board (STATE WATER BOARD)*

*Response to STATE WATER BOARD-1*
The comment is noted. Consistent with the requirements outlined in this comment, the project applicant's proposed water purveyor, the California Water Services Company – Livermore Unit (Cal Water), has submitted a Preliminary Technical Report (PTR), which was reviewed by the Division of Drinking Water and returned as incomplete. The project applicant and Cal Water are currently addressing the incomplete portions noted in the PTR at the time of the preparation of this Final EIR, and a revised PTR will be resubmitted in the first half of 2025. The PTR would be complete and approved well in advance of the anticipated start of construction of the water facilities needed to serve to the proposed project. The completed PTR is not reasonably expected to result in significant project revisions or changes to the assumptions analyzed in the Draft EIR. Additionally, the proposed water system serving the development will be a Community Water System. No further response is required.

*Response to STATE WATER BOARD-2*
The comment is noted. The commenter states that the Division of Drinking Water (DDW) has ruled out the feasibility of annexation, connection, or service directly from the existing Cal Water service area in Livermore (CA0110003) as stated in the DDW letter dated September 9, 2024, and both Cal Water and the project applicant agree with that finding. Accordingly, while Cal Water will still be the water provider to the proposed project, water service for the proposed project would be provided under a new, rather than amended permit, issued by DDW. However, the water supply sources to serve the project would be as described in the Water Supply Evaluation (WSE) prepared for the proposed project and included in the Draft EIR as Appendix J. As the Draft EIR states on page 3.17-26, there would be no direct connection to the existing Cal Water service area in Livermore. The project's water system would be a stand-alone system with its own operating permit.

Furthermore, Cal Water's April 2024 letter to the project applicant states that *"{Cal Water} reviewed the WSE and confirmed the Table 8 findings that the 47 acre-feet per year demands for this development are additive to the projected 2020 Cal Water Urban Water Management Plan demands, and that there is sufficient Cal Water supply from Zone 7 to support the development."* As such, Cal Water has supply adequate during normal, dry, and multiple dry years as these scenarios were studied in the 2020 Cal Water Urban Water Management Plan.

Please refer to *Response to STATE WATER BOARD-1* and Master Response 10, Clarifying Information on Wastewater Treatment Plant Operation and Maintenance, in Section 2, Master Responses, of this document. Master Response 10 provides additional clarifying information on the operation and maintenance of the proposed Wastewater Treatment Plant (WWTP), including who would operate it, what permits would be required, and details regarding odor, sizing, per- and polyfluoroalkyl substances (PFAS), and discharge of biosolids and byproducts.

*Response to STATE WATER BOARD-3*
The comment is noted. The applicant anticipates that all separation requirements for potable water, wastewater and recycled water will be met in accordance with California Code of Regulations Section 64572. Please refer to Master Response 10, Clarifying Information on Wastewater Treatment Plant Operation and Maintenance, in Section 2, Master Responses, of this document. Master Response 10

provides additional clarifying information on the operation and maintenance of the proposed WWTP, including who would operate it, what permits would be required, and details regarding odor, sizing, PFAS, and discharge of biosolids and byproducts. No further response is required.

*Response to STATE WATER BOARD-4*
The comment is noted. The EIR is revised to state that the State Water Board, DDW, will be the agency that regulates the proposed project under the Safe Drinking Water Act. This change has been reflected in Chapter 5, Errata, of the Final EIR. This is a clarification of an inadvertent error that does not constitute new information or a change to the significance findings in Chapter 3.17, Utilities and Service Systems, of the Draft EIR. No further response is required.

*Response to STATE WATER BOARD-5*
The comment is noted. No environmental issues are raised, and no response is required. However, this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

*Response to STATE WATER BOARD-6*
The comment is noted. No environmental issues are raised, and no response is required. However, this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

## Laura Campion

**Subject:** FW: Arroyo Lago Residential Project - PLN2022-00193 - Vesting Tentative Tract Map (TR-8423), 3030 Mohr Avenue, Pleasanton; Assessor's Parcel Number: 946-4634-1

**From:** DeLeon, Rosemarie L. <Roseld@acpwa.org>
**Sent:** Friday, October 25, 2024 10:25 AM
**To:** Rose, Aubrey, CDA <Aubrey.Rose@acgov.org>
**Subject:** Re: Arroyo Lago Residential Project - PLN2022-00193 - Vesting Tentative Tract Map (TR-8423), 3030 Mohr Avenue, Pleasanton; Assessor's Parcel Number: 946-4634-1

Hi Aubrey,

Development Engineering Review had previously reviewed this Draft EIR and comments provided as contained in our May 15th email are still applicable. 1

Thank you for the opportunity to provide input on this project.

Regards,

Public Works Agency
Alameda County

Rosemarie L. De Leon

Assistant Engineer

Development Engineering & Permits | Alameda County Public Works Agency

399 Elmhurst Street | Hayward, CA 94544

e-mail: roseld@acpwa.org | (510) 670-5209

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**From:** DevEng <DevEng@acpwa.org>
**Sent:** Monday, October 21, 2024 3:29 PM
**To:** DeLeon, Rosemarie L. <Roseld@acpwa.org>
**Subject:** FW: Arroyo Lago Residential Project - PLN2022-00193 - Vesting Tentative Tract Map (TR-8423), 3030 Mohr Avenue, Pleasanton; Assessor's Parcel Number: 946-4634-1

## Rachel Krusenoski

**From:** DeLeon, Rosemarie L. <Roseld@acpwa.org>
**Sent:** Friday, May 31, 2024 8:02 AM
**To:** Rose, Aubrey, CDA
**Cc:** Gonzales, Fernando
**Subject:** FW: PROJECT REFERRAL: ADMIN DRAFT EIR, PLN2022-00193, 3030 MOHR AV

Hi Aubrey,

Reference is made to your below project referral for Admin Draft EIR for TTM 8423 and have the below comments regarding proposed roadways:

1. If the intent of the Developer is for the proposed development's roadways to be public, it will only be accepted into the Alameda County system of roads once the construction is completed including the installation and relocation of all necessary utilities, traffic safety and other roadway improvements. Alameda County will only accept both the completed roadways and the underlying right-of-way in a concurrent manner. 2

2. Design of roadways shall conform to Alameda County's Subdivision Design Guidelines and should be in compliance with pertinent Alameda County ordinances and permit requirements.

Thank you for the opportunity to provide input to this project.

Sincerely,

Rosemarie L. De Leon
Assistant Engineer
Development Engineering & Permits | Alameda County Public Works Agency
399 Elmhurst Street | Hayward, CA 94544
e-mail: roseld@acpwa.org | (510) 670-5209

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**From:** Rose, Aubrey, CDA <Aubrey.Rose@acgov.org>
**Sent:** Wednesday, May 15, 2024 4:03 PM
**To:** County FP Plan Checks <countyfpplanchecks@acgov.org>; DevEng <DevEng@acpwa.org>; Roe, Dilan, Env. Health <Dilan.Roe@acgov.org>; Parent, Michelle, Zone 7 <mparent@zone7water.com>; Jenny Soo <JSoo@cityofpleasantonca.gov>; Li, Junming, Zone 7 <jli@zone7water.com>; Referrals <referrals@zone7water.com>; Brian.Wines@waterboards.ca.gov; Colom, Natali, Env. Health <Natali.Colom@acgov.org>; Barbosa, Josh, Env. Health <Josh.Barbosa@acgov.org>; dehowts, Env. Health <dehowts@acgov.org>; Khatri, Paresh, Env. Health <paresh.khatri@acgov.org>
**Cc:** Steve Reilly <sreilly@landadvisors.com>; Cc: <sreilly@330land.com>; JOE SORDI <joesordi@gmail.com>; rwada@steelwavellc.com; Orduna, Rodrigo, CDA <rodrigo.orduna@acgov.org>
**Subject:** PROJECT REFERRAL: ADMIN DRAFT EIR, PLN2022-00193, 3030 MOHR AV

**PROJECT REFERRAL: ADMIN DRAFT EIR**

Date: May 15, 2024

RE: Case No.: PLN2022-00193
**Vesting Tentative Tract Map Subdivision**

**Due Date:** June 5, 2024

* AC FIRE DEPT
* ACPWA DEVELOPMENT ENGINEERING AND PERMITS
* ACPWA DEPT OF ENVIRONMENTAL HEALTH
* ZONE 7 WATER AGENCY
* CITY OF PLEASANTON c/o PLANNING DEPT
* CALIFORNIA STATE WATER RESOURCES CONTROL BOARD

This is the Admin Draft EIR for the following application. The applicant's consultant has submitted the following for your review and comments:

https://www.dropbox.com/scl/fo/9ad70uuj70ko0lhjmyuak/AGBtgAr0TXVtdvpXjyw3CSg?rlkey=0q81qf0vlpuevmqrzlwy13eeg&e=1&st=vcp5bnsw&dl=0

Please review and comment accordingly based on your respective areas of expertise.

**PLN2022-00193 / USL PLEASANTON LAKES, L.P. // 330 LAND COMPANY, L.L.C., VESTING TENTATIVE TRACT MAP (TR-8423),** application to allow subdivision of a 26.6-acre parcel into 194 residential lots with infrastructure needed to serve the development including roads, sewer, domestic water, and storm-drain; 3030 Mohr Avenue, fronting on and extending south to Busch Road, unincorporated Pleasanton area of Alameda County.

County Assessor's Parcel Numbers (APNs): 946-1250-006-04 (portion) for subdivision and roads, 946-1350-003-12 for sewer, and 946-1350-003-10 for water.

General Plan Land Use Designation: 946-1250-006-04 (portion): Medium Density Residential, allowing densities of 4.1 to 8.0 units per acre. This designation provides for single family detached and attached homes, multiple family residential units, group quarters, public and quasi-public uses, limited agricultural uses (e.g., nurseries, orchards, field crops), community and neighborhood commercial uses (e.g., retail stores on sites up to 15 acres, with a maximum of 0.4 FAR), neighborhood support uses (e.g., child-care facilities with a maximum of 0.4 FAR), and similar and compatible uses; 946-1350-003-12: Large Parcel Agriculture; and 946-1350-003-10: Water Management.

Zoning: Agriculture

CEQA: This project is being reviewed for impacts to the environment per the California Environmental Quality Act.

Receipt of your comments regarding this project by the indicated due date will enable the consideration of your comments in the analysis of the Admin Draft EIR, and inclusion of relevant information in the preparation of a written staff report.

If you have any questions, please contact me at 510-670-5322, or at the email below.

Sincerely,

Aubrey Rose, AICP
Planner III
Alameda County Planning Dept
aubrey.rose@acgov.org

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## Local Agencies

### *Alameda County Community Development Agency Planning Department (ACPWA)*

*Response to ACPWA-1*
The comment is noted. Please refer to *Response to ACPWA-2*.

*Response to ACPWA-2.*
The comment is noted. The conditions outlined in the Notice of Preparation (NOP) comment forwarded by this commenter were already implemented into the Draft EIR on page 3.16-25, under Impact TRANS-3, of Section 3.16, Transportation. No further response is required.

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BOARD MEMBERS

AZIZ AKBARI
JAMES G. GUNTHER
JUDY C. HUANG
PAUL SETHY
JOHN H. WEED

43885 SOUTH GRIMMER BOULEVARD • FREMONT, CALIFORNIA 94538
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MANAGEMENT

ED STEVENSON
General Manager
DAN STEVENSON
Operations and Maintenance
GIRUM AWOKE
Engineering and Technology
LAURA J. HIDAS
Water Resources
JONATHAN WUNDERLICH
Finance and Administration
JACKIE MCCLOUD
Special Assistant to the General Manager

October 31, 2024

VIA ELECTRONIC MAIL
Aubrey Rose, AICP, Planner III (aubrey.rose@acgov.org)
Alameda County Community Development Agency Planning Department
224 West Winton Avenue, Room 111
Hayward, CA 94544

Dear Aubrey Rose:

Subject: Draft Environmental Impact Report for the Proposed Arroyo Lago Residential Project

Thank you for the opportunity to review and provide comments on the Draft Environmental Impact Report (EIR) developed for the Arroyo Lago Residential Project (Project) currently being proposed by the Alameda County Community Development Agency Planning Department.

The Alameda County Water District (ACWD) provides retail water service to a population of 344,000 within the Cities of Fremont, Newark, and Union City. ACWD was formed in 1914 for the purpose of protecting water in the Niles Cone Groundwater Basin (Niles Cone) and conserving the water of the Alameda Creek Watershed. Local runoff along with imported water is percolated into the Niles Cone through recharge in Alameda Creek itself, and through recharge ponds within and adjacent to the Quarry Lakes Regional Recreational Area. The water is subsequently recovered through groundwater production wells owned and operated by both public agencies and private users. For this reason, ACWD has strong interests in protecting and preserving the water quality and supply in Alameda Creek and its tributaries (e.g., Arroyo de la Laguna). 1

ACWD has reviewed the Draft EIR for the Project and appreciates consideration of the following comments:

1. Alameda Creek and Watershed Protection: As mentioned above, ACWD is particularly concerned with potential impacts that the Project may have on water quality and water supply in Alameda Creek, which is a downstream receiving body in the Upper Alameda Creek Watershed. ACWD has a need to maintain suitable quality of the water in Alameda Creek for groundwater recharge and its subsequent use as a drinking water supply. 2

   The Draft EIR indicates that the Project includes installation of a new sewer treatment plant, and effluent produced by the facility (i.e., disinfected tertiary recycled water) “would be stored in lined storage ponds and would be disposed of through irrigation of agricultural spray fields,” (page 3.6-22). Page 28 of the *Water Supply Evaluation for the Arroyo Lago*

*Residential Project*, included in Appendix G of the Draft EIR, states, "Surface drainage features of the Livermore Valley Basin [which underlies the Proposed Project] include Arroyo Del Valle, Arroyo Mocho, and Arroyo Las Positas (collectively referred to as the Arroyos). All streams converge on the west side of the Livermore Valley Basin forming Arroyo de la Laguna, which flows south and joins Alameda Creek in Sunol Valley. Some geologic structures restrict lateral movement of groundwater, but the general groundwater gradient [in the Livermore Valley Basin] is to the west, then south towards Arroyo de la Laguna."

Based on the information provided in the Draft EIR, it is unclear whether the treated effluent applied via agricultural spray fields (which, according to page 3.17-7 of the Draft EIR, have a storage capacity of between 15.7 and 17.1 acre-feet) would be hydraulically connected to the Livermore Valley Basin. It is also unclear if the Livermore Valley Basin within or adjacent to the Project area is hydraulically connected, through surface water-groundwater interaction, to the Arroyos, which drain to Arroyo de la Laguna and ultimately feed Alameda Creek. Please clarify the outflow mechanisms for water percolated into the agricultural spray fields, including whether that water is likely to reach the Livermore Valley Basin and, further downgradient, Alameda Creek. 2 CONT

ACWD is specifically concerned whether the treated effluent could reach Alameda Creek over time, through hydraulic mechanisms, and potentially create adverse impacts to the water quality in the Alameda Creek.

2. ACWD Contacts: The following ACWD contacts are provided so that Project proponents can coordinate with ACWD as needed during the Project:

    - Michelle Walden, Groundwater Resources Manager at (510) 668-4454, or by email at michelle.walden@acwd.com, for coordination regarding ACWD's groundwater resources.

    - Leonard Ash, Water Supply Supervisor, at (510) 668-6539, or by email at leonard.ash@acwd.com, for coordination regarding Alameda Creek Watershed and water supply. 3

Thank you for the opportunity to provide comments on the Draft Environmental Impact Report for the Arroyo Lago Residential Project.

Sincerely,

Laura J. Hidas

Laura J. Hidas
Director of Water Resources

al/ml
By Email

## *Alameda County Water District (ACWD)*

*Response to ACWD-1*
The comment is noted. No environmental issues are raised, and no response is required. However, this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

*Response to ACWD-2*
The comment is noted. Please refer to Master Response 10, Clarifying Information on Wastewater Treatment Plant Operation and Maintenance, in Section 2, Master Responses, of this document. Master Response 10 provides additional clarifying information on the operation and maintenance of the proposed WWTP, including who would operate it, what permits would be required, and details regarding odor, sizing, PFAS, and discharge of biosolids and byproducts. The Master Response specifically discusses how the wastewater will be treated.

Additionally, please refer to Master Response 11, Clarifying Information on Wastewater Effluent, in Section 2, Master Responses, of this document. Master Response 11 provides additional clarifying information regarding the potential for runoff from the proposed WWTP and agricultural irrigation spray fields to impact downstream surface water quality, groundwater quality, and the adjacent lakes. This Master Response addresses how the effluent would be controlled and would create no significant impact to the water quality of the surrounding surface waters or through groundwater recharge. No further response is required.

*Response to ACWD-3*
The comment is noted. No environmental issues are raised, and no response is required. However, this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

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ALAMEDA County Transportation Commission
1111 Broadway, Suite 800, Oakland, CA 94607 • 510.208.7400 • www.AlamedaCTC.org

November 08, 2024

Aubrey Rose, AICP, Planner III
Alameda County Planning Department
224 West Winton Avenue, Room 111
aubrey.rose@acgov.org

SUBJECT: Arroyo Lago Residential Project Draft Environmental Impact Report (DEIR)

Dear Aubrey,

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Arroyo Lago Residential Project. The project is within unincorporated Alameda County and within the City of Pleasanton's Sphere of Influence. The project site is currently vacant and is formed by five Assessor's parcels: Three (3) parcels designated for the proposed subdivision project and two (2) parcels that will support off-site infrastructure and facilities. The project site is bounded by the City of Pleasanton city limit to the west, Lake I of the Zone 7 Chain of Lakes to the north, Cope Lake to the east, and by industrial land uses to the south. The project site does not currently have a street address and can only be accessed by Busch Road.

The project sponsor proposes the construction of 194 single-family homes, 49 of which would have deed-restricted accessory dwelling units. The approximately 26.6-acre site would be developed with an approximate density of 7.3 dwelling units per gross acre. The proposed project is expected to include approximately to 691 residents per County of Alameda's average persons per household. 1

Since the proposed project would appear to generate more than 100 new PM-peak trips, it is subject to Alameda County Transportation Commission (Alameda CTC) review under the Land Use Analysis Program (LUAP) of the Alameda County Congestion Management Program (CMP). Therefore, Alameda CTC respectfully submits the following comments:

Congestion Management Program (CMP) Review

While SB743 changed the metric used to evaluate the effects of a proposed land use project on the transportation network, the County Congestion Management Program (CMP) legislation still requires project sponsors to evaluate the effects of the project on the CMP network of roads outside of CEQA. Streets included in the CMP network in the project area are: I-680, SR 84, Bernal Avenue, Charro Road, First Street, Sunol Blvd, and Stanley Blvd. Please visit the Alameda CTC Congestion Management Program for more information on the CMP network. 2

Appendix I of the DEIR includes an analysis of the effects of the project on certain intersections that include some of the roadways that are part of the CMP network. This analysis was done with the purpose of providing City and County policy makers with useful data to make informed decisions regarding the project's adherence to local policies. While intersection operations/capacity analysis is not the same as the impact analysis of project effects on the CMP roadway network required by the CMP

legislation, Alameda CTC appreciates that the intersection analysis provides a reasonable proxy for purposes of the DEIR. 2 CONT

Use of Countywide Travel Demand Model

Alameda CTC appreciates that the VMT analysis used the latest version of the Alameda CTC Travel Demand Model, released in 2019 as stated on page 3.16-4 of this DEIR. 3

Transportation Demand Management Program

The project site is in an area that is modeled to have no residents under existing conditions. The project residents were added to the analysis to model current and cumulative conditions and to estimate VMT generated by the project. This analysis showed that the project will generate 30.5 VMT per Capita, which exceeds the significance threshold of 25.9 VMT for the Alameda County East Planning Area per the Governor's Office of Planning and Research (OPR) guidance. The project will be implementing potential mitigation measures listed in the Alameda County Vehicle Miles Traveled Reduction Estimator Tool, but it is still considered to have significant and unavoidable impacts. There may be opportunities to further reduce VMT generated by the project by encouraging active transportation travel with the implementation of high quality bicycle facilities and the provision of continuous pedestrian facilities as further explained below. 4

Bike and Pedestrian Plans

There are several Countywide Bikeways Network corridors in the vicinity of the project, including the Iron Horse Trail, which is located only ½ mile from the project, and Santa Rita Road. Alameda CTC appreciates that the project proposes to create a Class II connection from the project to the existing bike facilities at Ironwood Drive and Busch Road, which connect to the Iron Horse Trail. For your reference, the Alameda CTC Commission has adopted a policy requiring bike infrastructure that is on the Countywide Bikeways Network and funded by Alameda CTC discretionary sources to meet an All Ages and Abilities (AAA) standard. Please check these guidelines for recommended bike facilities in different roadway contexts that include target speed limit, traffic volume, and other operational considerations. 5

The project is proposed to close the sidewalk gap that would exist between the west boundary of the project site and Ironwood Drive, add curb ramps, comply with the latest standards of the Americans with Disabilities Act (ADA), and install pedestrian crosswalks across the north legs of the proposed intersections with Busch Road. Alameda CTC encourages the implementation of more than one crossing opportunity along blocks that are considerably long. These crossings must be of the highest safety standards to provide protection for pedestrians, in particular along multilane roadways.

Metropolitan Transportation System (MTS)

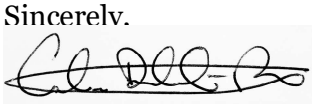
The project is located ½ mile from The Class I Iron Horse Regional Trail, which would offer residents a low-stress 3-mile bicycle route from the nearby intersection of Valley Avenue/Busch Road to the Dublin/Pleasanton Bay Area Rapid Transit (BART) station. The Livermore Amador Valley Transit Authority (LAVTA) bus service Line 10R runs approximately 1 mile from the project site. This is a distance that residents could bike to access the bus if high quality, AAA bike facilities are implemented by the project sponsor or in partnership with the City of Pleasanton and Alameda County, thus further reducing the project's VMT impact. 6

Cumulative Transportation Impacts

According to analysis completed in this Draft EIR, the project is expected to result in significant cumulative and unavoidable transportation impacts related to VMT generation. The project will also impact intersection operations and decrease the level of service at the intersection of Santa Rita Road/Valley Avenue. The project sponsor should coordinate with the City of Pleasanton and Alameda County to consider potential improvements to address operations at this intersection without adversely impacting pedestrian, bicycle, or transit conditions. 7

Thank you for the opportunity to comment on this DEIR. Please contact me at (510) 208-7400 or Aleida Andrino-Chavez at (510) 208-7480 if you have any questions. 8

Sincerely,



Colin Dentel-Post
Principal Planner
cc: Aleida Andrino-Chavez, Associate Transportation Planner

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## *Alameda County Transportation Commission (ALAMEDA CTC)*

*Response to ALAMEDA CTC-1*
The comment is noted. No environmental issues are raised, and no response is required. However, this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

*Response to ALAMEDA CTC-2*
The comment is noted. As noted in the comment, the intersection analysis contained within the Draft EIR, and associated transportation analyses are sufficient for Alameda CTC to review for consistency with Congestion Management Program legislation. No further analysis was requested. No further response is required.

*Response to ALAMEDA CTC-3*
The comment is noted. No environmental issues are raised, and no response is required. However, this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

*Response to ALAMEDA CTC-4*
The comment is noted. The mitigation measures considered to reduce VMT are feasible mitigation measures applicable to the proposed project. The Draft EIR found that even if all of the VMT reduction mitigation measures were applied, impacts would remain significant. Therefore, the Draft EIR found impacts to VMT to be significant and unavoidable both on the project-level and the cumulative-level analysis. However, this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

*Response to ALAMEDA CTC-5*
The comment is noted. The proposed project would comply with all required standards for bicycle and pedestrian facilities, including the All Ages and Abilities standard. The commenter's recommendations will be provided to the Lead Agency and the project applicant for further consideration. No further response is required.

*Response to ALAMEDA CTC-6*
The comment is noted. No environmental issues are raised, and no response is required. However, this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

*Response to ALAMEDA CTC-7*
The comment is noted. No environmental issues are raised, and no response is required. However, this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

*Response to ALAMEDA CTC-8*
The comment is noted. No environmental issues are raised, and no response is required. However, this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

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Dublin San Ramon Services District
Water, wastewater, recycled water

7051 Dublin Boulevard
Dublin, CA 94568-3018

main (925) 828-0515
fax (925) 829-1180
www.dsrsd.com

November 8, 2024

Aubrey Rose,
AICP, Planner III
Alameda County Community Development Agency Planning Department
224 West Winton Avenue, Room 111
Hayward, CA 94544
Email: aubrey.rose@acgov.org

Subject: DSRSD Comments on the Draft Environmental Impact Report for the Arroyo Lago Residential Project

Dear Ms. Rose:

The Dublin San Ramon Services District (DSRSD) appreciates the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Arroyo Lago Residential Project. DSRSD distributes drinking water and recycled water to the City of Dublin and Dougherty Valley portion of the City of San Ramon, provides wastewater collection and treatment for the City of Dublin and southern portion of the City of San Ramon and, by contract, treats wastewater from the City of Pleasanton. DSRSD is also a member of the Livermore-Amador Valley Water Management Agency (LAVWMA), which discharges treated wastewater from the cities of Livermore, Pleasanton and DSRSD into San Francisco Bay. By contract, DSRSD is also responsible for the operation and maintenance of the LAVWMA facilities. 1

DSRSD has the following comment:

- As described in Chapter 2.2.2 of the DEIR, the Project proposes to construct storage ponds and irrigate approximately 8.5 acres of agricultural fields with tertiary treated recycled water produced by the development. The DEIR does not address the sizing of storage ponds that would be needed during wet weather season when there would be minimal irrigation demands. Additional details should be provided to address how the Project plans to address the disposal of tertiary treated recycled water during the wet weather season to minimize potential runoff. 2

- The DEIR proposes to construct a package wastewater treatment plant to process and treat wastewater generated by the development. The DEIR should address and analyze the environmental impacts related to the disposal of biosolids waste from the proposed wastewater treatment facility, including whether biosolids will be handled onsite or off hauled for land disposal. 3

November 8, 2024
Page 2 of 2

- Under the Agreement for Wastewater Disposal Services dated November 3, 1992, DSRSD provides wastewater treatment services to the City of Pleasanton. DSRSD understands that the City of Pleasanton may be conducting separate studies and analysis regarding the Arroyo Lago development that could involve evaluating potential annexation of the project to the City. Per the 1992 agreement, any future plans for either a temporary emergency or future connection to the City of Pleasanton's wastewater collection system would require coordination and review with DSRSD. 4

  In addition, any connection to the City of Pleasanton collection system would require use of the Livermore-Amador Valley Water Management Agency system for disposal of the treated wastewater. The Amended and Restated Joint Exercise of Powers Agreement for the Livermore-Amador Valley Water Management Agency (LAVWMA) dated September 10th, 1997, requires unanimous approval of the LAVWMA Board for a member agency to provide wastewater service to unincorporated areas of Alameda County. Therefore, an Out of Service agreement with the City of Pleasanton to serve the Arroyo Lago project would also be subject to review and approval by the LAVWMA Board since the proposed development is currently located in unincorporated Alameda County. 5

- The Wastewater Balance Technical Memorandum prepared by EKI Environmental & Water, Inc. (Appendix K) was not included in the DEIR that was released for public review. During this review period, DSRSD requested the missing Appendix K and was provided with a modified Appendix J that was not available for public review. For a fully comprehensive review the modified Appendix J should be available for public review and comment. 6

DSRSD looks forward to reviewing the final EIR for the Project. Should you have any questions concerning the above, please contact Jaclyn Yee at (925) 875-2258. 7

Sincerely,

Jaclyn Yee Digitally signed by Jaclyn Yee
Date: 2024.11.08 09:37:24 -08'00'

Jaclyn Yee
Senior Engineer

cc: Jan Lee, DSRSD General Manager
Steve Delight, DSRSD Engineering Services Director
Elke Rank, Zone 7 Water Agency
Colleen Winey, Zone 7 Water Agency
Michael Stella, City of Pleasanton
Michelle Walden, Alameda County Water District

### *Dublin San Ramon Services District (DSRSD)*

*Response to DSRSD-1*

The comment is noted. No environmental issues are raised, and no response is required. However, it should also be noted that the DSRSD is a member agency of the DSRSD-East Bay Municipal Utility District (EBMUD) Recycled Water Authority (DERWA), which distributes recycled water, under contract to its members including the Cities of Dublin, San Ramon, and Pleasanton. The DERWA recycled water is treated to identical water quality standards as the recycled water to be produced by the project's recycled water treatment facilities. The DERWA recycled water is used to irrigate landscaping and recreational parks and has the same impacts on surface water and groundwater resources as would effluent applied at the proposed agricultural spray fields. The use of DERWA recycled water is also permitted under the Recycled Water General Order. This comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project. No further response is required.

*Response to DSRSD-2*

The comment is noted. Page 3.17-24 of the Draft EIR described the size of the agricultural spray fields. As explained in Appendix J to the Draft EIR, the recycled water pond volume was determined using the following assumptions based on standard and conservative practices for sizing recycled water storage:

- No recycled water will be used for landscape irrigation within the development; all recycled water will be applied to agricultural spray fields only.
- Precipitation data is based on available data from 1903 to 2022 from the Western Regional Climate Center (WRCC) Station 044997 located in Livermore, California. Precipitation for the 100-year-precipitation condition is assumed to be consistent with the wettest year on record (1983) in accordance with standard methodology for calculating wet weather conditions.
- Effective precipitation was modeled to estimate the volume of precipitation that can be used by plants (i.e., does not percolate below the root zone or flow away as runoff).
- Reference evapotranspiration data are based on monthly average 2005 to 2022 data from the California Irrigation Management Information System (CIMIS) Station 191 located in Pleasanton, California.
- Total recycled water production is assumed to equal the sum of the proposed project's estimated average dry weather wastewater flow (ADWF) and assumed inflow and infiltration (I/I).
- The ADWF is assumed to be 95 percent of estimated indoor water demands to account for potential losses from indoor use, conveyance, and treatment.
- The proposed project's annual I/I is assumed to be 5 percent of the ADWF; the annual I/I is distributed each month proportionally to the monthly precipitation. The I/I is anticipated to be low given that the collection system will be new and groundwater depths are expected to be greater than 60 feet below ground surface (i.e., significantly lower than the wastewater collection system).

- The agricultural spray fields are assumed to have high water use plantings (HWUP) with a plant factor of 0.8. An irrigation efficiency of 75 percent is assumed for the HWUP.
- The analysis was performed for water depths of 10, 12.5, and 15 feet.
- Catchment area was calculated as 1.4 times (pond volume/maximum depth) to account for pond side slopes plus 2 feet of required freeboard. The 1.4 factor roughly equates to side slopes of 2:1.
- Ninety percent of the pond catchment area is assumed to be subject to evaporation.
- An evaporation discount factor of 90 percent is applied to the reference evapotranspiration in the calculation of evaporation from ponds.
- A recycled water distribution efficiency of 95 percent is assumed.

Additionally, please refer to Master Response 11, Clarifying Information on Wastewater Effluent, in Section 2, Master Responses, of this document. Master Response 11 provides additional clarifying information regarding the potential for runoff from the proposed WWTP and agricultural irrigation spray fields to impact downstream surface water quality, groundwater quality, and the adjacent lakes.

*Response to DSRSD-3*
Please refer to Master Response 10, Clarifying Information on Wastewater Treatment Plant Operation and Maintenance, in Section 2, Master Responses, of this document. Master Response 10 provides additional clarifying information on the operation and maintenance of the proposed WWTP, including who would operate it, what permits would be required, and details regarding odor, sizing, PFAS, and discharge of biosolids and byproducts.

*Response to DSRSD-4*
The comment is noted. If the project area is annexed to the City of Pleasanton, wastewater collection would be provided by the City of Pleasanton; wastewater treatment would occur at the DSRSD wastewater treatment plant in the City of Pleasanton; and treated effluent would either be recycled via the existing DERWA recycled water system or exported via the Livermore-Amador Valley Water Management Agency (LAVWMA) facilities for discharge to San Francisco Bay through the existing LAVWMA outfall.

The City of Pleasanton has studied the possible limitations of its collection system to convey the wastewater. To the extent that those portions of the collection system that would be carrying wastewater generated by the proposed project have insufficient capacity, the proposed project would be responsible for increasing the capacity by either installing a parallel line at the deficient sections or increasing the pipe size in those reaches of the collection system. Under Alternative 2, Annexation to the City of Pleasanton, which was analyzed in Chapter 6, Alternatives, of the Draft EIR, the capacity of the existing City of Pleasanton wastewater collection system in the vicinity of the proposed project would need to be increased to accommodate new development along Busch Road—both for this project and for approved development south of Busch Road. Approximately 1,000 feet of 10-inch sewer pipe would be replaced with 12-inch sewer pipe in the vicinity of Kamp

Drive and Stoneridge Drive.[1] The proposed WWTP, the DERWA recycled water facilities and the LAVWMA pipeline all have sufficient capacity to handle the wastewater generated by the proposed project.

Additionally, it should be noted that the wastewater flow from the proposed project would increase the amount available for recycling through the DERWA system, which presently has a supply shortage. If the project is annexed to the City of Pleasanton, as analyzed under Alternative 2, Annexation to the City of Pleasanton in Chapter 6, Alternatives of the Draft EIR, the flow from the proposed project would not result in an exceedance of the 7.135 million gallons per day (mgd) Pleasanton "Committed Flow" as defined in the cited Agreement for Wastewater Disposal Services of November 3, 1992 (Sections 3 and 8 (c)). As such, the 1992 Agreement would allow the proposed project flow to be treated at DSRSD facilities without further consultation. No further response is required.

*Response to DSRSD-5*
The comment is noted. The Amended and Restated Joint Exercise of Powers Agreement for LAVWMA only requires the unanimous approval of the LAVWMA Board if the wastewater from the proposed project is conveyed by the City of Pleasanton at a time when the proposed project is annexed to the City of Pleasanton, which is not what is proposed for the project as evaluated in the Draft EIR. Under Alternative 2, the Arroyo Lago property would be annexed to the City prior to construction of the project and as such no approval would be required of the LAVWMA Board. Please also refer to *Response to DSRSD-4.* No further response is required.

*Response to DSRSD-6*
The comment is noted. The Wastewater Balance Technical Memorandum prepared by EKI Environment & Water, Inc. was inadvertently omitted from the first posting of Appendix J and was posted to CEQAnet on September 20, 2024, with a memo that announced the extension of the comment period and the resolution of the missing documents in Appendix J online. As such, the Wastewater Balance Technical Memorandum prepared by EKI Environment & Water, Inc. was in fact available to responsible and trustee agencies, other interested organizations and the public. The Wastewater Balance Technical Memorandum was also provided to anyone who contacted the Lead Agency and requested the memorandum in the interim. Incorrect references to Appendix K will be revised to Appendix J as described in Chapter 5, Errata, of the Final EIR. The information clarifies the analysis and does constitute new information that would impact the significance conclusion in Section 3.17, Utilities and Service Systems, of the Draft EIR or require recirculation of the Draft EIR. No further response is required.

*Response to DSRSD-7*
The comment is noted. No environmental issues are raised, and no response is required. However, this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

[1] City of Pleasanton. 2024. City of Pleasanton Sewer Capacity Evaluation Report. Appendix A: Wastewater Treatment Plan Supporting Information of this Final EIR.

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**LAFCO**
*Alameda* Local Agency Formation Commission

November 7, 2024

**DELIVERED BY E-MAIL**
Aubrey Rose, AICP, Planner III
Alameda County Planning Department
224 West Winton Avenue, Room 111
Hayward, CA 94544
asvera@livermoreca.gov

**SUBJECT: Alameda County LAFCO comments on the Arroyo Lago Residential Project Draft EIR**

Mr. Rose,

On behalf of the Alameda County Local Agency Formation Commission (LAFCO), the following are Alameda LAFCO staff's comments on the Draft EIR for the proposed Arroyo Lago Residential Project in unincorporated Alameda County, and adjacent to the City of Pleasanton. 1

Alameda LAFCO does understand that there are certain unique circumstances associated with this proposed development project:

- The Arroyo Lago site is one of, and perhaps the only property in unincorporated East County that is located within the Urban Growth Boundary, and that has an East County Area Plan (ECAP) land use designation for urban-scale development (i.e., Medium Density Residential).

- Although the site is within the City of Pleasanton's Sphere of Influence (i.e., the area determined by Alameda LAFCO to be the City of Pleasanton's probable ultimate physical boundaries and service area), the County retains land use responsibility for this property unless it becomes annexed to the City. 2

- The City of Pleasanton has not initiated any pre-zoning actions or annexation requests to Alameda LAFCO pertaining to this property.

- The City of Pleasanton's General Plan does call for preparation of an East Pleasanton Specific Plan to guide development of an approximately 1,000-acre area east the current Pleasanton boundary, including the Arroyo Lago site. That Specific Plan might provide for development of commercial, residential, and office/industrial uses, as well as use of lakes for flood protection, groundwater recharge, habitat, and recreation purposes. According to the Pleasanton General Plan, an East Pleasanton Specific Plan is also

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Nate Miley, Regular — County of Alameda
Karla Brown, Chair — City of Pleasanton
Ralph Johnson, Regular — Castro Valley Sanitary District
Sblend Sblendorio, Regular — Public Member
David Haubert, Regular — County of Alameda
Melissa Hernandez, Regular — City of Dublin
Mariellen Faria, Regular — Eden Township Healthcare District
Bob Woerner, Alternate — Public Member
Lena Tam, Alternate — County of Alameda
John Marchand, Alternate — City of Livermore
Georgean Vonheeder-Leopold, Alternate — Dublin San Ramon Services District

intended to define a circulation system for the area, plans the extension of utilities, and establishment of a funding mechanism for the infrastructure required to support development. However, the City of Pleasanton has not yet initiated this Specific Plan process.

- Therefore, the Arroyo Lago project applicant has filed their application for development of the Arroyo Lago project with the County, pursuant to Senate Bill (SB) 330, the Housing Accountability Act. Among the provisions of SB 330, the County may not change the ECAP land use designation to remove housing as a permitted use, and may not reduce the intensity of residential uses permitted under ECAP. The County may require the Arroyo Lago project to comply with objective zoning code standards, but only to the extent they facilitate the development at the density allowed by ECAP.

2 CONT

These circumstances have led to a proposal for a housing project located in an area where there is limited to no public services available to serve the future population. Instead, the Arroyo Lago project proposes to construct its own sewer treatment plant, its own stormwater disposal system, and to obtain water service from Cal Water's Livermore District, whose service area is nearly 3 miles distant from the site.

3

Alameda LAFCO has no land use authority, and it is not within Alameda LAFCO's purview to determine whether such a projects should or should not be approved. However, it is a fundamental policy of the Alameda LAFCO that, when considering the development status of land located in or adjacent to an established City Sphere of Influence and contiguous to a city boundary, that urban development is preferred in cities because cities exist to provide a broader range of services than do special districts. Lands that may benefit from municipal services and are contiguous to a city boundary should be annexed to the city to provide for such services.

4

**Specific Comments on the Draft EIR**

Responsible and Trustee Agencies

Section 2.4-2 of the Draft EIR lists a number of agencies that will serve as Responsible and Trustee Agencies pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15381 and Section 15386, respectively. The Draft EIR is intended to provide environmental information to these agencies and other public agencies that may be required to grant approvals or to coordinate with other agencies as part of project implementation.

5

This list of Responsible Agencies does not, but should include Alameda County LAFCO. Alameda LAFCO will exercise Responsible Agency duties pursuant to our responsibility to consider necessary LAFCO approvals for annexations to special service districts, the establishment of new special services districts, and/or approvals for out-of-service-area contracts for municipal services (see below).

Wastewater Treatment and Disposal

As stated on page 3.17-24 of the Draft EIR, the Arroyo Lago project would include a wastewater facility that would treat all wastewater generated by the proposed project. The proposed wastewater treatment facility would also be required to meet the applicable requirements of the Water Reclamation Requirements for Recycled Water Use (Order WQ 2016-0068-DDW).

6

Further, the treatment plant would have further oversight through permitting with the State Water Board and San Francisco Bay RWQCB. Additionally, the project applicant would file a Notice of Intent (NOI) under the Statewide General Recycled Water Order with the San Francisco Bay RWQCB for Waste Discharge Requirements (WDRs) related to its treatment and agricultural spray field disposal in compliance with Title 22.

The Draft EIR does not, but should identify who or what will be the responsible entity for obtaining these permits and approvals, and for providing on-going operations and maintenance of this wastewater facility, including its agricultural spray field disposal strategy. Presumably, this responsible entity will be a special services district that provides wastewater treatment and disposal services to the residents of the project and that can enter into contracts, employ workers, issue debt, and impose taxes, assessments or fees for these services. 6 CONT

The Draft EIR also does not, but should identify Alameda County LAFCO's responsibility to consider approval of such a special district. The Project applicant (or future residents) must apply to Alameda LAFCO for approval, and that application must detail the proposed district's boundaries and services, any environmental effects, and financing options. It is Alameda LAFCO policy to approve changes of organization or to approve new special districts that provide planned, well-ordered and efficient development patterns, and that contribute to the orderly formation and development of local agencies based upon local circumstances and conditions. 7

Fire Protection and Police Services

The Draft EIR (page 3.14-10 and -11) indicates that, "the proposed project, through current automatic aid agreements with Alameda County Fire Department (ACFD), would be served primarily by fire resources from the Livermore Pleasanton Fire Department (LPFD). The proposed project would incrementally contribute to the LPFD's ability to provide an acceptable level of service." It also provides that, "the project applicant would be subject to fees charged by the County and ACFD according to the fee schedule adopted in County Ordinance."

Similarly, the Draft EIR (page 3.14-12 and -13) indicates that, "while the County Sheriff does not have a mutual aid agreement with Pleasanton Police Department, they do work collaboratively with them during emergency operations", and that "the nearest Pleasanton PD station, which is located approximately 1.8 miles southwest of the project site, would provide service to the project site." It also indicates that, "the County's Sheriff's Office does not maintain a development fee schedule or a capital improvement plan". 8

While the provision of fire and police protection services may not be a direct physical impact on the environment, the provision of such municipal services to the project is of concern to Alameda LAFCO. At the very least, Alameda LAFCO encourages Alameda County and the City of Livermore to enter into a tax-sharing agreement or similar arrangement whereby the project pays its fair share towards these critical fire protection and police services.

Cumulative Impacts

Section 3.1.1 of the Draft EIR includes a list of cumulative projects that it has determined to be reasonable, feasible and practical, given the information available about these projects. In order to provide a robust analysis of the potential significance of cumulative development, the County's list of cumulative projects is based on several factors including the nature of the resource affected, the location of the project, and the type of project, consistent with the direction in State CEQA Guidelines Section 15130(b)(2). 9

As this list of cumulative projects demonstrates, there are several other proposed development projects in the immediate vicinity of the Arroyo Lago project, including a 569-unit age-restricted residential project proposed to be located on the approximately 62-acre site immediately to the east of the Arroyo Lago site, also in unincorporated Alameda County. This list of cumulative projects demonstrates the need for a coordinated planning approach for East Pleasanton that addresses Alameda LAFCO policy that those lands that benefit from municipal services and that are contiguous to a city boundary should be annexed to the city providing such services. 9 CONT

Alternatives

The Draft EIR (beginning at page 6-10) provides a description and analysis of an "Annexation into the City of Pleasanton Alternative" (Alternative 2), whereby the residential component of the proposed project would remain the same, but the proposed project would be annexed into the City of Pleasanton.

Under Alternative 2, water would be provided by the City of Pleasanton as opposed to Cal Water's Livermore District. The proposed project would connect directly to the City's existing water infrastructure, and the 400,000-gallon water storage and booster pump facility would not be required.

Under Alternative 2, recycled water would be provided by the Dublin San Ramon Services District Regional Wastewater Treatment Facility and Livermore Water Reclamation Plant. The project's 2.5-acre recycled water storage facility 8.5-acre agricultural spray fields would not be required. Under Alternative 2, the project would connect to the City's sanitary sewer system directly and would not require construction of a new package membrane bioreactor sewage treatment plant, including its influent pump station, headworks facility, odor control, membrane bioreactor facility, ultraviolet disinfection, effluent and recycled water pump station and pipelines, solids handling, chemical facility, administration, laboratory, operations, and maintenance facilities.

Under Alternative 2, the project would contribute to the City's capital improvement program through development impact fees, which would ensure that the development pays the cost attributable to the increase in demand for public facilities, as needed to maintain the existing level of service and achieve an adopted level of service consistent with the City's General Plan and Municipal Code. 10

The Draft EIR (page 6-25) concludes that, "Alternative 2 would result in fewer impacts as compared to the proposed project and would reduce a significant and unavoidable impact [traffic hazards] to a less than significant level with the incorporation of mitigation. However, the County as lead agency for the proposed project does not have the authority to implement annexation to the City. Annexation is a process that would require active collaboration and approval from the City and Local Agency Formation Commission (LAFCo), which cannot be guaranteed."

Alameda LAFCO cannot speak for all parties that would need to be involved in an annexation action, but we can guarantee our willingness to engage in such an effort. As previously stated in this letter, it is our fundamental policy that when considering the development status of land located in or adjacent to an established city SOI boundary and contiguous to a city boundary, urban development is preferred in cities, where the highest quality of municipal services in the most cost efficient and inclusive manner can be provided. Consistent with the requirements of the Cortese Knox Hertzberg Local Government Reorganization Act, Alameda LAFCO seeks to

approve changes of organization that encourage and provide planned, well ordered, efficient development patterns and that contribute to the orderly formation and development of local agencies based upon local circumstances and conditions.

10 CONT

Alameda County LAFCO appreciates the opportunity to provide these comments on the County's Draft EIR for the Arroyo Lago project, and we reiterate our commitment to working with the County, the City of Pleasanton and the project applicant to find the best solution for providing municipal services to the project and its surrounding area.

11

Should you have any questions or need additional clarification concerning the application process, please contact me at 510.670.6267 or rachel.jones@acgov.org.

Respectfully,



Rachel Jones
Executive Officer

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## *Alameda County Local Agency Formation Commission (LAFCO)*

*Response to LAFCO-1*
The comment is noted. No environmental issues are raised, and no response is required. However, this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

*Response to LAFCO-2*
The comment is noted. The commenter's assertions are correct. No environmental issues are raised, and no response is required. However, this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

*Response to LAFCO-3*
The comment is noted. The commenter's assertions are correct. No environmental issues are raised, and no response is required. However, this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

*Response to LAFCO-4*
The comment is noted. No environmental issues are raised, and no response is required. However, this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

*Response to LAFCO-5*
The comment is noted. As stated in CEQA Guidelines Section 15381, a responsible agency "means a public agency which proposes to carry out or approve a project, for which a lead agency is preparing or has prepared an EIR or negative declaration. For the purposes of CEQA, the term 'responsible agency' includes all public agencies other than the lead agency which have discretionary approval power over the project." The project proposed in the Draft EIR does not require any approvals from LAFCO. While LAFCO approval may be required if Alternative 2, Annexation to the City of Pleasanton, in the Draft EIR were selected, none of the discretionary approvals required by the proposed project require LAFCO approval. Additionally, LAFCO approval is not necessary for service by an investor-owned utility as it is within the purview of the California Public Utilities Commission. However, this response notes that LAFCO has been included in the project distribution list and was provided the opportunity to comment on both the NOP and the Draft EIR. No further response is required.

*Response to LAFCO-6*
The comment is noted. Please refer to Master Response 10, Clarifying Information on Wastewater Treatment Plant Operation and Maintenance, in Section 2, Master Responses, of this document. Master Response 10 provides additional clarifying information on the operation and maintenance of the proposed WWTP, including who would operate it, what permits would be required, and details regarding odor, sizing, PFAS, and discharge of biosolids and byproducts. This Master Response outlines the applicable regulatory framework that applies to the proposed project and how it will meet these requirements. Please also refer to Impact UTL-1 in Section 3.17, Utilities Service Systems, of the Draft EIR, which describes the regulatory requirements that would be applicable to the proposed project. No further response is required.

*Response to LAFCO-7*
The comment is noted. Please refer to *Response to LAFCO-5*. Please also refer to Master Response 10, Clarifying Information on Wastewater Treatment Plant Operation and Maintenance, in Section 2, Master Responses, of this document. Master Response 10 provides additional clarifying information on the operation and maintenance of the proposed WWTP, including who would operate it, what permits would be required, and details regarding odor, sizing, PFAS, and discharge of biosolids and byproducts. A Special District is not required for the proposed project. No further response is required.

*Response to LAFCO-8*
The comment is noted. Please refer to Master Response 9, Clarifying Information on Public Services EIR Section, in Section 2, Master Responses, of this document. Master Response 9 provides additional clarifying information on the analysis contained within the Draft EIR's section on Public Services, including details related to fire protection, police protection, schools, parks, and libraries. This Master Response specifically addresses how required services will be supported and funded by the proposed project. No further response is required.

*Response to LAFCO-9*
The comment is noted. Please refer to Master Response 6, Clarifying Information on Cumulative Projects, in Section 2, Master Responses, of this document. Master Response 6 provides additional information on the cumulative projects, including the Senior East County Lakes Project, which are identified and analyzed within the Draft EIR. Please also refer to Master Response 7, The Project Considers the Whole of the Action and Does Not Improperly Piecemeal, in Section 2, Master Responses, of this document. Master Response 7 explains why the proposed project considers the "whole of the action" and does not improperly piecemeal environmental analysis, especially with regard to the Senior East County Lakes Project. However, this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project. No further response is required.

*Response to LAFCO-10*
The comment is noted. The commenter's assertions are factual; however, the commenter should note that, as explained in Section 6.4 of Chapter 6, Alternatives, of the Draft EIR, under Alternative 2, Annexation to the City of Pleasanton, there would be no need for recycled water provided by either the DSRSD or Livermore wastewater treatment facilities. No environmental issues are raised, and no response is required. However, this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project. No further response is required.

*Response to LAFCO-11*
The comment is noted. No environmental issues are raised, and no response is required. However, this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

THE CITY OF PLEASANTON

Via Email:
**aubrey.rose@acgov.org**

November 8, 2024

Aubrey Rose
Development Planning Division
Alameda County Planning Department
Permit Center Suite 141
399 Elmhurst Street,
Hayward, CA 94544

**Subject: Arroyo Lago Residential Project - Draft Environmental Impact Report (DEIR)**
**SCH No. 2023050339**

Dear Mr. Rose:

Thank you for the opportunity for the City of Pleasanton (City) to review and comment on the Arroyo Lago Residential Project Draft Environmental Impact Report (DEIR). As described, the proposal includes the construction of 194 single-family homes with 49 Accessory Dwelling Units (ADU) and a 0.7-acre park on an approximately 26.6-acre undeveloped site. Additionally, the proposed project would construct an approximately one-acre sewer treatment plant, an approximately 0.4-acre water storage and booster pump facility, an approximately 2.5-acre recycled water storage facility with an approximately 8.5 acres of agricultural irrigation recycled water spray fields, and two bioretention areas. All the proposed infrastructure supporting the proposed development would be located off-site within the currently vacant lot east of the project site. 1

The project site, although located in unincorporated Alameda County, abuts City's boundaries and existing residential and non-residential uses and residences within the City of Pleasanton. The following sets forth the City of Pleasanton's comments with respect to the analysis and conclusions included in the Draft EIR.

The following lists City's comments on the DEIR for Arroyo Lago:

**CUMULATIVE PROJECTS**
Several of the City's comments pertain to the broader, cumulative effects of projects planned and proposed in the immediate vicinity of the Arroyo Lago development. The DEIR should include projects, including but not limited to the following, in the cumulative analysis: 2

- The proposed SB330 application for the development of 357 single-family residences/duet homes and 212 multi-family independent and/or assisted living units, plus supporting amenities

and off-site utilities, on the vacant lot to the immediate east of the project site identified as APN 946-4634-002, known as "Senior East County Lakes." While this project is identified on the Table 3-1 Cumulative Projects list on page 3-7 of the DEIR, the City is particularly concerned that the DEIR fails to acknowledge and address the extent to which the Arroyo Lago project will actually facilitate and "induce" development of this separate project, which is also located on property owned by the same project applicant. In other words, by approving Arroyo Lago, to what extent is the County also further facilitating this separate project, for example, by extending infrastructure and by providing for development of a new satellite wastewater treatment plant that could also provide service to this adjacent proposed development?

- The proposed residential development from Seefried Industrial Properties for the construction of 310 single-family residential homes including 57 Accessory Dwelling Units (ADU) and 102 multiple-family units located at 3300 Busch Road, across from the proposed project site. While this project is identified on the Cumulative Projects list, that listing understates the number of units being proposed.
- Approved but not yet constructed projects in the City of Livermore, such as the recently-approved projects for annexation and development of SMP39 and SMP40 industrial park projects. With respect to other projects, the City notes that the cumulative project list includes no projects at all within the City of Livermore, which is improbable.

2 CONT

**PUBLIC SERVICES AND SAFETY**

The DEIR analyzed project's impacts to various public services including in the areas of Fire and Police protection and library and recreation services.

**Fire Protection**

With respect to Fire Protection, the DEIR states, the second emergency access route would be provided via El Charro Road. Please note, a portion of the El Charro Road is privately owned. half of the emergency vehicle access relies on private El Charro). The DEIR did not address the following while proposing El Charro Road as the second emergency access route:

3

- Roadway design requirements for EV access
- Conflicts with existing private gravel trucks
- Assurance that the private roadway will be available and suitable for use by emergency vehicles, and alternatives to provide such access if it is not.

The DEIR states, based on a mutual aid agreement in place between Alameda County Fire Department (ACFD) and Livermore-Pleasanton Fire Department (LPFD), and with LPFD stations located nearby and staffed with advanced rescue team, the proposed development assumed fire protection, rescue, and emergency medical services to the proposed development would be delivered by LPFD.

4

The DEIR estimates the proposed development would result in approximately 691 new residents, and the addition of new demands for fire protection services could incrementally impact the LPFD's ability to provide an acceptable level of service. The DEIR states the required development fees could be used

for funding for increased staffing and resources. Please note, the EIR's typical scope is to analyze impact that causes demand for new facilities. Development Impact Fees generally are only used for expansion of new facilities, not for the provision of ongoing staffing and operations. While the DEIR determines the proposed project would have a less than significant cumulative impact related to public services based on the payment of fees, such payment would not be appropriate mitigation for ongoing operational burdens caused by the project. 4 CONT

The required development fees are a one-time fee. The DEIR fails to provide analysis of the ongoing operational costs needed to maintain fire protection services to an acceptable level, i.e., when needed, would LPFD have the staffing and/or resources to provide needed aid, and meet established response times. Hence, it is premature to determine a less than significant impact related to fire protection.

Similarly, and as noted above, the cumulative impacts of the project on Fire services, together with proposed new development in the vicinity of the project should be comprehensively addressed in the EIR. In particular, senior residential developments may generate a higher volume of emergency medical calls for service than other types of residential development – this specific cumulative impact should be further analyzed and disclosed in the EIR. 5

**Police Protection**

The DEIR states the Alameda County Sheriff Office provides primary law enforcement protection services for unincorporated areas of the County and notes the Tri-Valley Substation of the Sheriff's Office, located approximately 14.72 miles west of the project site, would be responsible for police services at the proposed project. The DEIR states the existing average response time for priority emergency calls at the Tri-Valley Substation is approximately 18 minutes; and some of these calls require over 35 minutes for response. The County Sheriff uses a deputy per resident ratio as a performance objective for police protection. The target ratio is one deputy per 1,000 residents in the unincorporated County. The DEIR acknowledges the County Sheriff has not met this performance objective in the last 30 years and it is unable to provide timely response from the Substation to calls for service. While the County Sheriff does not have a mutual aid agreement with the Pleasanton Police Department, the DEIR states, if there is a life-threatening emergency, the County Sheriff can request Pleasanton PD to help address the emergency until the County Sheriff's Office can arrive on the scene. 6

The service area of the Tri-Valley Substation is active and sometimes requires many of the deputies assigned to handle calls for service. However, if there is a life-threatening emergency, the County Sheriff can request Pleasanton PD to help address the emergency until the County Sheriff's Office can arrive on the scene. The nearest Pleasanton PD station, which is located approximately 1.8 miles southwest of the project site, would provide service to the project site.

While inter-jurisdictional public agencies work collaboratively during emergency operations, the Pleasanton PD does not have the staffing and/or resources to provide routine/daily police protection to the proposed development. The DEIR recognized additional police resources would be needed; it yet did not provide a solution or an analysis to address the issue. Instead, the DEIR states, "Absent an

identified need for new or expanded facilities to serve the project site, impacts of the proposed project on police services would be less than significant." The DEIR thus begs the question of whether this project will cumulatively contribute to the need for new police facilities (especially given the other additional new anticipated development project identified in the Table 3-1cumulative projects list.

6 CONT

Again, the DEIR failed to analyze how police services would be provided to the proposed development to ensure public safety. It appears police protection would default to the Pleasanton Police Department as its services are most proximate and conveniently available to the project's residents, without consideration of the impacts of such additional burdens.

Similarly, and as noted above, the cumulative impacts of the project on Police Services, together with proposed new development in the vicinity of the project should be comprehensively addressed in the EIR.

7

**Library and Recreation Services**

Similarly, the DEIR's analysis assumes the City would provide library and recreational services to the proposed 194 homes and 49 ADUs.

The Pleasanton Library is a single 30,178 square-foot library facility with approximately 83,138 members. This equates to .36 square feet of library space per capita[1]. This is below standards for public library buildings, and already lower than city library peer groups in the area.

The proposed project, though located in unincorporated Alameda County, without County Library branches nearby, would bring approximately 700-1,000 new residents who are likely to use the Pleasanton Library (even before accounting for the cumulative contribution of other anticipated nearby development, which the DEIR's analysis likewise fails to adequately address). The existing under-sized Library would be further impacted; hence, the EIR needs to include analysis on needs for library expansions.

8

The need for library expansion was originally identified in the **Pleasanton General Plan 2005-2025**:

Library Facilities and Programs
Goal 5: Enhance the quality of Pleasanton library services (section 6-24).
Program 9.3: Explore the expansion of Pleasanton Library services and associated facility needs.
Program 9.4: As part of the Civic Center Master Plan, consider various locations for an expanded library, including relocating the Library to create a Downtown gateway on Main Street.

[1] **The Pleasanton Library Space Needs Assessment (2004/2009 – Print copy only)**, prepared by Page + Moris, identified that new libraries opening in California should provide .6 to 1.0 square feet per capita, and the assessment proposed a .91 per capita of building space at population build-out to 2015.

In addition to the Goals and Programs stated in the City's General Plan, the **2016 Pleasanton Civic Center/Library Master Plan**, identified the need for a larger main library, as well as these additional needs that are still relevant today:

- "Seating throughout for users of all ages to study, read and relax". (pg. 19) *Currently, seating is at a premium in afterschool hours, early evenings, and weekends, with staff setting up folding tables and chairs to meet demand.*
- "A series of small group study rooms for class projects and small meetings". (pg. 19) *Study rooms are in high demand, used by students, tutors and remote workers with increasing frequency. The current 8 study rooms are booked up each afternoon and on weekends.*
- Program Space for Youth and Storytimes" (pg. 51). *Currently, the single community meeting room is used extensively for library programs and storytimes, which impacts the ability to offer space to the community and for additional community programming.*
- "Space for an automated materials handling machine" (pg. 51). *The current library does not support the addition of full-scale AMH, which requires the facility space and structure for a multi-bin sorter and conveyor, sorting bins for ergonomic staff shelving and a customer self-serve return station.*

8 CONT

The EIR should reference these City documents and analyze the needs for library expansion in absence of a nearby County Library branch.

**Recreation and Park Services**

Similar to Library services, the DEIR relies on City's recreation and park services for the proposed project. As noted in the 2014 **Parks and Recreation Master Plan** page V, Executive Summary Section, the City is currently deficient in the following park amenities:

- 1 additional lighted synthetic turf multi use sports field
  - Similar in size to current stadium field at Stanford Medicine Sports Complex
- 4 additional tennis courts that can also be converted to 8 pickleball courts
  - Located in various parks throughout the city

9

Adding population and additional service demands could potentially result in significant impact to contribute to that deficiency. The EIR should include analysis on these aspects of public services, both project-specific and cumulative.

**INFRASTRUCTURE AND UTILITIES**

As proposed, the project would rely on privately constructed, operated and maintained offsite infrastructure and utilities, including a wastewater treatment plant, a water storage and booster pump facility, a recycled water storage facility and an agricultural irrigation recycled water spray fields. As potable water would be supplied by CalWater, the DEIR finds the proposed project would have a less than significant project- and cumulative impact related to utilities and service systems.

10

Additionally, the DEIR determined the proposed project would not require or result in construction of new water, wastewater treatment or stormwater drainage systems. The proposed project in fact includes the construction of new water, wastewater treatment and stormwater drainage systems.

The City recommends that the EIR analyze the growth-inducing impacts of constructing this new satellite treatment plant, especially to the extent that it appears designed with excess capacity and on a site that can accommodate expansion, in order to facilitate future growth. The EIR should specifically address the extent to which construction of this new treatment plant will facilitate development of the adjacent Senior East County Lakes project, either with its existing planned excess capacity, or to the extent that the plant could be modified or redesigned with additional capacity. 10 CONT

The DEIR fails to address the following in its analysis, raising significant concerns about the adequacy and completeness of the analysis":

- The Wastewater Treatment facility is subject to the Waste Discharge Requirement (WDR) to discharge to land, which is subject to the discretion of the Regional Water Quality Control Board (RWQCB). The DEIR did not affirmatively state that the permits can be approved, then there is not a guarantee the project will be adequately served. The project analyzed in the DEIR does not specify or describe any contingency plan or what measures may be put in place in the event of treatment plant upset or malfunction, resulting in non-compliance associated with recycled water requirements, e.g. discharge of improperly treated wastewater that could contaminate nearby Zone 7 storage ponds, groundwater contamination resulting in public health and safety concerns, etc.
- The DEIR states that the satellite treatment plant will be designed to treat approximately 50,000 gallons of wastewater per day, whereas the stated treatment demand is estimated at 32,667 gpd. As noted above, the DEIR does not analyze whether this treatment capacity is designed to facilitate future growth, or will it result in growth-inducing impacts by facilitating additional future development. 11
- The DEIR does not include a description of any plan, or a mitigation measure to address disposal of grit, rags, and biosolids (sewage sludge). Biosolids management must comply with 40 CFR Part 503: https://www.ecfr.gov/current/title-40/chapter-I/subchapter-O/part-503?toc=1
- The DEIR did not address operational requirements/responsibilities/costs, nor specify how or by whom the wastewater treatment facilities or the water storage facility would be operated, maintained, and funded to ensure long-term safety and continuity in providing services to residents of the subdivision.
- Cope Lake is now connected to the Chain of Lakes groundwater recharge system. The DEIR did not address storm water pre-treatment in order to protect drinking water supplies. 12

Hence, it is premature to determine a less than significant impacts related to infrastructure and utilities.

**TRANSPORTATION**
City's comments are broken into three sections below. DEIR, The Transportation Impact Study used to support the DEIR and the Traffic Operations Study that is a non-EIR component (the LOS analysis).

**DEIR**
El Charro Road: The DEIR noted four bullets, directly related to El Charro Road, that would be considered for preparation of the analysis (Section 3.16.1). However, neither the DEIR nor the Traffic Impact Study (Appendix I) provides an evaluation of this roadway. Please include an evaluation of this roadway.

Throughout the Transportation Impact Study for the Arroyo Lago Residential Project the extension of El Charro Road is assumed as a future condition. El Charro Road is shown as a future roadway in the City's General Plan and is noted to be constructed at the time of the development of East Pleasanton. The City's Development Impact Fee includes the understanding that a shared funding approach to the construction of El Charro Road be in place between the City and the developers in East Pleasanton. This funding allocation is 50% City's traffic impact fee funded and 50% direct developer funded. The project, however, does not include any provision for this construction. The construction of El Charro should be included in the project description or some type of cost sharing agreement or plan that would promote the construction, or the project design needs to show trip distribution would be on County streets, i.e. east of Busch Road to El Charro Road. Exclusion of El Charro from the project description invalidates all of the analyses conducted for the future condition. 13

Furthermore, the trip distribution table does not consider the extension of El Charro Road and how the roadway changes the distribution assumptions at the build-out condition. Please include the trip distribution that would be in place in the future condition with the construction of El Charro Road.

Busch Road: The project will install ADA compliant ramps and mark crosswalks along the northern part of the project intersection. The project should facilitate pedestrian crossing across Busch Road to provide access to land uses to the south. The recommended crossing location would be at the recommended roundabout (see comment below on Left Turn Lane and Traffic Signal Warrants). The City requests that a roundabout at the project entrance be incorporated into the Busch Road design to address the pedestrian access, left turn warrant and traffic signal warrants.

In addition, it is recommended that buffered bike lanes be incorporated into the project. Buffered Bike Lanes provide a greater level of comfort on collector roads like Busch Road. The City requests that the off-site bicycle improvement be a 6-foot bike lane with 2-foot buffer, and that this design be specified as part of a mitigation measure for the project circulation impacts to ensure cyclists will be appropriately accommodated within the public street. 14

Project Access: Traffic signal methodology described in Section 3.16.5 and shown in Traffic Study in Appendix I does not incorporate the volume from the approximately 600 unit senior housing project expected to share the eastern project access point. The inclusion of this traffic volume should be 15

incorporated when evaluating the need for a traffic signal. This added volume would likely increase the volume and hours of delay in the peak hour to warrant a traffic signal. The CEQA document should include expected uses in the analysis of traffic signal warrants. The City of Pleasanton recommends the use of a roundabout in place of the Left Turn pocket and traffic signal at this location. The roundabout would also meet MM TRANS-2a for traffic calming in addition to reducing GHG emissions and improving safety. 15 CONT

Roadway Queueing**:** The proposed retiming of the traffic signal as a potential mitigation at Santa Rita Road and Valley Avenue in the existing time period is not a feasible mitigation. Existing pedestrian and vehicle volumes and queues experienced from the Peak of the Peak flows restrict the ability to retime this location. The feasible mitigation for the queue impact for the existing time period is the construction of an additional southbound left turn and westbound left turn lane. During the baseline time period the additional southbound left turn and westbound left turn lanes are identified as the feasible mitigation for the queue impact. The City of Pleasanton is supportive of this mitigation and would support a less than significant determination for the queue impact if the proposed project includes the construction of this improvement. This improvement's reduction in queue length will also address the higher than average collision pattern for southbound Santa Rita Road at Valley Avenue. This mitigation would also address the potential delay experienced by emergency vehicles in the baseline and future conditions. As such, the construction of additional southbound left turn and westbound left turn lanes should be a project design feature. 16

Cumulative Impacts: Cumulative project assumptions are not detailed in the DEIR or Appendix I. Specifically, it doesn't include El Charro Road, just intersection modifications. Please provide the land use assumptions used for the East Pleasanton Specific Plan area properties and the assumed roadway network (El Charro Road and its configuration). 17

**Appendix I: Transportation Supporting Information -Transportation Impact Study for the Arroyo Lago Residential Project -** P**repared for the County of Alameda Submitted by W-Trans November 28, 2023**

Executive Summary: The City agrees with the recommendation to construct ADA compliant curb ramps, to mark crosswalks at the access points and to extend the sidewalk along the City's Operations Services Department frontage to provide a continuous marked and ADA compliant pedestrian path of travel. The project should also provide a crossing to the land uses on the south side of Busch Road. This would be best located at the City proposed roundabout. 18

The City does not agree that the existing bike lanes are adequate. The City recommends that buffered bike lanes be included in the project design and installed along the project frontage. The buffered bike lane provides a greater degree of comfort and is the standard for Busch Road (collector road).

The City recommends that a roundabout be constructed at the project entrance. While signal warrants are not met with the Arroyo Lago project, future cumulative volumes will require intersection modification to allow for access to Busch Road. A roundabout would provide the necessary access without the

increase in delay and congestion that is common with traffic signal and stop sign installations. The DEIR should thus identify construction of such a roundabout as a cumulative Mitigation Measure (MM) to address cumulative traffic impacts. 18 CONT

The City agrees that the project will create queues that exceed available stacking space at both Santa Rita Road at Valley Avenue and at Stanley Boulevard at Valley Avenue/Bernal Avenue. However, the mitigation identified of signal retiming is not feasible with the current intersection design and volumes at the Santa Rita Road and Valley Avenue intersection. The suitable mitigation for the project impact is the construction of additional capacity for both the westbound left turn and the southbound left turn as identified in the Traffic Impact Fee project list. 19

Collision History: Table 1 identifies both Santa Rita Road at Valley Avenue and Stanley Boulevard at Valley Avenue/Bernal Avenue as having collision rates above the statewide average.

The first paragraph below the table identifies a rear end collision pattern and suggests that the change in speed on the roadway, not the excessive queues, are the reason for the rear end collisions. The City does not agree with the report's conclusion that a lack of information regarding the change in speed limit is the reason for the rear end collisions. The vehicles that are rear ended are at a complete stop due to the volume of southbound vehicles and the very long queues that are present. The appropriate mitigation, i.e. the construction of additional southbound left turn and westbound left turn lanes to this collision pattern is to increase the capacity of the intersection to reduce the queue length. 20

Future Conditions: It is unclear what land use assumptions were made for the other land uses in East Pleasanton. Without knowing these land use assumptions it is not possible to evaluate the accuracy of the Future Conditions section of this report. Please provide land use assumptions and roadway network assumptions (El Charro Road and its configuration). 21

Access Analysis: Under both the existing and future conditions, the access analysis identified the need for left turn pockets. The City of Pleasanton agrees with this evaluation. Given the 130 left turns in the PM peak hour and the well established benefits of roundabout design, the City recommends that a roundabout be installed in place of the left turn pockets to improve safety and efficiency of the intersections. 22

Traffic Signal Warrants: The City does not agree with the finding listed on Page 17 of the Transportation Impact Study for the Arroyo Lago Residential project. The finding states that the project entry does not meet traffic signal warrants. The future condition evaluated the project exit with the increase in volume on Busch Road, but did not include the increase in volume on the project exit that would be in place with the adjacent proposed 500 unit senior housing project (to the east). This volume, in combination with the Arroyo Lago volume would likely increase the peak hour volume beyond the 100-vehicle threshold and warrant a traffic signal. As an alternative to a traffic signal, the project could construct a roundabout that would improve safety, reduce greenhouse gas emissions and control roadway speeds. The City recommends a roundabout be installed instead of the warranted traffic signal. 23

Queueing: The City agrees with the finding that the project creates queues that exceed available stacking space at both Santa Rita Road at Valley Avenue and at Stanley Boulevard at Valley Avenue/Bernal Avenue. However, the mitigation identified of signal retiming is not feasible with the current intersection designs. Santa Rita Road at Valley Avenue is at capacity and with the volume of pedestrians does not have sufficient available time to provide additional time to the impacted directions of travel. The westbound left turn only receives sufficient time to clear the vehicle queues when pedestrians are not using the intersection. Given the volume of pedestrians, a reallocation of green time from the eastbound through to the westbound left turn is not possible. Similarly, providing additional time to the southbound left turn lane by reducing the eastbound and westbound through green time is not possible with the pedestrian volume. The suitable mitigation for the project impact is the construction of additional capacity for both the westbound left turn and the southbound left turn as identified in the Traffic Impact Fee project list. 24

Conclusions and Recommendations:

*Conclusions:*

Bullet 3 – The City recommends buffered bike lanes on collector roadways

Bullet 6 – The City agrees with the conclusion that left turn pockets or some other type of mitigation is necessary at the project entrance, but proposes an alternate solution.

Bullet 7 – The City agrees with the conclusion but does not agree with the mitigation of retiming for Santa Rita Road and Valley Avenue intersection. 25

*Recommendations*

Bullet 6 – The City of Pleasanton recommends the construction of a roundabout instead of left turn pockets and traffic signals (signal warrant would be met if the adjacent property was included in the future analysis condition).

Bullet 7 - The City recommends construction of a second westbound left turn lane and a third southbound left turn lane at the intersection of Santa Rita Road and Valley Avenue to mitigate the projects impact to queues and safety.

Throughout the Transportation Impact Study for the Arroyo Lago Residential Project the extension of El Charro Road is assumed as a future condition. El Charro Road is shown as a future roadway in the City's General Plan and is noted to be constructed at the time of the development of East Pleasanton. The City Development Impact Fee includes the understanding that a shared funding approach to the construction of El Charro Road be in place between the City of Pleasanton and the developers in East Pleasanton. This funding allocation is 50% City of Pleasanton traffic impact fee funded and 50% direct developer funded. The project, however, does not include any provision for this construction. The construction of El Charro should be included in the project description. 26

**Traffic Operations Study for the Arroyo Lago Residential Project prepared for the County of Alameda Submitted by W-Trans November 28, 2023 (non-EIR analysis – LOS)**

Executive Summary: The City agrees with the conclusion that the project traffic would result in adverse effect on operations at the intersection of Santa Rita Road and Valley Avenue. The mitigation, however, should be to construct the improvement identified in the Traffic Impact Fee instead of payment of the fee.

Traffic Operation Standards: The final paragraph on page 5 misrepresents the conditional exemption of Santa Rita Road and Valley Avenue. The exemption states that the City Council shall decide if the southbound left turn lane mitigation is needed.

Program 2.3 of Policy 2 in the City of Pleasanton General Plan states:

27

> *Program 2.3: Exempt conditionally the Santa Rita Road / Valley Avenue intersection from the City's LOS D standard in that the mitigation of adding a third southbound left turn lane is a short-term mitigation, with buildout mitigation being the Stoneridge Drive extension. The City Council shall decide if and when this intersection modification is needed, for example, in conjunction with development projects which add traffic to it. Projects which add traffic to this intersection, but are not required to improve this intersection because of the exemption, will only pay Traffic Development Fees as mitigation for their impact on this intersection.*

The Stoneridge Drive extension was completed in 2014. Current traffic volumes indicate that construction of the third southbound left turn lane and second westbound left turn lane are necessary in order to approve any project that adds traffic to the intersection.

Baseline Conditions note: "Baseline" indicates the approved projects timeframe: Table 3 indicates that the construction of the additional southbound left turn lane and additional westbound left turn lane along with retiming are necessary to maintain an acceptable LOS at the intersection of Santa Rita Road and Valley Avenue.

28

Within the baseline section of Page 8 it is noted that the additional southbound left turn lane and additional westbound left turn lane as an assumed improvement to the intersection of Santa Rita Road and Valley Avenue. This improvement is not yet in place and should be constructed by the project as a mitigation.

Future Conditions (page 8) note: "Future" indicates full buildout timeframe: In addition to the intersection modification assumptions, this section should include the assumed construction of El Charro Road. This will help to explain why the Santa Rita Road volumes shown in Figure 4 "Future Conditions (buildout)" are lower than those in Figure 3 "Baseline Conditions (approved)."

29

Trip Distribution: The baseline and future trip distribution should not be the same. The inclusion of El Charro Road in the future roadway geometry would reduce the distribution on Santa Rita Road north of Valley, potentially reduce the Stanley Boulevard distribution percentage to the east of Valley Avenue/Bernal Avenue and while not shown in the percentages, El Charro would reduce the volumes on Valley Avenue. 30

Existing plus Project Conditions: The City appreciates the conservative analysis approach taken by using the slightly higher 2019 traffic volumes as the basis for the existing plus project condition. The City will note that the 54.2 seconds of delay in the PM at the intersection of Santa Rita Road and Valley Avenue places this intersection AT CAPACITY. 31

Future plus Project Conditions: It should be noted that is unclear if there were changes to the trip distribution. 32

Recommendations: The recommendation to pay Transportation Development Fees to mitigate the project impact is not sufficient to address the intersection of Santa Rita Road at Valley Avenue. In the existing section of the report, it was suggested that the 2023 signal operation could be re-timed. The table to provide additional eastbound left turn time to return the signal to LOS D. Unfortunately, this mitigation is not feasible. The current operation, in 2024, does not allow for additional time for the eastbound left turn. Additional left turn time is provided when pedestrians are not present, and this spare time is used to minimize the traffic queues at the intersection. The northbound through peak hour factor has required an increase in the minimum time and the presence of pedestrians limits the ability to provide additional time to the westbound left turn. The pedestrian volume at the intersection creates a condition where the signal is at capacity. The appropriate mitigation for this project is the modification of the traffic signal to provide a third southbound left turn lane and a second westbound left turn lane with the project. 33

**OTHER TOPICS**

The City also has the following general comments on the DEIR: 34

- Section 2.2.2 Proposed offsite improvement - It is unclear who would do routine inspections to the sewer treatment plant (Page 2.29).
- Section 2.2.3, Page 2-33: an 18-foot-deep driveway is not adequate for parking of vehicles, and could create a hazardous conditions if vehicles are parked in driveways and overhang or impede the project's sidewalks. 35
- Section 2.4.2: Responsible and Trustee Agencies: Improvements requiring City approval are located in Busch Road and require City approval - therefore, the City of Pleasanton should be listed as a responsible agency. Additionally, Alameda County Sherriff's Office should be listed. 36
- Page 3.1-19: Please clarify if elevation difference plus building height were factored in the shadow study. 37
- Air Quality: Page 3.2.-9, Existing Sources. The existing PGS Facility, which has significant heavy truck activity, storage of waste materials, and is a source of odors and potential pollutants, is not mentioned. 38

- Odor impacts did not include evaluation of the spray fields associated with the wastewater treatment plant. 38 CONT
- Hazards and Hazardous Materials:
  - Page 3.2-21 Health Risk Assessment – The assessment needs to factor in the additional health vulnerabilities of the senior community to the immediate west. 39
  - Page 3.8-4 – The EIR mentions other agencies' PFAS issues (Zone 7, Livermore District CalWater) mentioned, but not those known and well-documented for Pleasanton. This information should be added or its omission explained in the text. 40
  - Page 3.8-18: It is unclear if the operational impact discussion is taking account of the more stringent NPDWR standards adopted in April 2024. 41
  - Page 3.8-24: Operational Emergency Access – It is unclear if emergency responders have found using private El Charro is acceptable and whether or not concerns have been raised by such providers in terms of providing an adequate access. The EIR appears to presume that this access is suitable, but provides no explanation, description, or justification to support this assumption. 42
  - Page 3.9- 26: Water quality – The analysis does not adequately address issues related to potential discharge, long-term operational failures or other potential sources of contamination into the Zone 7 storage at Chain of Lakes. 43
  - Page 3.9-32 identifies flooding risk within spray field areas but cites it as "unlikely" the flooding would affect the booster pump and water storage facility. Please clarify this vague statement. 44
  - Page 3.9-24: Cumulative impacts do not discuss the 600 unit senior project, which if developed in the County would rely on the same off-site water and treatment approach. Hence, the City questions whether the design account for this project and its impact and whether larger facilities/upsizing be needed. 45

- Land Use and Planning: 46
  - 3.10-1: recycled water spray fields were not mentioned on the Odor section.
  - 3.10-3: Land to the west incorrectly described as being zoned Office, Study and Commercial – it is zoned Public and Institutional. Land to the south (Kiewit) is zoned IG-40 and Housing Opportunity Site Zone. 47

- Noise
  - 3.12-9: Noise from LPFD training tower (and other training activities) and Police Department practice range which are located to the immediate west of the proposed project is missing from analysis and should be included. 48

- Population and Housing:
  - 3.13-11: Growth inducing impact. Again, as noted repeatedly above, the analysis ignores the potentially growth-inducing effect of installing the WWTP and water supply infrastructure. The facility will create a clear inducement to growth, as evidenced by the Senior Residential project, which is designed and located to take advantage of the newly- 49

installed infrastructure. Moreover, the nature of the Senior Residential application, specifically its invocation of "Builders Remedy" provisions to override the existing County open space land use designation for the property, increases the need for the present project EIR to fully address the extent to which the project may facilitate such additional unplanned growth. The growth within the Senior Project is not planned or anticipated by the County General Plan, Zoning, or any land use regulation of the City of Pleasanton, and appears to have been directly induced by the proposed extension of infrastructure to serve the Arroyo Lago project. 49 CONT

- 3.13: Employment. The EIR only considers the addition of one employee of the WWTP However, this project, and cumulatively, the significant amount of residential development planned and proposed in the vicinity of the development, will generate new employment in the form of service workers (landscapers, housekeepers, etc) that should be accounted for in the analysis. 50

- Public Services
  - Fire: Table 3.14-1: The City questions if 2019-20 data was the best available data to use. 51
  - 3.14-14: Please explain how the following policy 56 and Program 20 related to open space would be met: 52
  - 3.14-16: Regarding libraries: There is no agreement that Pleasanton Library should absorb additional service demands from this project in county. 53

  In general, public services/public safety analysis feels conclusory. Cumulative impacts are not analyzed in any meaningful way in the analysis. In particular, the addition of 1000+ seniors seems like it would have a very high likelihood of causing adverse impacts on emergency responders/medical provided by Livermore-Pleasanton Fire Department. 54

  - Page 3.14-17 acknowledges that that Alameda County Sheriff's Office (ACSO) has inadequate staffing ratios, and lengthy response times of 18-35 minutes but presumes that Pleasanton Police Department will respond if needed without analysis of these impacts on Pleasanton Police Department. 55

- Parks and Recreation:
  - Page 3.15-7 of the DEIR states that the project includes development of 21 open space and park parcels. Please verify accuracy of this statement. 56

  - Section 5.2: The DEIR dismisses growth-inducing effect (evidenced by Senior Residential proposal) and unplanned growth facilitated by the extension of utilities to the east.). 57

- Growth-inducing Impacts:
  - Section 5.2 again fails to adequately address the growth inducing impacts of the project. Among other things, the project proposes to install major new sewage treatment 58

infrastructure - the satellite treatment plant – in an area that otherwise lacks such facilities. To what extent will this treatment plant facilitate future growth in the area, either because of the proposed design capacity (to the extent that it has more capacity than the project needs), or to the extent that its capacity may be expanded to accommodate such growth. As referenced above, the County has received a separate "Builder's Remedy" development Project adjacent to the proposed Project site, from the same property owner group. Yet the DEIR completely ignores this other proposal, ignoring how the proposed development will facilitate such future additional growth. 58 CONT

The DEIR includes alternative. Alternative 2 is related to annexation of the project site into the City. 59

The City understands that the Alternative 2 discussion, beginning on page 6-10, is intended to include sufficient detail to enable the City to utilize the County EIR if 1) the property is annexed into the City; and 2) the proposed project is approved by the City.

The City appreciates the level of detail and additional analysis included in this discussion. However, the City does recommend including additional information and analysis to fully address all potential Alternative 2 environmental impacts. As provided below, recommended additional information relates to the alternative description and the impact analysis. 60

**ANNEXATION ALTERNATIVE PROJECT DESCRIPTION**

The City recommends expanding the Alternative 2 description beginning on page 6-10 to identify all known differences with the proposed County project. Any differences currently discussed in the impact analysis (e.g., utilities) should also be described in the alternative description. Specifically, the City recommends expanding the Alternative 2 description to include the following information, materials, and clarifications:

- **Project Location**: Confirm that parcels with off-site facilities/infrastructure proposed for the proposed project (APN 946-4634-2 and APN 946-1350-3-10) are not part of Alternative 2 and that no development or improvements would occur on these parcels.
- **Existing Land Use Designations and Zoning**: Identify existing City of Pleasanton General Plan Land Use Designation and Zoning with supporting exhibit.
- **Proposed Land Use Designations and Zoning**: Identify proposed City of Pleasanton General Plan Land Use Designation and Zoning with supporting exhibit. 61
- **Proposed Residential Development**: Identify all characteristics of the proposed residential development in Alternative 2 that are different from the proposed project as described in Section 2.2.1, including the number of homes and ADUs, the number of residential lots and lot sizes, the number of internal streets and maintenance responsibility (private or City), unit heights and floor area, unit plan characteristics, development standards (e.g., setbacks, coverage), density, and estimated number of residents.
- **Site Plan**: Provide Alternative 2 site plans if different from Exhibits 2-4, Exhibit 2-5a and 2-5b.

- **Off-Site Improvements**. Identify off-site improvements that would be different from the proposed project, including any roadway, bicycle, and pedestrian improvements described on page 2-31.
- **Circulation and Access**: Identify any vehicle, transit, bicycle, and pedestrian facilities that would be different from the proposed project as described in Section 2.2.3. Provide an emergency access routes figure for Alternative 2 if different from Exhibit 2-9.
- **Design, Landscaping, and Lighting**: Identify components of Alternative 2 that are different from the proposed project building design, height, and landscaping described in Section 2.2.4. Provide a landscaping plan for Alternative 2 if different from Exhibit 2-10.
- **Utilities**: In the Alternative 2 description (not impact discussion), identify utilities that are different from the proposed project utilities described in Section 2.2.5. Provide utility plans for Alternative 2.
- **Phasing and Construction**: Identify expected construction schedule for Alternative 2 if different from the proposed project schedule in Table 2-2.
- **Required Actions and Approvals**: Identify discretionary and ministerial actions needed for Alternative 2 and responsible and trustee agencies if different from the proposed project as listed in Section 2.4.2.

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**Impact Analysis**

The City appreciates the level of detail included in the Alternative 2 impact analysis beginning on page 6-11. The City recommends updating this analysis to incorporate additional Alternative 2 project details (as discussed above) if relevant to potential impacts. In addition, the City recommends adding to the impact analysis a discussion of City plans, policies, and regulations relevant to the thresholds of significance. Specific recommendations are described below.

Aesthetics

Aesthetic resource impacts from Alternative 2 would be significant if the alternative would "have a substantial adverse effect on a scenic resource" or "conflict with applicable zoning and other regulations governing scenic quality." The Alternative 2 aesthetics discussion (page 6-13) does not identify City of Pleasanton policies and standards relevant to these thresholds of significance. The Alternative 2 aesthetics discussion should be expanded to:

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- Identify scenic resources as described in the Pleasanton General Plan Community Character Element and discuss whether Alternative 2 would impact public views of these scenic resources (i.e., scenic vistas).
- Identify City of Pleasanton policies, standards, and other regulations governing scenic quality, including those found in the Pleasanton General Plan, Municipal Code Title 18 (Zoning), and the Objective Design Standards. Describe Alternative 2 compliance with applicable City requirements.

Air Quality

The Air Quality threshold of significance in the DEIR (p. 3.2-32) are different from the Appendix G

threshold used for City's Housing Element EIR. The City requires a new (or amended) air quality analysis be conducted to address the City's threshold as part of Alternative 2 analysis.

Biological Resources

Biological resource impacts from Alternative 2 would be significant if the alternative would "conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance." The Alternative 2 biological resources discussion (page 6-13) does not identify City of Pleasanton policies and ordinances protecting biological resources. This discussion should be expanded to:

- Identify specific City of Pleasanton General Plan policies to protect biological resources and the City of Pleasanton Tree Preservation Ordinance (Municipal Code Chapter 17.16)
- Describe how Alternative 2 complies with these City of Pleasanton policies and standards.

Hazards and Hazardous Material

Hazards and hazardous material impacts from Alternative 2 would be significant if the alternative would "impair implementation of or physically interfere with an adopted emergency response plan." The Alternative 2 hazards and hazardous materials discussion (page 6-16) does not identify emergency response plans adopted by the City of Pleasanton. This discussion should be expanded to:

- Identify the City of Pleasanton Comprehensive Emergency Management Plan and the Tri-Valley Local Hazard Mitigation Plan (LHMP) as emergency response plans adopted by the City of Pleasanton.
- Describe how Alternative 2 would not impair implementation of or physically interfere with emergency response plans adopted by the City of Pleasanton.

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CONT

Hydrology and Water Quality

The water service provider and stormwater drainage facilities for Alternative 2 are different from the proposed project, which could result in different water quality and groundwater supply/recharge impacts. Given this, the Alternative 2 hydrology and water quality discussion section (page 6-16) should be expanded to

- Describe the stormwater drainage facilities included in Alternative 2.
- Describe how stormwater drainage facilities would comply with water quality standards and protect surface and groundwater quality.
- Describe how stormwater drainage facilities would not lead to significant erosion/siltation, flooding, polluted runoff, or impedance of flood flows.
- Describe how connecting to the City of Pleasanton water distribution system would affect demand for groundwater production and impacts to groundwater supply.

Land Use and Planning

Land use and planning impacts from Alternative 2 would be significant if the alternative would "cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect." The Alternative 2 land use and planning discussion (page 6-16) should be expanded to:

- Identify the proposed City of Pleasanton General Plan land use designation and zoning.

- Describe Alternative 2 conformance with permitted density and allowed land uses in the proposed land use designation and zoning.
- Describe Alternative 2 consistency with City of Pleasanton General Plan goals and policies similar to the ECAP consistency analysis in Table 3.10-1.

Noise

Noise impacts from Alternative 2 would be significant if the alternative would cause "generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies." The Alternative 2 noise discussion (page 6-17) does not identify noise standards in the City of Pleasanton General Plan or Municipal Code. This discussion should be expanded to:

- Identify specific noise standards in the City of Pleasanton General Plan Noise Element and the City of Pleasanton Municipal Code Chapter 9.04.
- Describe how Alternative 2 complies with City of Pleasanton noise standards.

Population and Housing

Population and housing impacts from Alternative 2 would be significant if the alternative would "Induce substantial unplanned population growth in an area." The Alternative 2 population and housing discussion (page 6-17) should be expanded to:

- Describe planned population growth for the property included in the City of Pleasanton General Plan.
- Discuss the impacts from Alternative 2 population growth that exceeds growth planned for in the City of Pleasanton General Plan.

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CONT

Transportation

Transportation impacts from Alternative 2 would be significant if the alternative would "conflict with a program plan, ordinance or policy of the circulation system, including transit, roadway, bicycle and pedestrian facilities." The Alternative 2 transportation discussion (page 6-20) does not identify applicable City of Pleasanton transportation plans, ordinances, and policies. This discussion should be expanded to:

- Identify relevant City of Pleasanton transportation plans, ordinances, and policies, including the City of Pleasanton General Plan, Climate Action Plan, Complete Streets Plan, and Bicycle and Pedestrian Master Plan.
- Describe how Alternative 2 complies with applicable policies and standards from these plans.

Utilities and Service Systems

Thank you for including a robust Alternative 2 utilities and service system discussion (page 6-21). To fully address all thresholds of significance, this discussion should be expanded to:

- Discuss if Alternative 2 would require new or expanded water facilities (potable and recycled) which could cause significant environmental effects.

- Clarify that Alternative 2 development would not require new or expanded wastewater treatment facilities and that the Livermore-Amador Valley Water Management Agency has adequate capacity to serve projected demand in addition to their existing commitments.
- Describe Alternative 2 compliance with City of Pleasanton policies and regulations related to solid waste, including solid waste goals, policies and programs in the Genera Plan and Municipal Code Section 9.21 (Construction and Demolition Debris).

62 CONT

The City appreciates the opportunity to comment on the Arroyo Lago DEIR If you have any questions, please contact Jenny Soo, Associate Planner at (925) 931-5615, or jsoo@cityofpleasantonca.gov. 63

Sincerely,



Ellen Clark, AICP
Director of Community Development

c: Electronically:
Gerry Beaudin, City Manager
Daniel G. Sodergren, City Attorney Office
Heidi Murphy – Library and Recreation Department
Siew-Chin Yeong – Public Works Department
Adam Nelkie – Public Works Department
Mike Tassano – Traffic Engineering

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## *City of Pleasanton (PLEASANTON)*

*Response to PLEASANTON-1*
The introductory comment is noted. No environmental issues are raised, and no response is required. However, this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

*Response to PLEASANTON-2*
The comment is noted. The County consulted directly with the City of Pleasanton (City) during the preparation of the Draft EIR in August 2023 and included all the projects requested by the City in Table 3-1, Cumulative Project List, in the Draft EIR. The County chose to include all of the cumulative projects requested by the City. The number of units identified in Table 3-1, Cumulative Project List, for the Seefried Industrial Properties Project was provided directly by the City when consulted for project information on the City's requested cumulative projects, and thus, this was the number of units included in the cumulative analysis in the Draft EIR. It appears that this was an inadvertent error in the data provided during the consultation.

For informational purposes, the Lead Agency has evaluated the inclusion of 102 multi-family residential units and 57 ADUs for the Seefried Industrial Properties Project in the existing cumulative analysis included in the Draft EIR. The Lead Agency has determined that the inclusion of these additional units would not result in any changes to the significance findings in the Draft EIR as these additional units represent approximately 13 percent of the total dwelling units analyzed in the cumulative analysis and would result in nominal impacts to the existing analysis. The Seefried Industrial Properties Project would also undergo project-level environmental review with the City where it would be required to comply with State, regional, and local regulations, and implement all feasible mitigation measures to reduce impacts. As this project is within the jurisdiction of the City of Pleasanton, it would rely on public services and utilities provided by the City and likely be required to pay development fees to mitigation impacts to City resources. Both this project and the proposed project would utilize Busch Road during operation; however, the Draft EIR already finds a significant and unavoidable cumulative impact related to VMT and to roadway hazards as the County does not have legal authority to retime the City signal facilities. As such, if the additional units were included in the Draft EIR, it would not change any of the cumulative impact findings.

Similarly, the City also did not request the inclusion of SM39 and SM40 projects during consultation with the County. Additionally, the City of Livermore did not provide comments on the NOP or Draft EIR for the project requesting these projects to be included in the cumulative analysis included in the Draft EIR. It should be noted that these projects are located approximately 3.2 miles and 4.6 miles away from the proposed project, respectively, and are separated from the project site by the Chain of Lakes. This response notes that the cumulative analysis contained in the Draft EIR for SM39 and SM40 did not consider the proposed project within its geographic scope for cumulative analysis.

However, for informational purposes, the Lead Agency has evaluated the inclusion of SM39 and SM40 in the existing cumulative analysis included in the Draft EIR. The Lead Agency has determined that the inclusion of these additional units would not result in any changes to the significance findings in the Draft EIR. Both projects are industrial uses that would not overlap in impacts related to public services and utilities with the proposed project. The Traffic Impact Study prepared for both

projects includes a wholly different study area for transportation impacts as compared to the proposed project. Moreover, as discussed above, the Draft EIR has already identified a significant and unavoidable cumulative impact related to VMT and to roadway hazards as the County does not have legal authority to retime the City signal facilities. As such, the inclusion of SM39 and SM40 would not have impacted any of the cumulative impact findings disclosed in the Draft EIR.

Please refer to Master Response 6, Clarifying Information on Cumulative Projects, in Section 2, Master Responses, of this document. Master Response 6 provides additional information on the cumulative projects, which was identified in Table 3-1, Cumulative Projects and was analyzed within the Draft EIR. No further response is required.

*Response to PLEASANTON-3*
The comment is noted. El Charro is a private paved access road that runs through the project site. As discussed in Chapter 2, Project Description, the proposed project includes four emergency access routes. Two of the emergency access routes utilize El Charro and two of the emergency access routes utilize Busch Road and Boulder Street. The project applicant has the legal right to utilize the private El Charro for the contemplated access to maintain utilities and to provide emergency services, pursuant to a recorded access easement agreement dated June 27, 2002 and included in Appendix C: Lake Access and Easement Maintenance Agreement. As El Charro is a two-way road, with a lane in each direction, the proposed project does not anticipate a conflict with other vehicles, including but not limited to private gravel trucks, as all such vehicles can be accommodated within the existing width particularly given the nature of the access (which would be periodic in nature). During the preparation of the Draft EIR, Alameda County Fire Department and Livermore-Pleasanton Fire Department were consulted, were provided a description and map of the proposed emergency access routes and were directly asked whether the emergency access routes were sufficient. Neither agency disclosed concerns regarding the emergency routes, including the private roadway. No further response is required.

*Response to PLEASANTON-4*
The comment is noted. Please refer to Master Response 9, Clarifying Information on Public Services EIR Section, in Section 2, Master Responses, of this document. Master Response 9 provides additional clarifying information on the analysis contained within the Draft EIR's section on Public Services, including details related to fire protection, police protection, schools, parks, and libraries.

Additionally, it is important to note that consistent with the direction in *City of Hayward v. Board of Trustees of Cal. State Univ.* (2015) 242 Cal.App.4th 833, the public services section describes the existing fire protection, police protection, and schools that serve the project site and vicinity and evaluates the potential for implementation of the proposed project to result in a significant impact under the applicable Appendix G significance thresholds. This section of the Draft EIR addresses whether new or expanded facilities would be triggered to maintain acceptable service levels related to fire, police, and school services, and if so, would there be a significant physical environmental effect as a result of any such new or expanded facilities. In other words, because CEQA focuses on physical environmental effects, this section analyzes whether any physical changes resulting from an increase in service demands from development pursuant to the proposed project could result in significant adverse environmental effects. Thus, an increase in staffing needs associated with the

provision of public services and/or an increase in calls for services or related equipment needs, would not, by themselves, be considered a physical change in the environment. Instead, it is only when such increased demand would result in physical changes in the environment due to the construction of new facilities or an expansion of existing facilities to accommodate the increased staff or equipment needs resulting from the project could constitute a significant impact. However, as explained further in Section 3.17, Public Services, and discussed further in Master Response 9, the proposed project would not trigger the need for any new or expanded facilities, and thus no significant impact in this regard would result. No further response is required.

*Response to PLEASANTON-5*
The comment is noted. Please refer to Master Response 6, Clarifying Information on Cumulative Projects, and Master Response 7, The Project Considers the Whole of the Action and Does Not Improperly Piecemeal, in Section 2, Master Responses, of this document. Master Response 6 provides additional information on the cumulative projects, including the Senior East County Lakes Project, identified and analyzed within the Draft EIR. Master Response 7 explains why the proposed project considers the "whole of the action" and does not improperly piecemeal environmental analysis, especially with regard to the Senior East County Lakes Project. No further response is required.

*Response to PLEASANTON-6*
The comment is noted. Please refer to Master Response 9, Clarifying Information on Public Services EIR Section, in Section 2, Master Responses, of this document. Master Response 9 provides additional clarifying information on the analysis contained within the Draft EIR's section on Public Services, including details related to fire protection, police protection, schools, parks, and libraries. See also *Response to PLEASANTON-4.* No further response is required.

*Response to PLEASANTON-7*
The comment is noted. Please refer to Master Response 6, Clarifying Information on Cumulative Projects, and Master Response 7, The Project Considers the Whole of the Action and Does Not Improperly Piecemeal, in Section 2, Master Responses, of this document. Master Response 6 provides additional information on the cumulative projects, including the Senior East County Lakes Project, identified and analyzed within the Draft EIR. Master Response 7 explains why the proposed project considers the "whole of the action" and does not improperly piecemeal environmental analysis, especially with regard to the Senior East County Lakes Project. No further response is required.

*Response to PLEASANTON-8*
Please refer to Master Response 9, Clarifying Information on Public Services EIR Section, in Section 2, Master Responses, of this document. Master Response 9 provides additional clarifying information on the analysis contained within the Draft EIR's section on Public Services, including concerns related to fire protection, police protection, schools, parks, and libraries. No further response is required.

*Response to PLEASANTON-9*
Please refer to Master Response 9, Clarifying Information on Public Services EIR Section, in Section 2, Master Responses, of this document. Master Response 9 provides additional clarifying information

on the analysis contained within the Draft EIR's section on Public Services, including concerns related to fire protection, police protection, schools, parks, and libraries. No further response is required.

*Response to PLEASANTON-10*
The comment is noted. The proposed development of the off-site components to treat water, wastewater, and stormwater are included as part of the proposed project and are thus included in Chapter 2, Project Description, of the Draft EIR. As these components are included as part of the proposed project, it would not require new or expanded facilities beyond what is already accurately described and treated as components of the proposed project. See Master Response 10, Clarifying Information on Wastewater Treatment Plant Operation and Maintenance, in Section 2, Master Responses, of this document. Master Response 10 provides additional clarifying information on the operation and maintenance of the proposed WWTP, including who would operate it, what permits would be required, and details regarding odor, sizing, PFAS, and discharge of biosolids and byproducts. This Master Response provides a description of the sizing and capacity of the membrane bioreactor (MBR) system that would be implemented for the proposed WWTP (and not be "oversized" to accommodate any other development) and thus why the proposed WWTP as designed would not support any other projects or otherwise induce unplanned growth.

Additionally, please refer to Master Response 7, The Project Considers the Whole of the Action and Does Not Improperly Piecemeal, in Section 2, Master Responses, of this document. Master Response 7 explains why the proposed project considers the "whole of the action" and does not improperly piecemeal environmental analysis, especially with regard to the Senior East County Lakes Project. Specifically, this Master Response discusses why the proposed project would not have a significant growth inducing effect. No further response is required.

*Response to PLEASANTON-11*
The comment is noted. Please refer to Master Response 10, Clarifying Information on Wastewater Treatment Plant Operation and Maintenance, in Section 2, Master Responses, of this document. Master Response 10 provides additional clarifying information on the operation and maintenance of the proposed WWTP, including who would operate it, what permits would be required, and details regarding odor, sizing, PFAS, and discharge of biosolids and byproducts. This Master Response specifically addresses the regulatory permitting that applies to the proposed WWTP and the ways in which the proposed WWTP would meet the requirements of permitting. This Master Response also discusses the modular sizing of the proposed WWTP as well as discusses how biosolids would be screened, handled, and disposed as part of the operation of the proposed WWTP. It also explains why grit and/or rags are not expected to impact the proposed WWTP during operation. No further response is required.

*Response to PLEASANTON-12*
The comment is noted. Please refer to Master Response 11, Clarifying Information on Wastewater Effluent, in Section 2, Master Responses, of this document. Master Response 11 provides additional clarifying information regarding the potential for runoff from the proposed WWTP and agricultural irrigation spray fields to impact downstream stormwater surface water quality, groundwater quality, and the adjacent lakes, such as Cope Lake, including clarifying information as to why no such significant impact would occur. No further response is required.

*Response to PLEASANTON-13*

Four NOP comments related to El Charro Road are relevant to the Draft EIR's analysis. El Charro Road is an existing private paved access road in the project site and vicinity that would provide emergency vehicle access and access to the proposed off-site utilities for purposes of operation and maintenance; however, it is not expected to provide access for residents of the proposed project. Thus, the analysis in Section 3.16, Transportation, of the Draft EIR only includes analysis of El Charro Road in relation to its proposed emergency vehicle access and utility maintenance access uses. As it would not be used for residential traffic, it is not analyzed in relation to trips generated by residents of the proposed project. The analysis contained both in the Draft EIR, the Transportation Impact Study for the Arroyo Lago Residential Project (TIS), and the Traffic Operations Study for the Arroyo Lago Residential Project (TOS) (both included in Appendix I of the Draft EIR) properly assumes that the planned extension of El Charro Road would be in place under future conditions in accordance with the City of Pleasanton's long-planned roadway improvement network and thus the TIS and TOS treat the planned extension of El Charro Road as a background improvement. Thus, the Draft EIR analysis appropriately considered and addressed all of the NOP comments related to El Charro Road.

The planned extension of El Charro Road is a long-established, well-documented City project in the City's General Plan and related roadway improvement planning documents, and its development is expected to occur with or without the approval of the proposed project. Therefore, the planned future extension of El Charro is not a component of the proposed project and therefore is not included in Chapter 2, Project Description of the Draft EIR. Instead, it is appropriately incorporated into the transportation analysis as a background improvement. As detailed further in the TIS and TOS, operation of the proposed project does not require the extension of El Charro Road and the proposed emergency vehicle access and off-site utility maintenance access are sufficiently provided on the private El Charro Road without the planned extension of El Charro. While the City may have had a financial agreement with the applicant of previously proposed projects on the project site, no such financial agreement exists with the current project applicant of the proposed project.

As the planned extension of El Charro is a long-planned City roadway project that is expected to occur in the future based on numerous City planning documents, it is properly considered in the analysis of future conditions as a background improvement.

*Response to PLEASANTON-14*

The comment is noted. As stated in Impact TRANS-1 in Section 3.16, Transportation, of the Draft EIR, the proposed project would not conflict with any plans or policies for transportation facilities and would provide adequate on-site pedestrian and bicycle facilities as proposed. The proposed project site access, internal circulation, and proposed improvements for Busch Road would conform to Alameda County's Subdivision Guidelines and would comply with applicable Alameda County ordinances and permit requirements. Therefore, the requests made in this comment are noted, have been reviewed by the Lead Agency, and will be provided to County decision-makers for consideration of the merits of the proposed project; however, they are not necessary to reduce any identified impacts to the physical environment and do not address an environmental issue related to the proposed project that is cognizable under CEQA. No further response is required.

*Response to PLEASANTON-15*
Please refer to *Response to PLEASANTON-14*. Additionally, please refer to Master Response 7, The Project Considers the Whole of the Action and Does Not Improperly Piecemeal, in Section 2, Master Responses, of this document. Master Response 7 explains why the proposed project considers the "whole of the action" and does not improperly piecemeal environmental analysis, especially with regard to the Senior East County Lakes Project. No further response is required.

*Response to PLEASANTON-16*
The comment is noted, and this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project. As stated in the Traffic Impact Study (TIS) prepared for the proposed project, neither the City of Pleasanton nor the County of Alameda prescribe specific local thresholds of significance regarding queueing lengths. Therefore, the Lead Agency has reasonably determined, in its discretion and consistent with typical industry standards, that a potentially significant impact would occur if the increase in queue length due to project traffic would extend out of the dedicated turn lane into a through traffic lane or if the back of the queue would extend into a visually restricted area, thereby creating a significant hazard. If, under existing conditions without project traffic, queues already extend or would be anticipated to extend past a dedicated turn lane or into a visually restricted area, a potentially significant impact would only occur if the addition of the proposed project would substantially exacerbate the already unacceptable existing queueing condition. The Draft EIR properly considered potential impacts associated with any such exacerbation.

As further detailed in the Draft EIR, based on data projections using SIMTRAFFIC application of Synchro and averaging the 95$^{th}$ percentile projected queue for the study intersections, the data show that existing 2019 and 2023 volumes (without the project) are projected to exceed the available storage system. With existing volumes, the addition of project traffic would create a potentially significant impact on queues in the westbound right-turn lane at Santa Rita Road/Valley Avenue and northbound right-turn lane at Stanley Boulevard/Valley Avenue-Bernal Avenue during the AM peak-hour. Traffic associated with the proposed project would also create a potentially significant impact under existing conditions in the eastbound and westbound left turn lanes at Stanley Boulevard/Valley Avenue-Bernal Avenue during the AM peak-hour. The Draft EIR finds that retiming the signals would address this impact and reduce it to less than significant, but ultimately concludes that this would not be feasible mitigation as the Lead Agency cannot enforce it since the subject intersections are located in the City of Pleasanton (and thus the County does not have legal authority to require or allow for the signal timing changes). The commenter does not assert that retiming would, in fact, be feasible but instead makes a generalized suggestion that the construction of an additional southbound left turn and westbound left turn lane at Santa Rita Road and Valley Avenue would mitigate the existing and future queueing issues at this intersection.

However, the commenter does not provide data, analysis, or evidence that this mitigation would fully mitigate these impacts or that it would be feasible for the project applicant to implement as part of the proposed project. Additionally, to the extent that the proposed mitigation in this comment requires improvements on land not owned by the applicant or not within the jurisdiction of the County, these mitigation strategies, too, are considered infeasible as the County does not have the legal authority to require or allow the suggested mitigation within the City's jurisdiction. As such,

the Draft EIR appropriately and conservatively discloses a significant and unavoidable impact both on the project-level and cumulatively. Please also refer to Master Response 4, General Opposition Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. Master Response 4 provides a response to comments that express general opposition or disapproval of the proposed project.

Additionally, it should be noted that the construction of additional capacity for both the westbound left turn and the southbound left turn is identified in the City's Traffic Impact Fee project list, and thus has already been identified as a future roadway network improvement for the Pleasanton community's broader benefit, to be constructed at the City's discretion and funded by impact fees. As noted in the Draft EIR, the proposed project is not located in the City of Pleasanton, and as such, the City of Pleasanton cannot collect traffic impact fees from the proposed project. Throughout the PLEASANTON comment letter, the commenter suggests that since the City cannot collect traffic impact fees, the project applicant should be responsible for the construction and implementation of improvements to the Santa Rita Road and Valley Avenue intersection. Imposition of such responsibility is beyond the Lead Agency's authority under CEQA and would be contrary to well-established constitutional constraints as to the imposition of conditions that exceed the legally required nexus. This request would impose costs that are disproportionate to the proposed project's impact as the identified improvements have already been identified by the City as planned development to address anticipated broader City growth.

The County cannot require an exaction, condition of approval, or a mitigation measure in violation of state or federal constitutional standards. This limitation is explicitly stated in the CEQA Guidelines. (CEQA Guidelines § 15041(a), 15126.4(a)(4)). Public agencies may use their discretionary powers granted by laws other than CEQA to mitigate environmental impacts. CEQA does not, however, expand the powers granted by other laws or otherwise confer an independent grant of authority to impose mitigation measures on a project. When imposing mitigation for a project's significant environmental effects, a public agency may only exercise those powers provided by legal authority independent of CEQA (PRC § 21004). The CEQA Guidelines specify that CEQA does not grant new or independent powers to public agencies (CEQA Guidelines § 15040). Accordingly, an agency's exercise of discretionary powers must be within the scope of the power granted by laws and be consistent with express or implied limitations (CEQA Guidelines § 15040(d), (e)). Mitigation measures that are beyond the powers conferred upon lead agencies by law are legally infeasible.

Through the exercise of its police power, a local land use agency has the authority to impose exactions so long as they are reasonable and have the required nexus to the proposed development. (Cal. Const. Art. XI, § 7; *California Building Industry Ass'n v. Governing Board of the Newhall school Dist.*, 206 Cal. App. 3d 212, 234 (1988)). However, there are constitutional limits on mitigation that can be imposed on a project that were defined by two U.S. Supreme Court rulings (*Dolan v. City of Tigard*, and *Nollan vs. California Coastal Commissio*n) and a long line of subsequent cases upholding this fundamental legal nexus requirement. These rulings have held that mitigation must have both an essential nexus and rough proportionality between the magnitude of the exaction and the nature and extent of the impact caused by the project that the exaction is intended to address.

Accordingly, CEQA inherently recognizes that mitigation measures must have an essential nexus and rough proportionality. (CEQA Guidelines §§ 15041; 15126.4, (a)(4)(A)–(B), citing *Nollan v. Ca. Coastal Commission* (1987) 483 U.S. 825, *Dolan v. City of Tigard* (1994) 512 U.S. 374). The "rough proportionality" analysis focuses primarily on causation and precludes a government agency from requiring a project developer, through conditions of approval, to provide public benefits clearly in excess of (and thus "disproportionate" to) the mitigation that would be required simply to mitigate the adverse environmental impacts caused by or attributable to the developer's project.

As a preliminary matter, for the reasons described above, there is no essential nexus, as the proposed project is not triggering the need for the improvement. Additionally, a mitigation measure, such as the one proposed here, that is not "roughly proportional" to the impacts caused by the project is plainly unconstitutional and therefore legally infeasible. (CEQA Guidelines § 15126.4(a)(4)(B), citing *Dolan v. City of Tigard* (1994) 512 U.S. 374,390; *Ehrlich v. City of Culver City* (1996) 12 Cal.4th 854). The additional mitigation proposed by the City of Pleasanton, which would involve the construction of substantial roadway network improvements that have long been identified by the City as necessary to serve a much broader area within the City due to substantial planned growth, is not roughly proportional to the proposed project's impacts and would not be permissible. No further response is required.

*Response to PLEASANTON-17*
Please refer to *Response to PLEASANTON-13*. As noted above, the future conditions analysis includes the City's planned extension of El Charro Road as a background improvement (i.e., would be in place in future conditions with or without the proposed project). The cumulative analysis is limited to relevant past, present and reasonably foreseeable future projects as identified in the cumulative project in Table 3-1, Cumulative Project List, in the Draft EIR. Please refer to Master Response 6, Clarifying Information on Cumulative Projects, in Section 2, Master Responses, of this document. Master Response 6 provides additional information on the cumulative projects, including the Senior East County Lakes Project, which is identified in Table 3-1 and analyzed within the Draft EIR.

Please refer to Master Response 10, Clarifying Information on Wastewater Treatment Plant Operation and Maintenance, in Section 2, Master Responses, of this document. Master Response 10 provides additional clarifying information on the operation and maintenance of the proposed WWTP, including who would operate it, what permits would be required, and details regarding odor, sizing, PFAS, and discharge of biosolids and byproducts. No further response is required.

*Response to PLEASANTON-18*
The comment is noted. Please refer to *Response to PLEASANTON-14*.

Please also refer to Master Response 10, Clarifying Information on Wastewater Treatment Plant Operation and Maintenance, in Section 2, Master Responses, of this document. Master Response 10 provides additional clarifying information on the operation and maintenance of the proposed WWTP, including who would operate it, what permits would be required, and details regarding odor, sizing, PFAS, and discharge of biosolids and byproducts. No further response is required.

*Response to PLEASANTON-19*
The comment is noted. Please refer to *Response to PLEASANTON-16*. No further response is required.

Please refer to Master Response 10, Clarifying Information on Wastewater Treatment Plant Operation and Maintenance, in Section 2, Master Responses, of this document. Master Response 10 provides additional clarifying information on the operation and maintenance of the proposed WWTP, including who would operate it, what permits would be required, and details regarding odor, sizing, PFAS, and discharge of biosolids and byproducts.

*Response to PLEASANTON-20*
The collision history for the study area was calculated based off the records reasonably available from the California Highway Patrol as published in their Statewide Integrated Traffic Records System (SWITRS) reports. As noted in the TIS, there were a total of 31 collisions at Santa Rita Road/Valley Avenue. There were seven collisions that occurred on the northern leg of the intersection involving southbound drivers, and five of the seven collisions had a primary collision factor of unsafe speeding and resulted in rear-end collisions, while the other two collisions were sideswipes that were attributed to improper lane changes/merging. Similarly, at Stanley Boulevard/Valley Avenue-Bernal Avenue, there were a total of 33 collisions where the most common primary collision factors were speeding and running red lights, with 16 and seven collisions, respectively. Therefore, the TIS reasonably concluded that collision trends suggest that drivers operating vehicles at unsafe speeds and insufficient visibility of upcoming traffic signals are the main causes of collisions at the noted intersections in the study area. As such, the TIS suggests that the City consider installing speed management treatments and signage or flashing beacons to alert drivers to upcoming traffic signals.

These collision factors were determined by an investigation at the scene of the accident and disclosed by the California Highway Patrol in their data reporting; the primary collision factors are not an opinion, or an assumption made by the traffic consultant. So, while the commenter expresses their disagreement with the primary collision factors, the commenter does not provide evidence or conflicting data to support this claim. Furthermore, it is reasonable for the County to rely on the expert conclusions of the California Highway Patrol as reflected in their published data reporting. Please refer to Master Response 4, General Opposition Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. Master Response 4 provides a response to comments that express general opposition or disapproval of the proposed project.

However, this comment will be provided to the Lead Agency in connection with the decision-makers' consideration of the merits of the proposed project. Please also see *Response to PLEASANTON-16*. No further response is required.

*Response to PLEASANTON-21*
Future conditions analyzed in the TIS prepared for the proposed project are stated in the Draft EIR and explained in detail in the TIS and supporting materials attached thereto. Although it was presumed that Busch Road would be widened to four lanes, the analysis was done utilizing the existing alignment of two lanes as a more conservative approach. Additionally, the analysis reasonably includes the expectation that El Charro Road would be extended in the future, consistent

with the City's various roadway network planning documents, and its associated traffic would increase volumes at the proposed project intersections. The analysis was prepared in accordance with Chapter 4C of the California Manual On Uniform Traffic Control Devices (CA-MUTCD), which is industry standard. No further response is required.

*Response to PLEASANTON-22*
The comment is noted, and this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project. As demonstrated in the access analysis in the Draft EIR (and further detailed in the TIS) and noted by the commenter, the inclusion of a length turn pocket as part of the project design is sufficient for project access, and thus, no changes are required. However, the commenter's suggestion is noted. No further response is required.

*Response to PLEASANTON-23*
The comment is noted, and this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project. Please also refer to Master Response 6, Clarifying Information on Cumulative Projects, and Master Response 7, The Project Considers the Whole of the Action and Does Not Improperly Piecemeal, in Section 2, Master Responses, of this document. Master Response 6 provides additional information on the cumulative projects, including the Senior East County Lakes Project, identified and analyzed within the Draft EIR. Master Response 7 explains why the proposed project considers the "whole of the action" and does not improperly piecemeal environmental analysis, especially with regard to the Senior East County Lakes Project. No further response is required.

Please also refer to *Response to PLEASANTON-22.*

*Response to PLEASANTON-24*
Please refer to *Response to PLEASANTON-16*. No further response is required.

*Response to PLEASANTON-25*
The comment is noted. Please refer to *Responses to PLEASANTON-14* and *PLEASANTON-16*. No further response is required.

*Response to PLEASANTON-26*
The comment is noted. Please refer to *Responses to PLEASANTON-13*. No further response is required.

*Response to PLEASANTON-27*
The comment is noted, and this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project. The purpose of a non-CEQA traffic operational study is to provide County staff and County policy makers with data that they can use to make an informed decision regarding the project's adherence to applicable standards and policies. It is not required for CEQA purposes, and instead is provided for informational purposes only. As discussed in Master Response 12, Clarifying Information on Transportation Analysis, the use of Level of Service (LOS) to analyze impacts under CEQA was replaced with the evaluation of VMT in 2013. SB 743, which was signed into law by former Governor

Brown and codified in Public Resources Code Section 21099, which tasked the California Governor's Office of Planning and Research (OPR)with establishing new criteria for determining the significance of transportation impacts under CEQA. SB 743 requires the new criteria to "promote the reduction of GHG [greenhouse gas] emissions, the development of multimodal transportation networks, and a diversity of land uses." SB 743 changes the way that public agencies evaluate the transportation impacts of projects under CEQA, recognizing that roadway congestion, while an inconvenience to drivers, is not itself an environmental impact (see Public Resources Code [PRC] § 21099(b)(2)). In December 2018, OPR circulated its most recent Technical Advisory on Evaluating Transportation Impacts in CEQA, which provides recommendations and describes various options for assessing VMT for transportation analysis purposes. VMT refers to the amount and distance of automobile travel attributable to a project. Other relevant considerations may include the effects of the project on transit or non-motorized travel. The Draft EIR's VMT analysis adheres to the required methodology and properly discloses the proposed project's VMT impacts. Operational considerations are distinct from CEQA impacts and thus must be treated accordingly under the law.

Please also refer to Master Response 12, Clarifying Information on Transportation Analysis, in Section 2, Master Responses, of this document. Master Response 12 provides additional clarifying information on the methodology used to evaluate traffic impacts as it relates to VMT. Please also refer to *Responses to PLEASANTON-16*. No further response is required.

*Response to PLEASANTON-28*
The comment is noted. Please refer to *Response to PLEASANTON-27*. No further response is required.

*Response to PLEASANTON-29*
The comment is noted. Please refer to *Response to PLEASANTON-27*. No further response is required.

*Response to PLEASANTON-30*
The comment is noted. Please refer to *Response to PLEASANTON-27*. No further response is required.

*Response to PLEASANTON-31*
The comment is noted. Please refer to *Response to PLEASANTON-27*. No further response is required.

*Response to PLEASANTON-32*
The comment is noted. Please refer to *Response to PLEASANTON-27*. No further response is required.

*Response to PLEASANTON-33*
The comment is noted. Please refer to *Responses to PLEASANTON-16 and PLEASANTON-27*. No further response is required.

*Response to PLEASANTON-34*
The comment is noted. Please refer to Master Response 10, Clarifying Information on Wastewater Treatment Plant Operation and Maintenance, in Section 2, Master Responses, of this document.

Master Response 10 provides additional clarifying information on the operation and maintenance of the proposed WWTP, including who would operate it, what permits would be required, and details regarding odor, sizing, PFAS, and discharge of biosolids and byproducts. This Master Response explains how a certified operator would be required to manage the operation and maintenance of the proposed WWTP. No further response is required.

*Response to PLEASANTON-35*
The comment is noted. The driveway length has been reviewed by the Lead Agency and determined to be sufficient. It is consistent with the requirements of the Alameda County Code of Ordinances, Section 17.52.780, which requires driveways to be 18 feet in length or greater. No further response is required.

*Response to PLEASANTON-36*
The comment is noted. Please refer to *Response to LAFCO-5*. Neither the City of Pleasanton nor the Alameda County Sheriff's Office qualify as responsible agencies under CEQA Guidelines Section 15381 as neither have discretionary approval over the proposed project as proposed in the Draft EIR. However, this response notes that the both the City of Pleasanton and the Alameda County Sheriff's Office have been included on the project information distribution list, consulted during the preparation of the Draft EIR, and provided the opportunity to comment on the NOP and Draft EIR. No changes are needed. No further response is required.

*Response to PLEASANTON-37*
The comment is noted. Please refer to Master Response 8, Clarifying Information on the Aesthetics, Light, and Glare EIR Section and the Shadow Study, in Section 2, Master Responses, of this document. Master Response 8 provides additional clarifying information on the analysis contained within the Draft EIR's section on Aesthetics, Light, and Glare and the Shadow Study. This Master Response explains, among other things, how the computer simulation that produced the shadow study considered the grade change proposed for the project. No further response is required.

*Response to PLEASANTON-38*
The comment is noted. Under CEQA, lead agencies generally are not required to analyze the impact of existing environmental conditions on a project's future residents or users (i.e., "CEQA-in-reverse") but, instead are legally required to focus on potential adverse impacts the project may have on the physical environment. This requirement was upheld, for example, in *Ballona Wetlands Land Trust et al. v. City of Los Angeles* (2001) 201 Cal.App.4th 455, which holds that CEQA is concerned with the impact of the project on the environment, not vice-versa.

Public Resources Code Sections 21100 and 21151 require an EIR for projects that "may have a significant effect on the environment." The statute and caselaw clearly define "significant effect on the environment" as limited to substantial, or potentially substantial, adverse changes in physical conditions (PRC § 21060.5). In Public Resources Code Section 21060.5, "environment" is defined as "the physical conditions which exist within the area which will be affected by a proposed project including land, air, water, minerals, flora, fauna, noise, [or] objects of historic or aesthetic significance." (See also CEQA Guidelines § 15360).

As a result of these statutory definitions limiting review to the effects a proposed project may have on the physical environment, the analysis of impacts in an EIR must be related to a change to the physical environment (CEQA Guidelines § 15358(b)). Only changes to the physical environment that result from the proposed project require evaluation; social or economic impacts alone will not do so because they are not changes in physical conditions. This principle is reflected in CEQA Guidelines Sections 15064(e) and 15382, which provide that economic and social changes may not be treated as significant effects on the environment. It is also reflected in Public Resources Code Section 21080(e) and CEQA Guidelines Section 15064(f)(6), which provide that evidence of social or economic impacts that do not contribute to, or are not caused by, physical impacts on the environment is not substantial evidence of a significant effect on the environment. See also Public Resources Code Section 21082.2(c). Similarly, the environment's impact on the proposed project (CEQA in Reverse) is not appropriately analyzed in an environmental document under CEQA. Please also refer to Master Response 2, Non-CEQA Issues Not Addressed in the Final EIR, in Chapter 2, Master Responses, of this Final EIR.

Therefore, the impacts of the Pleasanton Garbage Services (PGS) facility on the proposed project are outside the requirements of CEQA. Accordingly, the Draft EIR appropriately evaluates the impacts of the proposed project on the environment but is not required to and thus does not evaluate the impacts of the environment on the proposed project. For purposes of evaluating impacts on the physical environment, operations at PGS are considered part of the existing setting. The proposed project in combination with PGS would not result in any cumulative impacts, as detailed further in the Draft EIR.

Additionally, please refer to Master Response 10, Clarifying Information on Wastewater Treatment Plant Operation and Maintenance, in Section 2, Master Responses, of this document. Master Response 10 provides additional clarifying information on the operation and maintenance of the proposed WWTP, including who would operate it, what permits would be required, and details regarding odor, sizing, PFAS, and discharge of biosolids and byproducts. No further response is required.

*Response to PLEASANTON-39*

The comment is noted. As discussed in Impact AIR-3, in Section 3.2, Air Quality, of the Draft EIR, a Health Risk Assessment (HRA) was prepared for the proposed project, which identified the existing residential uses to the west in its analysis. The Draft EIR found that with the implementation of MM AIR-3, construction cancer risk would be mitigated, and impacts would be reduced to less than significant. A community HRA was conducted in accordance with Bay Area Air Quality Management District (BAAQMD recommendations. The cumulative health risk values were determined by adding the health risk values from refined modeling of the proposed project to the screening-level health risk values from each individual stationary and mobile source within a 1,000-foot radius of the project site. The HRA disclosed that the main sources of health risks come from existing sources (i.e., roadways) rather than the proposed project. The analysis results presented in the HRA are contained in Appendix B of the Draft EIR. Health risks to nearby sensitive receptors would not exceed the BAAQMD community health risk significance thresholds, and thus impacts in this regard would be less than significant.

Furthermore, as described throughout the Draft EIR, the proposed project would result in significant and unavoidable impacts related to GHG emissions and transportation. However, as described in Chapter 5, Other CEQA Considerations, of the Draft EIR, compliance with and implementation of the proposed project's feasible mitigation measures, as well as compliance with a comprehensive regulatory framework and the County's standard permit conditions, would ensure that the proposed project would not result in substantial adverse effects on human beings, including the elderly population. Accordingly, there would be no significant and unavoidable impacts to public health and safety. Please also refer to Master Response 3, Health and Safety Issues Not Addressed in the Final EIR, in Section 2, Master Responses, of this document. Master Response 3 provides additional information related to health and safety issues, including an explanation as to why they are not further discussed in the Final EIR.

There is no specific requirement in the CEQA statute, CEQA Guidelines, or relevant case law related to additional analysis required for projects that may affect nearby elderly populations (as distinct from other sensitive receptors). No further response is required.

*Response to PLEASANTON-40*
The comment is noted. Additional clarifying information related to PFAS within the City of Pleasanton has been included in Section 5, Errata, of this document. The inclusion of this clarifying information does not constitute new information or result in the identification of new or substantially more severe significant impacts. No changes to the conclusions in the EIR are required. No further response is required.

*Response to PLEASANTON-41*
The proposed project would comply with applicable State and local laws and regulations, including, among others, the PFAS National Primary Drinking Water Regulations (NPDWRs). Please refer to Master Response 10, Clarifying Information on Wastewater Treatment Plant Operation and Maintenance, in Section 2, Master Responses, of this document. Master Response 10 provides additional clarifying information on the operation and maintenance of the proposed WWTP, including who would operate it, what permits would be required, and details regarding odor, sizing, PFAS, and discharge of biosolids and byproducts. Please also refer to Master Response 11, Clarifying Information on Wastewater Effluent, in Section 2, Master Responses, of this document. Master Response 11 provides additional clarifying information regarding the potential for runoff from the proposed WWTP and agricultural irrigation spray fields to impact downstream stormwater surface water quality, groundwater quality, and the adjacent lakes, and explains further why this would not occur. Both Master Responses specifically address PFAS. No further response is required.

*Response to PLEASANTON-42*
The comment is noted. Please refer to *Response to PLEASANTON-3*. No further response is required.

*Response to PLEASANTON-43*
The comment is noted. Please refer to Master Response 11, Clarifying Information on Wastewater Effluent, in Section 2, Master Responses, of this document. Master Response 11 provides additional clarifying information regarding the potential for runoff from the proposed WWTP and agricultural irrigation spray fields to impact downstream stormwater surface water quality, groundwater quality,

and the adjacent lakes, and explains further why this would not occur. No further response is required.

*Response to PLEASANTON-44*
The comment is noted. As detailed in Section 3.9, Hydrology and Water Quality, of the Draft EIR, a few of the proposed off-site improvements would be located in Flood Zone A. Because of the location of the water storage and booster pump facility being in close proximity to Lake I, Lake H, and Cope Lake, it is reasonable to conclude that the water storage and booster pump facility would not be significantly impacted by flooding because, for this to occur, all three lakes would need to completely fill and overflow in order for the facility to flood, which is not likely. Furthermore, the Arroyo Lago Off-site Utility Flood Study prepared by Schaaf and Wheeler on March 13, 2024, for the proposed project (Appendix G of the Draft EIR) concludes that the proposed off-site improvements would likely not be inundated during a 100-year storm event because it is unlikely that the 100-year surface elevation would be above ground at the location for the off-site improvements, and any spills that occur from the nearby lakes would be contained into the quarry ponds. Additionally, the water storage and booster pump facility would be designed following the FEMA-published guidelines and all other applicable standards and requirements for development occurring within a 100-year flood hazard zone. Furthermore, the stormwater drainage facilities would be required to be designed to have sufficient capacity to serve the proposed project pursuant to applicable standards and requirements. No further response is required.

*Response to PLEASANTON-45*
Please refer to Master Response 6, Clarifying Information on Cumulative Projects, and Master Response 7, The Project Considers the Whole of the Action and Does Not Improperly Piecemeal, in Section 2, Master Responses, of this document. Master Response 6 provides additional information on the cumulative projects, including the Senior East County Lakes Project, which is identified in Table 3-1, Cumulative Projects, and is analyzed within the Draft EIR. Master Response 7 explains why the proposed project considers the "whole of the action" and does not improperly piecemeal environmental analysis, especially with regard to the Senior East County Lakes Project. No further response is required.

*Response to PLEASANTON-46*
The comment is noted. Please refer to Master Response 10, Clarifying Information on Wastewater Treatment Plant Operation and Maintenance, in Section 2, Master Responses, of this document. Master Response 10 provides additional clarifying information on the operation and maintenance of the proposed WWTP, including who would operate it, what permits would be required, and details regarding odor, sizing, PFAS, and discharge of biosolids and byproducts. No further response is required.

*Response to PLEASANTON-47*
The comment is noted. These edits have been included in Section 5, Errata, of this document. The inclusion of this updated information does not constitute new information and would not result in new or more severe significant impacts and no changes to the conclusions in the EIR are required. No further response is required.

*Response to PLEASANTON-48*
The comment is noted. As detailed on page 3.12-9 in Section 3.12, Noise, of the Draft EIR, short-term noise measurements documented noise levels from all noise sources in the project vicinity, including any noise from the City of Pleasanton Operations Services Center, the Fire Department training facility, and the Police Department practice range. The Draft EIR analyzed how the proposed project would increase noise in the project vicinity above existing conditions, including, without limitation, taking into account the ambient noise from the Fire Department training facility and the Police Department practice range. No further response is required.

*Response to PLEASANTON-49*
The comment is noted. Please refer to Master Response 7, The Project Considers the Whole of the Action and Does Not Improperly Piecemeal, in Section 2, Master Responses, of this document. Master Response 7 explains why the proposed project considers the "whole of the action" and does not improperly piecemeal environmental analysis, especially with regard to the Senior East County Lakes Project. This Master Response specifically addresses concerns regarding growth inducing impacts and why the proposed project would not result in unplanned growth and would not directly or indirectly induce growth. No further response is required.

*Response to PLEASANTON-50*
The comment is noted. As stated in the Draft EIR, given the nature of the proposed WWTP, the technological resources utilized to operate and maintain this type of facility, and the scope, timing and nature of the tasks involved in operation and maintenance, the equivalent of one employee is required to operate the proposed off-site improvements. Please refer to Master Response 10, Clarifying Information on Wastewater Treatment Plant Operation and Maintenance, in Section 2, Master Responses, of this document. Master Response 10 provides additional clarifying information on the operation and maintenance of the proposed WWTP, including who would operate it, what permits would be required, and details regarding odor, sizing, PFAS, and discharge of biosolids and byproducts. This Master Response described how a certified operator would remotely manage the day-to-day operations.

The proposed project would have a Homeowners Association (HOA) that would be responsible for employing landscapers and groundskeepers. As the HOA has yet to be formed, it would be too speculative to assume a specific number of landscapers required. However, given that the proposed project includes 194 homes and the typical nature of the single-family subdivision contemplated, it is expected that an existing landscaping service would be contracted and the overall impact to employment in the County would be nominal. No further response is required.

*Response to PLEASANTON-51*
The comment is noted. The data presented in the Draft EIR is the data that was made publicly available on the Alameda County Fire Department "Statistics" web page at the time the document was prepared, and the source was accessed on February 28, 2024. No further response is required.

*Response to PLEASANTON-52*
As discussed in Impact REC-1 in the Draft EIR, all new developments would be required to dedicate or acquire land for open space and/or pay equivalent in-lieu of fees under Policy 56 of the East County Area Plan (ECAP). The proposed project is required to meet this requirement, and as such,

would pay applicable in-lieu of fees. Program 20 is the program that directs the County to implement Policy 56. No further response is required.

*Response to PLEASANTON-53*
The comment is noted. Please refer to Master Response 9, Clarifying Information on Public Services EIR Section, in Section 2, Master Responses, of this document. Master Response 9 provides additional clarifying information on the analysis contained within the Draft EIR's section on Public Services, including details related to fire protection, police protection, schools, parks, and libraries. No further response is required.

*Response to PLEASANTON-54*
Please refer to Master Response 7, The Project Considers the Whole of the Action and Does Not Improperly Piecemeal, in Section 2, Master Responses, of this document. Master Response 7 explains why the proposed project considers the "whole of the action" and does not improperly piecemeal environmental analysis, especially with regard to the Senior East County Lakes Project. Please also refer to Master Response 9, Clarifying Information on Public Services EIR Section, in Section 2, Master Responses, of this document. Master Response 9 provides additional clarifying information on the analysis contained within the Draft EIR's section on Public Services, including details related to fire protection, police protection, schools, parks, and libraries. No further response is required.

*Response to PLEASANTON-55*
The comment is noted. Please refer to Master Response 9, Clarifying Information on Public Services EIR Section, in Section 2, Master Responses, of this document. Master Response 9 provides additional clarifying information on the analysis contained within the Draft EIR's section on Public Services, including details related to fire protection, police protection, schools, parks, and libraries. See also *Response to PLEASANTON-4.* No further response is required.

*Response to PLEASANTON-56*
As stated in Section 3.15.6, Recreation, of the Draft EIR, the proposed project includes the development of 21 open space and park parcels, ranging from approximately 1,117 square feet to 30,423 square feet in area. The proposed project proposes to include an approximately 0.7-acre private park and approximately 0.5 mile of designated walking trails, for a total of approximately 1.2 acres of parkland/recreational facilities. No revisions to the EIR are required. No further response is required.

*Response to PLEASANTON-57*
Please refer to Master Response 6, Clarifying Information on Cumulative Projects, in Section 2, Master Responses, of this document. The Senior East County Lakes Project is a separate and distinct development project, and the proposed project would not be growth inducing in this regard or otherwise. See Master Response 7, The Project Considers the Whole of the Action and Does Not Improperly Piecemeal, for additional detail regarding the distinction between the proposed project and the separate Senior East County Lakes Project. Master Response 6 provides additional information on the cumulative projects, including the Senior East County Lakes Project, which is identified in Table 3-1, Cumulative Projects, and is analyzed within the Draft EIR. Master Response 7 explains why the proposed project considers the "whole of the action" and does not improperly

piecemeal environmental analysis, especially with regard to the Senior East County Lakes Project. No further response is required.

*Response to PLEASANTON-58*
The comment is noted. Please refer to Master Response 7, The Project Considers the Whole of the Action and Does Not Improperly Piecemeal, in Section 2, Master Responses, of this document. Master Response 7 explains why the proposed project considers the "whole of the action" and does not improperly piecemeal environmental analysis, especially with regard to the Senior East County Lakes Project. This Master Response specifically addresses growth inducing impacts and why the proposed project would not result in unplanned growth and would not directly or indirectly induce growth. No further response is required.

*Response to PLEASANTON-59*
This comment does not raise any specific project-related environmental issues under CEQA, and therefore no further response is required. For informational purposes, the following is noted.

The requirement that EIRs identify and discuss alternatives to the project stems from the fundamental statutory policy that public agencies should require the implementation of feasible alternatives or feasible mitigation measures to avoid or substantially lessen the project's significant environmental impacts (PRC §§ 21002, 21002.1(a), 21100(b)(4), 21150). This is the "core of an EIR." The level of analysis of alternatives is subject to a rule of reason. The discussion need not be exhaustive, and the agency need only make an objective, good faith effort to compare the project with the alternatives. The evaluation is necessarily limited by what is realistically possible given limitations on time, energy and cost.

As detailed in Section 6.3 through 6.6 in the Draft EIR, the discussion of alternatives includes sufficient information about each alternative to allow evaluation, analysis, and comparison with the proposed project (CEQA Guidelines § 15126.6(d)). See also *Responses to PLEASANTON-60* through *PLEASANTON-62.* No changes are required. No further response is required.

*Response to PLEASANTON-60*
Because the commenter does not raise any specific project-related environmental issues under CEQA with respect to the scope or adequacy of the alternatives analysis, and instead acknowledges that the Alternative 2 discussion contains an augmented level of information and analysis, no further response is required. For informational purposes, the following is noted.

As noted in *Response to PLEASANTON-59*, the purpose of the alternatives analysis under CEQA is to provide sufficient information such that a meaningful comparison of the relative merits can be made to foster informed decision-making about the project. It is not intended to serve as a "mini-EIR" for each identified alternative; i.e., incorporating a detailed, project-level specific evaluation of potential environmental impacts of the alternative at hand to be considered in isolation.

CEQA provides a mechanism for situations wherein an EIR is certified, and the project studied therein is later sought to be modified in a subsequent discretionary entitlement process. Pursuant to Section 15162 of the CEQA Guidelines, before proceeding with consideration of a project, CEQA requires the Lead Agency (or Responsible Agency, as applicable) to evaluate (a) whether any of the

conditions set forth in Section 15162 has occurred, and (b) if so, whether the relevant condition(s) would materially affect the conclusions in the previously certified environmental document such that major revisions to that document would be necessary. Utilizing the criteria set forth in CEQA Guidelines Section 15162, the relevant public agency has an opportunity at that time to determine, based on substantial evidence in the record, whether the conditions of both (a) and (b) have been satisfied and thus whether further environmental review is required under CEQA.

*Response to PLEASANTON-61*
The commenter recommends expanding the description of Alternative 2 to identify all known differences with the proposed project (to be constructed in the County), including additional detailed information, materials and clarifications regarding: (1) the project location; (2) existing City General Plan land use and zoning designations; (3) specific characteristics such as unit count, lot size, number of internal streets and corresponding maintenance responsibility, unit heights and floor plans, development standards (setbacks, lot coverage), density and estimated number of residents; (4) site plans; (5) off-site improvements; (6) circulation and access for all transportation modes; (7) emergency access routes; (8) design, landscaping and lighting (including a landscaping plan); (9) utilities (including utility plans); (10) phasing and construction schedules; and (11) discretionary and ministerial actions necessary to approve Alternative 2.

Because the commenter does not raise any specific project-related environmental issues under CEQA with respect to the scope or adequacy of the alternatives analysis, no further response is required. For informational purposes, the following is noted.

As noted in *Response to PLEASANTON-59*, an EIR must contain sufficient information about each alternative to permit an evaluation of the relative merits of the alternatives and the project (CEQA Guidelines § 15126.6(a)). The analysis must contain concrete information about each alternative sufficient to allow a fact-based comparison of the alternatives with the project (CEQA Guidelines § 15126.6(d)). The significant adverse environmental effects of each alternative must be discussed, but in less detail than is required for the project's effects (CEQA Guidelines § 15126.6(d)). The analysis is sufficient if it assesses the relative merits of the project and the alternatives. An EIR's evaluation of an alternative does not require the preparation of design plans or architectural drawings of alternatives, and it is appropriate to rely on approximate square footages.

The additional detailed information that the commenter is suggesting be included in the Alternative 2 description is not necessary to provide a meaningful comparison of the relative merits of Alternative 2 as compared to the project. Alternative 2 was selected to be considered in the Draft EIR to provide an opportunity for decision-makers and the public to better understand the environmental implications of eliminating the vast majority of off-site utility infrastructure that would not be necessary if the proposed residential uses were located within the City's municipal boundaries as compared to the project as proposed in the unincorporated County. (See Draft EIR, page 6-11).

The Alternative 2 description in the Draft EIR confirms that it is assumed to be the same or substantially similar in most respects and identifies the above-referenced differences that are relevant for purposes of the alternatives analysis. Detailed site planning considerations relating to

specific site plan and design items such as, for example, lot coverage, floor plans, landscaping, etc. are not necessary or relevant for purposes of a comparative analysis under CEQA, and therefore no changes are required. See also *Response to PLEASANTON-60*.

*Response to PLEASANTON-62*

In conjunction with its request to include more detailed site planning and design information into the Alternative 2 description, the commenter recommends updating the Alternative 2 analysis to evaluate those additional details as well as augmenting the impact analysis to include a discussion of City plans, policies, and regulations relevant to the thresholds of significance. Specifically, the commenter recommends the analysis be modified to consider a detailed evaluation of Alternative 2's potential environmental impacts related to:

- **Aesthetics**, including an identification of City-specific scenic resources and policies, standards and other regulations governing scenic quality, and an evaluation of how Alternative 2 would comply with each of the foregoing.
- **Air Quality,** including use of a different threshold of significance and a new/amended air quality analysis applying this different threshold.
- **Biological Resources,** including an identification of specific City policies or ordinances under its General Plan and Municipal Code addressing protection of biological resources, and an evaluation of how Alternative 2 would comply with each of the foregoing.
- **Hazards and Hazardous Material,** including an identification of City-specific emergency response plans (City of Pleasanton Comprehensive Emergency Management Plan and the Tri-Valley Local Hazard Mitigation Plan (LHMP)), and an evaluation of how Alternative 2 would not impair implementation of or physically interfere with each of the foregoing.
- **Hydrology and Water Quality**, including a description of the stormwater drainage facilities assumed for purposes of Alternative 2 and an evaluation of how such facilities (1) would comply with water quality standards and protect surface and groundwater quality, and (2) would not lead to significant erosion/siltation, flooding, polluted runoff, or impeding flood flows. In addition, the commenter requests the Alternative 2 impact analysis describe how connecting to the City of Pleasanton water distribution system would affect demand for groundwater production and impacts to groundwater supply.
- **Land Use and Planning,** including an identification of the "proposed" land use designation and zoning for Alternative 2 under the City's General Plan and Municipal Code as well as goals and policies (similar to the ECAP consistency analysis in Table 3.10-1), as well as an evaluation of whether Alternative 2 would result in a conflict with the foregoing and a description of Alternative 2 conformance with permitted density and allowed land uses in the proposed land use designation and zoning.
- **Noise**, including an identification of specific noise standards from the City's General Plan and Municipal Code, as well as an evaluation of Alternative 2's compliance with the foregoing to determine whether it would cause a substantial temporary or permanent increase in ambient noise levels.

- **Transportation,** including an identification of City-specific transportation plans, ordinances, and policies, including the City of Pleasanton General Plan, Climate Action Plan, Complete Streets Plan, and Bicycle and Pedestrian Master Plan, and an evaluation of whether Alternative 2 would conflict with the foregoing.
- **Utilities and Service Systems**, including a discussion of whether Alternative 2 would: (1) require new or expanded water facilities (potable and recycled) which could cause significant environmental effects; and (2) require new or expanded wastewater treatment facilities and whether the LAVWMA has adequate capacity to serve projected demand in addition to their existing commitments; and (3) describe Alternative 2's compliance with identified City-specific policies and regulations related to solid waste.

Because the commenter does not raise any specific project-related environmental issues under CEQA with respect to the scope or adequacy of the alternatives analysis, no further response is required. For informational purposes, the following is noted.

The additional detailed information that the commenter is suggesting be included in the Alternative 2 discussion is not necessary to provide a meaningful comparison of the relative merits of Alternative 2 as compared to the project. The Alternative 2 impact analysis sets forth an appropriate level of detail for purposes of a comparative analysis with the project's environmental impacts. Consideration of numerous, detailed City-specific plans, policies, regulations and standards with concomitant project-level review of Alternative 2's impacts is beyond the scope of review contemplated for an alternatives analysis and is not necessary to foster informed decision-making. Therefore, no changes are required. See also *Response to PLEASANTON-60.*

*Response to PLEASANTON-63*
The comment is noted. No environmental issues are raised, and no response is required. However, this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

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Pleasanton
UNIFIED SCHOOL DISTRICT

October 29, 2024

Aubrey Rose, AICP
Planner III
Alameda County Planning Department
224 West Winton Avenue, Room 111
Hayward, CA 94544

Dear Aubrey Rose;

This letter concerns the Draft Environmental Impact Report for Arroyo Lago Residential Project. The proposed project is within the Pleasanton Unified School District (PUSD) boundaries and is served by Alisal Elementary School, Harvest Park Middle School and Amador Valley High School. This development, along with neighboring future developments will have a cumulative impact on the above mentioned schools and potentially other schools within PUSD. 1

Additionally, these schools are located in congested areas where the additional vehicular traffic resulting from student dropoff and pickup could add significant congestion to Valley Avenue, Northway Road, Santa Rita Road and other neighboring streets. Provisions should be made to address traffic by encouraging public transportation, providing traffic improvements and providing provisions for bike and pedestrian access. 2

If you have any questions, please feel free to contact me at akael@pleasantonusd.net.

Sincerely,

Aaron Kael
Executive Director, Facilities and Construction
Pleasanton Unified School District

Cc: Ahmad Sheikholeslami
Assistant Superintendent of Business Services

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## *Pleasanton Unified School District (PUSD)*

*Response to PUSD-1*
The comment is noted, and this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

As discussed in Section 3.14, Public Services, of the Draft EIR, the proposed project identified a potentially significant impact to Alisal Elementary School due to the increase in students and through consultation with the PUSD. As discussed in the Draft EIR, the project applicant would be required to pay developer fees to the PUSD pursuant to Government Code Section 65996, as a condition of approval for the proposed project. The provisions in Government Code Section 65996 are deemed to provide full and complete school facilities mitigation related to the school district's ability to accommodate enrollment. With payment of applicable developer fees, impacts on school facilities related to the proposed project would be mitigated to less than significant levels.

Additionally, an email provided by PUSD on May 16, 2023, identified that Harvest Park Middle School and Amador Valley High School should be able to accommodate the expected growth caused by the proposed project. Therefore, impacts related to Harvest Park Middle School and Amador Valley High School would be less than significant.

As for cumulative impacts related to school facilities, the Draft EIR determined that all cumulative development projects would be required to pay applicable development impact fees toward school district facilities. With payment of school impact fees, cumulative projects would not result in additional need for new or altered school facilities not already analyzed within the applicable General Plan, and impacts would be less than significant. No further response is required.

*Response to PUSD-2*
The comment is noted, and this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

The purpose of a traffic operation study is to provide City and County staff and policy makers with data that they can use to make an informed decision regarding the project's adherence to City and County policies. It is provided for informational purposes. The use of LOS to analyze impacts under CEQA was replaced with the evaluation of VMT in 2013. SB 743, which was signed into law by former Governor Brown and codified in Public Resources Code Section 21099, tasked OPR with establishing new criteria for determining the significance of transportation impacts under CEQA. SB 743 requires the new criteria to "promote the reduction of GHG emissions, the development of multimodal transportation networks, and a diversity of land uses." SB 743 changes the way that public agencies evaluate the transportation impacts of projects under CEQA, recognizing that roadway congestion, while an inconvenience to drivers, is not itself an environmental impact (see PRC § 21099(b)(2)). In December 2018, OPR circulated its most recent Technical Advisory on Evaluating Transportation Impacts in CEQA, which provides recommendations and describes various options for assessing VMT for transportation analysis purposes. VMT refers to the amount and distance of automobile travel attributable to a project. Other relevant considerations may include the effects of the project on transit or non-motorized travel.

As discussed in Section 3.16, Transportation, of the Draft EIR, the proposed project would implement traffic calming elements on all of the street improvements included in the proposed project and would construct approximately 1,000 feet of off-site sidewalk and bicycle lane improvements along Busch Road. Additionally, traffic safety impacts were found to be significant and unavoidable because there are no feasible mitigation measures available that would reduce impacts to less than significant. Therefore, the proposed project would encourage public transportation, provide traffic improvements, and provide for bike and pedestrian access to the extent feasible.

Additionally, please refer to Master Response 12, Clarifying Information on Transportation Analysis, in Section 2, Master Responses, of this document. Master Response 12 provides additional clarifying information on the methodology used to evaluate traffic impacts as it relates to VMT. No further response is required.

ZONE 7 WATER AGENCY
Delivering Quality, Reliability and Safety

100 North Canyons Parkway
Livermore, CA 94551
(925) 454-5000

September 11, 2024

Aubrey Rose, AICP, Planner III
Alameda County Community Development Agency Planning Department
224 West Winton Avenue, Room 111
Hayward, CA 94544

Sent by email: aubrey.rose@acgov.org

**Re: Notice of Availability of an Environmental Impact Report for the Arroyo Lago Residential Project and Notice of Public Meeting**

Dear Aubrey:

Zone 7 received the notice of availability of the Draft EIR for the Arroyo Lago Residential Project. We request the County extend the public comment period to 90 days to allow sufficient time for thorough review and response. 1

If you have any questions, please contact me at (925) 454-5005 or via email at erank@zone7water.com.

Sincerely,

Elke Rank

Elke Rank,
Senior Water Resources Planner

cc: Ken Minn, file

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## *Zone 7 Water Agency (First Letter) (ZONE 7 1)*

*Response to ZONE 7 1-1*

The comment is noted. Please refer to Master Response 1, Request for Extension of Comment Period, in Section 2, Master Responses, of this document. Master Response 1 discusses how the County voluntarily extended the public review period from 45 days to 60 days. No further response is required.

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November 8, 2024

Aubrey Rose, AICP, Planner III
Alameda County Community Development Agency Planning Department
224 West Winton Avenue, Room 111
Hayward, CA 94544

Sent by email: aubrey.rose@acgov.org

**Re: Notice of Availability of a Draft Environmental Impact Report (EIR) for the Proposed Arroyo Lago Residential Project**

Please see attached letter from Rebecca Smith at Downey Brand LLP representing Zone 7 Water Agency.

1

If you have any questions, please contact me at (925) 454-5005 or via email at erank@zone7water.com.

Sincerely,

Elke Rank

Elke Rank,
Senior Water Resources Planner
cc: Ken Minn, file

Attachments (1)

DOWNEYBRAND

Rebecca R.A. Smith
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November 8, 2024

**VIA E-MAIL**

Aubrey Rose
AICP, Planner III
Alameda County Community Development
Agency Planning Department
224 West Winton Avenue, Room 111
Hayward, CA 94544
aubrey.rose@acgov.org

Re: Comments on the Draft Environment Impact (EIR) for the Arroyo Lago Residential Project

Dear Mr. Rose:

Zone 7 Water Agency (Zone 7, or Zone 7 of the Alameda County Flood Control and Water Conservation District) is deeply committed to its mission to deliver safe, reliable, efficient, and sustainable water and flood protection services within the Livermore-Amador Valley. Consistent with that mission, Zone 7 appreciates the opportunity to provide these comments on the 2024 Draft Environmental Impact Report for the Arroyo Lago Residential Project (Project). 2

Zone 7 has submitted numerous comment letters regarding prior iterations of the Project; each of these comment letters are incorporated here by reference. Unfortunately, Zone 7's key concerns surrounding the sufficiency of the EIR's water quality analysis and the reasonably foreseeable water quality impacts that may result from the Project have not been addressed.

Unfortunately, the DEIR does not adequately analyze the Project's water quality impacts, not does it offer any assurances that the Project would be in compliance with the water quality criteria of the Alternative GSP. Zone 7 urges the County to complete a more robust analysis, specifically responsive to these concerns, and to plan for appropriate mitigation of the Project's potential impacts.

***The DEIR's Water Quality analysis is insufficient to enable the public to understand and meaningfully consider the impacts of the Project.*** 3

The Project is located adjacent to the Chain of Lakes (COLs)—a centerpiece of Zone 7's water management portfolio—and is situated immediately south of Lake I. Pursuant to reclamation plans for each of the active gravel quarry operations in the Chain of Lakes, each lake is turned over to Zone 7 on the completion of mining activities. As those sites are reclaimed, the resulting

lakes will be interconnected by a series of conduits and used by Zone 7 for local water management functions, thereby enhancing the resiliency and flexibility of Zone 7's water supply functions. Zone 7 currently owns Lake I and Cope Lake and expects Lake H to be transferred to Zone 7 within the next few years.

Maintaining the integrity of the quarry lakes and the quality of the underlying groundwater basin is of utmost priority to Zone 7's water management mission. Currently, groundwater recharge occurs through infiltration of both rainfall and releases of imported water made to Arroyo Mocho and Arroyo del Valle. As surface water in these channels reaches the central part of the Livermore-Amador Valley (including the mining areas), it infiltrates into the main groundwater basin and boosts local groundwater supply. These influxes of recharge support salt management in the basin, complementing the agency's on-going efforts to put both surface water and groundwater to maximum beneficial uses within the County. As further lakes are added to the chain, COL will provide additional capacity and flexibility for flood control and groundwater recharge, including more ability for managing water quality. Lake I, in particular, will play a critical role in enhanced groundwater recharge due to its size, location, and recharge face on the western sidewall.

3 CONT

Currently Zone 7 is evaluating a Chain of Lakes Conveyance Project to include a multi-use pipeline that will connect the northern COLs area (e.g., Lake I) with Lake A and the South Bay Aqueduct and with Zone 7's water treatment plant. The concept of the pipeline is to convey excess surface water supply—including imported water and local water from the Arroyo Valle—to the COLs for storage and groundwater recharge. The pipeline will also supply raw water from the COLs to Zone 7's Del Valle Water Treatment Plant (WTP) for use under emergency and drought situations. A pipeline alignment study has been completed and Zone 7 is further evaluating operational schemes and pertinent details. However, the proposed Project may jeopardize this crucial infrastructure project if sewage or effluent are allowed to directly or indirectly enter the lakes through runoff or infiltration.

### *Groundwater Quality Standards and Groundwater Management in the Livermore Valley Groundwater Basin*

Zone 7 relies on imported water for approximately 70% of its drinking water supply, and so the groundwater basin is an important backstop to providing water supply in times of drought, or in the event that any portion of the state's water infrastructure should fail (for example, in the event of natural disaster). Zone 7 strives to maintain the groundwater basin at full capacity whenever possible to ensure that this locally stored water supply is available to meet the needs of County residents.

4

As the exclusive Groundwater Sustainability Agency (GSA) for the Livermore Valley Groundwater Basin, Zone 7 prepared and implements a groundwater sustainability plan (GSP) for the Basin pursuant to the Sustainable Groundwater Management Act (SGMA). Through the GSP, Zone 7 has identified thresholds within which the Basin can be operated without resulting in an impermissible "undesirable result" under SGMA.

Significant and unreasonable degradation of water quality is an undesirable result under State law, and Zone 7 is tasked with managing the basin to avoid such an outcome. Consistent with

this sustainability goal and its long-term sustainable management of the Basin, Zone 7 has developed a series of policies, ordinances, and basin management objectives (BMOs) that together comprise a groundwater management program for the Basin. The objectives of this program are to provide for the control and conservation of waters for beneficial future uses; to promote the conjunctive use of groundwater and surface water; to facilitate the importation of additional surface water to meet Basin needs; and to use the groundwater basin to store imported surface water for subsequent recovery during drought periods.

Zone 7 has set Basin Management Objectives for groundwater quality monitoring and management, including tracking and addressing any water quality degradation. These BMOs include parameters to:

- Protect and enhance the quality of the groundwater,
- Halt degradation from salt buildup (offset current and future salt loading),
- Reduce flow of poor-quality shallow groundwater into deep aquifers,
- Offset impacts of water recycling and wastewater disposal through integrated Salt Management Plan (SMP),
- Recharge with relatively low total dissolved solids (TDS)/hardness imported or storm/local surface water,
- Manage quality on a regional basis as measured at municipal wells (such as those operated by both the retail water agencies and Zone 7);
- Minimize threats of groundwater pollution through groundwater protection.

4 CONT

The sustainable management criteria in that GSP, including criteria for water quality, are essential to ensuring the long-term sustainable management of the groundwater basin, for the benefit of all users in the County. The DEIR does not meaningfully engage with the standards set by the GSP, nor does it analyze the reasonably foreseeable impacts to water quality that may occur as a result of the Project's implementation.

Zone 7 manages and treats groundwater to meet current and established pending future regulatory requirements for drinking water supply and plans to be in compliance with future water quality standards. To assist Zone 7 in meeting this duty effectively, it is important that proposed projects accurately disclose and evaluate that project's impact on the BMOs, and identify effective mitigation strategies where the Project's may result in exceedances of the GSP sustainability criteria. Because the DEIR does not engage in this analysis, it fails to adequately inform the public about the potential impacts of the Project, and risks advancing a project for approval that may impose unanticipated impacts and costs on the Basin.

***The DEIR does not include sufficient analysis to determine whether the Project will comply with the water quality standards in the GSP.***

5

The DEIR concludes that the Project "would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality," and that therefore any impacts to water quality are not significant. (Impact HYD-1). As to groundwater, the DEIR provides a circular reasoning for this conclusion:

> The proposed project is located within the basin area under sustainable groundwater management by Zone 7 as per the Alternative Groundwater Sustainability Plan for the Livermore Valley Groundwater Basin. Thus, the proposed project would meet all applicable sustainable groundwater management actions as required. Implementation of these management impacts would ensure that groundwater quality is not impacted. (DEIR. 3.9-2.5; 3.9-2.7)

5 CONT

This conclusion mistakes the purpose and function of the Alternative GSP. The Alternative GSP is not intended to mitigate in advance for whatever unanalyzed impact the Project may impose. Rather, sets specific regulatory thresholds for key sustainability criteria, the exceedance of which triggers intervention under SGMA.

As to PFAs, the DEIR asserts that the Project will not pose a significant impact because to the extent new PFAs standards are adopted, they would be addressed "through the standing permitting and oversight processes." This, too, mistakes the position that the Project is currently in: to the extent the Project imposes new costs and impacts on the Basin, it is the responsibility of the Project to address and mitigate for those costs.

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The onus is on the County, and not Zone 7, to demonstrate that the proposed Project will be in compliance with the water quality standards and thresholds set by the Alternative GSP, and will not substantially degrade groundwater quality. The DEIR does not meaningfully engage with these standards, and in the absence of that analysis cannot support its conclusion that the Project would not result in a violation of water quality standards or a substantial degradation of water quality.

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Zone 7 has specific and reasonable concerns about the Project's ability to comply with these standards. For example:

- The Project proposes an onsite wastewater treatment plant that would treat wastewater and then spray the effluent in an adjacent property. The onsite wastewater treatment plant is located adjacent to Lake I which is a groundwater recharge lake and could potentially be a source of surface water for drinking water in the future. The plan does not address how the solid waste will be handled from the treatment process, nor does it address the impacts of any overflows of the system adjacent to a drinking water lake.

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- The Project proposes spreading treated wastewater effluent in spray fields adjacent to Cope Lake. This area is at a lower elevation than the surrounding area and could be within the boundary of Cope Lake at higher water surface elevations or in flood conditions. The Water Board is currently looking at PFAS concentrations in wastewater effluent. Current wastewater treatment processes do not appear to remove PFAS and might actually increase concentrations. Treated wastewater effluent is also known to have elevated concentrations of nitrates and TDS both of which are monitored by Zone 7 under the Alternative GSP. Introduction of any of these compounds into the surface water of Cope Lake or infiltration into groundwater would be degradation of water quality.

9

- The project has stormwater being directed to a bioretention basin within the lower elevation portion adjacent to Cope Lake. Stormwater from the development is at risk of containing PFAS, pesticides, nitrates, TPH, among other contaminants. Engineered bioretention basins are not currently designed to remove PFAS. In addition, bioretention basins require continued maintenance and are not a one-time solution. The plan does not address the ongoing maintenance needs for standard treatment and does not address PFAS 10

It is essential to ensure that the project will not degrade water quality in both surface water and groundwater through runoff or infiltration. Significant project concerns requiring improved evaluation and possibly mitigation measures in the DEIR include:

- Risk of upset / impacts of an upset at the sewer plant
- Introduction of PFAS, heavy metals, nitrates, and other contaminants to Cope Lake, Lake I, and the groundwater basin
- Solids handling
- Stormwater entering Cope Lake
- Downstream surface water quality concerns such as PFAS or others 11
- Spray fields leaching into the groundwater basin
- Vector control issues with respect to the spray fields
- Public health and safety in and around the development

It is imperative that the basin groundwater quality is protected and managed to prevent any further degradation.

The DEIR must adequately evaluate the project's potential water quality impacts to Cope Lake and to Lake I, as well as to nearby surface waters. This includes impacts from operations of the proposed sewer treatment plant – including contribution of PFAS to the groundwater basin via wastewater effluent; the bioretention areas; and overspray or leaching of contaminated water from the irrigation spray fields.

***The DEIR does not adequately address public health, safety, and ongoing operational concerns at Lake I.***

Beyond these water quality concerns, Zone 7 has specific reservations regarding the DEIR's analysis of physical conditions and the Project's impact at Lake I and Cope Lake.

Both Lake I and Cope Lake are closed to the public and there are no current plans to make these lakes accessible for recreation or other access. Notwithstanding that fact, Zone 7 routinely patrols the area and it is not unusual to find individuals (trespassers) fishing at Lake I in particular. The slopes are steep and, in some cases, have uneven terrain not suitable for access without proper safety equipment. In addition, the water in the lakes can be deep and poses a hazard to trespassers if they accidentally fall in. With increased development in the region, the opportunity for further trespassing may increase. 12

The project will have public health and safety impacts that must be addressed due to potential for contact with harmful contaminants, air quality degradation, and nuisance odors. The DEIR should address the potential for future local residents and visitors to come into contact with potentially harmful waters and air quality such as overspray from the spray fields and emissions or odors from the treatment plant. Management and operation of the sewer plant and spray fields on an ongoing basis is not clearly defined and raises concerns on the safety of residents and neighbors. 12 CONT

Zone 7 urges the County to carefully consider the concerns raised here. Approval of this project as proposed in the DEIR, without consideration of the issues raised here, risks setting a standard within the Basin that would disregard the important protections of the GSP and Zone 7's existing groundwater management programs, deferring to future stakeholders the costs of mitigating those unanalyzed impacts on the basin and water supply. 13

Thank you for your consideration of these comments.

Sincerely,

DOWNEY BRAND LLP



Rebecca R.A. Smith

RAS:dr

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## *Zone 7 Water Agency (Second Letter) (ZONE 7 2)*

*Response to ZONE 7 2-1*
The comment is noted. No environmental issues are raised, and no response is required. However, this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

*Response to ZONE 7 2-2*
The comment is noted. Please refer to *Responses Zone 7 2-3 through Zone 7 2-13*. No further response is required.

*Response to ZONE 7 2-3*
The comment is noted. Please refer to Master Response 11, Clarifying Information on Wastewater Effluent, in Section 2, Master Responses, of this document. Master Response 11 provides additional clarifying information regarding the potential for runoff from the proposed WWTP and agricultural irrigation spray fields to impact downstream surface water quality, groundwater quality, and the adjacent lakes. Specifically, this Master Response identifies Zone 7's existing and planned connections and explains why the proposed project is not expected to have a significant impact on Zone 7's future plans or the overall water quality of the Chain of Lakes. No further response is required.

*Response to ZONE 7 2-4*
The comment is noted. Please refer to Master Response 11, Clarifying Information on Wastewater Effluent, in Section 2, Master Responses, of this document. Master Response 11 provides additional clarifying information regarding the potential for runoff from the proposed WWTP and agricultural irrigation spray fields to impact downstream surface water quality, groundwater quality, and the adjacent lakes. As stated in this Master Response, wastewater effluent would not be allowed to directly or indirectly enter the Chain of Lakes through runoff or infiltration. This Master Response also specifically discusses how the project supports and would not interfere with the Alternative Groundwater Sustainability Plan (AGSP) applicable to the proposed project. No further response is required.

*Response to ZONE 7 2-5*
The comment is noted. Please refer to Master Response 11, Clarifying Information on Wastewater Effluent, in Section 2, Master Responses, of this document. Master Response 11 provides additional clarifying information regarding the potential for runoff from the proposed WWTP and agricultural irrigation spray fields to impact downstream surface water quality, groundwater quality, and the adjacent lakes. Additionally, clarifying revisions to the description of the AGSP have been added to the analysis to Section 3.9, Hydrology and Water Quality, as described in Chapter 5, Errata, of the Final EIR. The clarifications do not constitute significant new information warranting recirculation. No further response is required.

*Response to ZONE 7 2-6*
The comment is noted. Please refer to Master Response 10, Clarifying Information on Wastewater Treatment Plant Operation and Maintenance, in Section 2, Master Responses, of this document. Master Response 10 provides additional clarifying information on the operation and maintenance of the proposed WWTP, including who would operate it, what permits would be required, and details

regarding odor, sizing, PFAS, and discharge of biosolids and byproducts. Please also refer to Master Response 11, Clarifying Information on Wastewater Effluent, in Section 2, Master Responses, of this document. Master Response 11 provides additional clarifying information regarding the potential for runoff from the proposed WWTP and agricultural irrigation spray fields to impact downstream surface water quality, groundwater quality, and the adjacent lakes. Both Master Responses specifically address how the proposed project will address PFAS. No further response is required.

*Response to ZONE 7 2-7*
The comment is noted. Please refer to *Response to Zone 7 2-4 and Zone 7 2-5*. No further response is required.

*Response to ZONE 7 2-8*
The comment is noted. Please refer to Master Response 10, Clarifying Information on Wastewater Treatment Plant Operation and Maintenance, in Section 2, Master Responses, of this document. Master Response 10 provides additional clarifying information on the operation and maintenance of the proposed WWTP, including who would operate it, what permits would be required, and details regarding odor, sizing, PFAS, and discharge of biosolids and byproducts. This Master Response addresses how biosolids and byproducts would be off hauled.

Please also refer to Master Response 11, Clarifying Information on Wastewater Effluent, in Section 2, Master Responses, of this document. Master Response 11 provides additional clarifying information regarding the potential for runoff from the proposed WWTP and agricultural irrigation spray fields to impact downstream surface water quality, groundwater quality, and the adjacent lakes. This Master Response specifically addresses how the attributes of the proposed WWTP would avoid impacts to groundwater recharge. No further response is required.

*Response to ZONE 7 2-9*
The comment is noted. Please refer to *Response to ZONE 7 2-6*. No further response is required.

*Response to ZONE 7 2-10*
The comment is noted. The maintenance of the bioretention areas would be managed by the proposed project's HOA. Presently, there are no PFAS regulations that specifically apply to the bioretention areas; however, if regulations were developed that applied to the proposed project's bioretention facilities, the HOA would comply with them to the extent applicable. No further response is required.

*Response to ZONE 7 2-11*
The comment is noted. The commenter's list of concerns are addressed by Master Response 10, Clarifying Information on Wastewater Treatment Plant Operation and Maintenance, and Master Response 11, Clarifying Information on Wastewater Effluent, in Section 2, Master Responses, in Section 2, Master Responses, of this document. No further response is required.

*Response to ZONE 7 2-12*
Please refer to Master Response 10, Clarifying Information on Wastewater Treatment Plant Operation and Maintenance, in Section 2, Master Responses, of this document. Master Response 10 provides additional clarifying information on the operation and maintenance of the proposed

WWTP, including who would operate it, what permits would be required, and details regarding odor, sizing, PFAS, and discharge of biosolids and byproducts. This Master Response discusses how trespassing will be addressed and why odor is not expected.

Please also refer to Master Response 11, Clarifying Information on Wastewater Effluent, in Section 2, Master Responses, of this document. Master Response 11 provides additional clarifying information regarding the potential for runoff from the proposed WWTP and agricultural irrigation spray fields to impact downstream surface water quality, groundwater quality, and the adjacent lakes. This Master Response specifically addresses the quality of the effluent and measures to control and manage spray to the agricultural spray fields. No further response is required.

Furthermore, there is no indication that the proposed project would lead to increased trespassing of the Zone 7 Chain of Lakes or that any adverse impact to the physical environment would be caused by the proposed project, outside of those identified and disclosed in the Draft EIR. Such an unlikely situation is highly speculative. Speculation and fears about a project's impacts do not rise to the level of substantial evidence and have no evidentiary value. (*Friends of Riverside's Hills v. City of Riverside (2018) 26 Cal.App.5th 1137, 1152*).

*Response to ZONE 7 2-13*
The comment is noted. No environmental issues are raised, and no response is required. However, this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

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November 8, 2024

**Via Email and Overnight Mail**

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**Re: Comments on Draft Environmental Impact Report for Arroyo Lago Residential Project (SCH No. 2023050339)**

Dear Ms. Rose and Mr. Lopez:

On behalf of East Bay Residents for Responsible Development ("EBRRD"), we submit these comments on the Draft Environmental Impact Report ("DEIR") prepared by Alameda County ("County") for the Arroyo Lago Residential Project SCH No. 2023050339) ("Project") proposed by 330 Land Company, LLC ("Applicant").

The Project described in the DEIR proposes construction of 194 market-rate single-family homes, with 49 accessory dwelling units. The approximately 26.6-acre site would be developed with 7.3 dwelling units per gross acre for approximately 694 residents. The existing four parcels within the Project site would be reconfigured into 194 residential lots and 21 open space and park parcels. The Project would also include several off-site improvements at different locations throughout APNs 946-4634-002 and 946-1350-3-10 including the development of a 1-acre sewer treatment plant, a 0.4-acre water storage and booster pump facility with a 400,000 gallon capacity, a 2.5 acre recycled water storage facility with a 900,000 gallon capacity, approximately 8.5 acres of agricultural irrigation recycled water spray fields, and two bioretention areas with treatment areas sized at approximately 0.9-acre and 0.03-acre, respectively. Proposed Project entitlements

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include approval of a site development permit and building permits and approval of a Vesting Tentative Map.

The Arroyo Lago Project site consists of three Assessor's Parcel Numbers ("APNs")-APN 946-4634-1 (the residential site) as well as APN 946-4634-2 and APN 946-1350-3-10 (the off-site improvements),[1] owned by USL Pleasanton Lakes L.P. and Lionstone U.S. Land One L.P.[2] On June 4, 2024, USL Pleasanton Lakes L.P submitted an SB 330 application for the Senior East County Lakes Busch Road Project, a proposed Builders Remedy[3] project to be located at parcel APN 946-4634-2 (the same parcel proposed for the Arroyo Lago Project's offsite improvements).[4]

The Senior East County Lakes Project proposes to develop a 61.6-acre southwestern portion of the parcel with senior housing (age restricted for 55 years and older) consisting of 357 single-family residences and duet homes and 212 multifamily independent and/or assisted living units (569 total units).[5] The Senior East County Lakes Project proposes a high density independent/assisted living facility which will include approximately 1,822 parking spaces and an internal circulation system to accommodate bike and vehicular travel, as well as ingress and egress to the Property.[6] The Senior East County Lakes Project also proposes a 6,000 sq. ft. clubhouse amenity space for residents to congregate and dine, as well as an open space courtyard and activity space for outdoor recreational uses (e.g., potentially an amphitheater, bocce ball court, pool and pool house) on a 6.5-acre portion of the site.[7] The Arroyo Lago Project and Senior East County Lakes Project share a common property owner, would undergo concurrent development and operation, and would occupy the same parcel, APN 946-4634-2. Nevertheless, the

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CONT

[1] County of Alameda, Arroyo Lago Residential Project Notice of Preparation of an Environmental Impact Report (May 12, 2023) (hereinafter "NOP"), available at https://ceqanet.opr.ca.gov/2023050339/Attachment/Blt3xk (last visited 9/6/24).
[2] See NOP Exhibit 6, identifying USL Pleasanton Lakes as owner of parcels APN 946-1350-3-10 and APN 946-4634-2.
[3] The Builder's Remedy, Gov. Code § 65589.5(d)(5), prohibits a local government from denying a housing development that includes 20% lower-income housing or 100% moderate-income housing that does not conform to the local government's underlying zoning, if the local government has not adopted a compliant housing element. Builders Remedy projects are subject to CEQA review.
[4] **Exhibit C –** Housing Crisis Act of 2019 SB 330 Preliminary Application Form APN 946-434-002 (June 4, 2024); **Exhibit D –** Letter from Holland & Knight to Albert Lopez, Planning Director Alameda County, Re Submittal of SB 330 Preliminary Application for "Builder's Remedy" Project at Busch Rd., Alameda County, APN 946-4634-002 (June 4, 2024).
[5] USL Pleasanton Lakes. L.P., Housing Crisis Act of 2019 SB 330 Preliminary Application for Project at Busch Rd., Alameda County, APN 946-4634-002 (June 4, 2024).
[6] Letter from Holland & Knight USL Pleasanton Lakes L.P. to Planning Director Albert Lopez, Submittal of SB 330 Preliminary Application for "Builder's Remedy" Project at Busch Rd., Alameda County, APN 946-4634-002 (June 4, 2024).
[7] *Id.*



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County failed to analyze the impacts of the Senior East County Lakes Project in the DEIR as part of the overall Arroyo Lago Project development proposal. 1 CONT

EBRRD has reviewed the DEIR and technical appendices with its experts and concludes that the DEIR fails to comply with the California Environmental Quality Act ("CEQA").[8] The DEIR improperly piecemeals its description of the Project by omitting a discussion or impact analysis of the Busch Road Project, lacks an adequate description of baseline conditions, and has significant, unmitigated air quality, public health, and noise impacts. The Project may also result in significant, unmitigated hazards, water supply and odor impacts which are not evaluated in the DEIR. The DEIR must be revised and recirculated to correct these errors and omissions. 2

EBRRD's comments on air quality, public health, and greenhouse gas ("GHG") impacts were prepared with the assistance of air quality and GHG expert Paul E. Rosenfeld, Ph.D. of Soil Water Air Protection Enterprises, whose comments are included in the SWAPE Comments ("SWAPE Comments"). The SWAPE Comments and Dr. Rosenfeld's expert curriculum vitae ("CV") are attached hereto as **Exhibit A.** SWAPE found that the DEIR significantly underestimates construction air quality impacts, and fails to adequately mitigate the Project's significant GHG impacts. Moreover, the DEIR fails to adequately analyze the cumulative impacts of the Project with the concurrent Senior East County Lakes Project on the Project site proposed by the Applicant. 3

EBRRD's comments on noise and vibration were prepared with the assistance of Ani Toncheva, acoustics, noise, and vibration expert of Wilson Ihrig. Ms. Toncheva's Comments ("Toncheva Comments") and Ms. Toncheva's CV are attached hereto as **Exhibit B.** Ms. Toncheva's comments identify significant and unmitigated noise impacts from construction of the Project. Moreover, the sewer treatment plant element of the Project will result in significant operational noise impacts to sensitive receptors in the community and at the Senior East County Lakes Project. The attached expert reports are incorporated by reference into this comment letter as if fully set forth herein and must be considered part of the record for this Project. East Bay Residents reserves the right to submit supplemental comments at any later hearings and proceedings related to the Project.[9] 4

[8] Pub. Resources Code ("PRC") §§ 21000 et seq.; 14 Cal. Code Regs ("CCR" or "CEQA Guidelines") §§ 15000 et seq.
[9] Gov. Code § 65009(b); PRC § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield ("Bakersfield")* (2004) 124 Cal. App. 4th 1184, 1199-1203; *see Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.



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## I. STATEMENT OF INTEREST

East Bay Residents is an unincorporated association of individuals and labor organizations that may be adversely affected by the potential public and worker health and safety hazards and environmental and public service impacts of the Project. The association includes International Brotherhood of Electrical Workers Local 595, UA Plumbers and Pipefitters Local 342, Sheet Metal Workers Local 104, Sprinkler Fitters Local 483, their members and families, and other individuals that live and/or work in Alameda County.

Individual members of East Bay Residents and its affiliated labor organizations who live, work, recreate and raise their families in Alameda County. They would be directly affected by the Project's environmental and health and safety impacts. Individual members may also work on the Project itself. Accordingly, they will be first in line to be exposed to any health and safety hazards that exist onsite. East Bay Residents has an interest in enforcing environmental laws that encourage sustainable development and ensure a safe working environment for its members. Environmentally detrimental projects can jeopardize future jobs by making it more difficult and more expensive for business and industry to expand in the region, and by making it less desirable for businesses to locate and people to live there. 5

## II. LEGAL BACKGROUND

CEQA has two basic purposes, neither of which the DEIR satisfies. First, CEQA is designed to inform decision makers and the public about the potential, significant environmental effects of a project.[10] CEQA requires that an agency analyze potentially significant environmental impacts in an EIR.[11] The EIR should not rely on scientifically outdated information to assess the significance of impacts, and should result from "extensive research and information gathering," including consultation with state and federal agencies, local officials, and the interested public.[12] To be adequate, the EIR should evidence the lead agency's good faith effort at full disclosure.[13] The EIR has been described as "an environmental 'alarm bell' whose purpose it is to alert the public and its responsible officials to environmental 6

[10] CEQA Guidelines, § 15002, subd. (a)(1).
[11] *See* Pub. Resources Code, § 21000; CEQA Guidelines, § 15002.
[12] *Berkeley Keep Jets Over the Bay Comm. v. Board of Port Comm.* ("*Berkeley Jets*") (2001) 91 Cal.App.4th 1344, 1367.; *Schaeffer Land Trust v. San Jose City Council* (1989) 215 Cal.App.3d 612, 620.
[13] CEQA Guidelines, § 15151; *see also Laurel Heights Improvement Assn. v. Regents of University of California* ("*Laurel Heights I*") (1988) 47 Cal.3d 376, 406.



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changes before they have reached ecological points of no return."[14] "Thus, the EIR protects not only the environment but also informed self-government."[15]

Second, CEQA directs public agencies to avoid or reduce environmental damage when possible by requiring alternatives or mitigation measures.[16] The EIR serves to provide public agencies and the public in general with information about the effect that a proposed project is likely to have on the environment and to "identify ways that environmental damage can be avoided or significantly reduced."[17] If a project has a significant effect on the environment, the agency may approve the project only upon a finding 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" specified in CEQA section 21081.[18]

6 CONT

While the courts review an EIR using an "abuse of discretion" standard, "the reviewing court is not to 'uncritically rely on every study or analysis presented by a project proponent in support of its position. *A clearly inadequate or unsupported study is entitled to no judicial deference.*"[19] As the courts have explained, "a prejudicial abuse of discretion occurs "if the failure to include relevant information precludes informed decision-making and informed public participation, thereby thwarting the statutory goals of the EIR process."[20] "The ultimate inquiry, as case law and the CEQA guidelines make clear, is whether the EIR includes enough detail 'to enable who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project.'"[21]

As these comments will demonstrate, the DEIR fails to comply with the requirements of CEQA and may not be used as the basis for approving the Project. It fails in significant aspects to perform its function as an informational document that is meant "to provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the

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[14] *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810.
[15] *Citizens of Goleta Valley v. Bd. of Supervisors* (1990) 52 Cal.3d 553, 564 (citations omitted).
[16] CEQA Guidelines, § 15002, subd. (a)(2)-(3); *Berkeley Jets, supra,* 91 Cal.App.4th at 1354.
[17] CEQA Guidelines, § 15002, subd. (a)(2).
[18] *Id.*, subd. (b)(2)(A)-(B).
[19] *Berkeley Jets*, 91 Cal. App. 4th 1344, 1355 (emphasis added), *quoting, Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 391 409, fn. 12.
[20] *Berkeley Jets*, 91 Cal.App.4th at 1355; *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 722; *Galante Vineyards v. Monterey Peninsula Water Management Dist*. (1997) 60 Cal.App.4th 1109, 1117; *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 946.
[21] *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 516, *quoting Laurel Heights*, 47 Cal.3d at 405.



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environment" and "to list ways in which the significant effects of such a project might be minimized."[22] 7 CONT

The use of inaccurate and flawed information on which the DEIR bases its conclusions results in underestimated Project impacts. This, in turn, leads to a failure to comply with CEQA's requirement that an agency mitigate "all significant environmental impacts to the greatest extent feasible, and that any remaining significant environmental impacts are acceptable due to overriding considerations."[23] Mitigation of impacts to the fullest extent feasible requires an agency to accurately quantify the severity of Project impacts. Because the DEIR's analyses underestimate the severity of the Project's impacts, the County has failed to comply with CEQA and thus cannot approve the Project based upon the DEIR's unsupported analyses and conclusions. 8

CEQA requires recirculation of a DEIR for public review and comment when significant new information must be added to the DEIR following public review, but before certification.[24] The CEQA Guidelines clarify that new information is significant if "the DEIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the Project or a feasible way to mitigate or avoid such an effect."[25] The purpose of recirculation is to give the public and other agencies an opportunity to evaluate the new data and the validity of conclusions drawn from it.[26] Here, the DEIR must be revised and recirculated to include analysis of impacts associated with the adjacent Senior East County Lakes Project.[27] The additional information required to analyze the concurrent and cumulative impacts of the two projects on the same assessor parcel, by the same developer, will result in the addition of significant new information to the EIR, necessitating recirculation pursuant to Public Resources Code Section 21092.1. For the reasons detailed herein and in the expert consultant reports attached hereto, the DEIR must be revised to resolve its inadequacies and recirculated for public review and comment. 9

## III. THE DEIR'S PROJECT DESCRIPTION IS INADEQUATE

The DEIR does not meet CEQA's requirements because it fails to include an accurate and complete Project description, rendering the entire analysis inadequate. 10

[22] *Laurel Heights I, supra,* 47 Cal.3d at p. 391.
[23] CEQA Guidelines, §§ 15090, 15091.
[24] Pub. Resources Code § 21092.1.
[25] 14 Cal. Code Regs. § 15088.5.
[26] *Save Our Peninsula Comm. v. Monterey City Bd. of Supervisors* (1981) 122 CalApp3d 813, 822.
[27] *Arviv Enters., Inc. v. South Area Planning Comm'n* (2002) 101 CA4th 1333,



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California courts have repeatedly held that "an accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR."[28] CEQA requires that a project be described with enough particularity that its impacts can be assessed.[29] Without a complete project description, the environmental analysis under CEQA is impermissibly limited, thus minimizing the project's impacts and undermining meaningful public review.[30] Accordingly, a lead agency may not hide behind its failure to obtain a complete and accurate project description.[31] "The significance of an accurate project description is manifest, where, as here, cumulative environmental impacts may be disguised or minimized by filing numerous, serial applications."[32] Further, "[e]nvironmental considerations [can] not become submerged by chopping a large project into many little ones—each with a minimal potential impact on the environment—which cumulatively may have disastrous consequences."[33] Here, the Project is impermissibly piecemealed from the proposed Senior East County Lakes Project on APN 946-4634-002, rendering the DEIR's Project Description inadequate. 10 CONT

### A. The DEIR Impermissibly Piecemeals the Project from the Senior East County Lakes Project

CEQA prohibits piecemeal review of the significant environmental impacts of a project.[34] A project under CEQA refers to the "whole of an action which has the potential for resulting in either a direct physical change in the environment, or reasonably foreseeable indirect physical change in the environment."[35] CEQA's prohibition on piecemealing ensures that environmental considerations are not diluted by dividing a large project into smaller ones, each with a minimal potential 11

[28] *Stopthemillenniumhollywood.com v. City of Los Angeles* (2019) 39 Cal.App.5th 1, 17; *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 85–89; *County of Inyo v. City of Los Angeles* (3d Dist. 1977) 71 Cal.App.3d 185, 193.
[29] 14 CCR § 15124; *see, Laurel Heights I, supra,* 47 Cal.3d 376, 192-193.
[30] *Id.*
[31] *Sundstrom v. County of Mendocino* ("*Sundstrom*") (1988) 202 Cal.App.3d 296, 311.
[32] *Arviv Enters., Inc. v. South Area Planning Comm'n* (2002) 101 CA4th 1333, 1345.
[33] *Bozung v. Local Agency Formation Com.* (1975) 13 Cal.3d 263, 283-284; see also *Citizens Assn. for Sensible Development of Bishop Area v. County of Inyo* (1985) 172 Cal.App.3d 151, 165 (county abused its discretion in adopting negative declarations for each portion of the project because it failed to consider the cumulative impacts of the project as a whole); *Burbank-Glendale-Pasadena Airport Authority v. Hensler* (1991) 233 Cal.App.3d 577, 592 ("A narrow view of a project could result in the fallacy of division, that is, overlooking its cumulative impact by separately focusing on isolated parts of the whole.").
[34] *Laurel Heights Improvement Assn.,* 47 Cal. 3d at 396; *See Bozung v. Local Agency Formation Com.* (1975) 13 Cal.3d 263, 283-284; *See also* Pub. Res. Code § 21002.1(d).
[35] 14 Cal. Code Regs. § 15378(a).



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impact, which cumulatively may have disastrous consequences.[36] Public agencies must interpret the project broadly to encompass the whole of the action and its environmental impacts.[37]

The Senior East County Lakes Project is a proposed housing development project on the Project site, which will result in reasonably foreseeable environmental impacts and is currently "Under Review" by Alameda County.[38] The two projects are to be developed simultaneously, on common property under common ownership, and will result in overlapping and potentially significant individual and cumulative environmental impacts which must be analyzed together in a single EIR to fully address the environmental consequences of the projects and avoid artificially reducing their impacts.

11
CONT

On June 4, 2024, USL Pleasanton Lakes L.P submitted an SB 330 application for the Senior East County Lakes, a proposed Builders Remedy[39] project to be located at parcel APN 946-4634-002 (the same parcel proposed for the Arroyo Lago Project's offsite improvements).[40] The Senior East County Lakes Project proposes to develop a 61.6-acre southwestern portion of the parcel with senior housing (age restricted for 55 years and older) consisting of 357 single-family residences and duet homes and 212 multifamily independent and/or assisted living units (569 total units).[41,42] The Senior East County Lakes Project proposes a high density independent/assisted living facility which will include approximately 1,822 parking spaces and an internal circulation system to accommodate bike and vehicular travel, as well as ingress and egress to the Property.[43]

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[36] *Id.*; *See also City of Santee v. County of San Diego* (1989) 214 Cal.App.3d 1438, 1452; *Citizens Assn. for Sensible Development of Bishop Area v. County of Inyo* (1985) 172 Cal.App.3d 151, 165.
[37] 14 Cal. Code Regs. § 15378.
[38] DEIR, p. 3-7.
[39] The Builder's Remedy, Gov. Code § 65589.5(d)(5), prohibits a local government from denying a housing development that includes 20% lower-income housing or 100% moderate-income housing that does not conform to the local government's underlying zoning, if the local government has not adopted a compliant housing element. Builders Remedy projects are subject to CEQA review.
[40] **Exhibit C –** Housing Crisis Act of 2019 SB 330 Preliminary Application Form APN 946-434-002 (June 4, 2024); **Exhibit D –** Letter from Holland & Knight to Albert Lopez, Planning Director Alameda County, Re Submittal of SB 330 Preliminary Application for "Builder's Remedy" Project at Busch Rd., Alameda County, APN 946-4634-002 (June 4, 2024).
[41] USL Pleasanton Lakes. L.P., Housing Crisis Act of 2019 SB 330 Preliminary Application for Project at Busch Rd., Alameda County, APN 946-4634-002 (June 4, 2024).
[42] DEIR, p. 3-7.
[43] Letter from Holland & Knight USL Pleasanton Lakes L.P. to Planning Director Albert Lopez, Submittal of SB 330 Preliminary Application for "Builder's Remedy" Project at Busch Rd., Alameda County, APN 946-4634-002 (June 4, 2024).



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The DEIR mentions the Senior East County Lakes Project in the Cumulative Projects section and provides that the Senior East County Lakes Project proposes a "Gated age-restricted mixed density residential and support services" project which is currently "Under Review" by the County of Alameda.[44] The DEIR provides that the quantity of units will be 569 with 10,000 square feet of support services.[45] The Senior East County Lakes Project also proposes a 6,000 sq. ft. clubhouse amenity space for residents to congregate and dine, as well as an open space courtyard and activity space for outdoor recreational uses (e.g., potentially an amphitheater, bocce ball court, pool and pool house) on a 6.5-acre portion of the site.[46] However, the County did not analyze the impacts of the Senior East County Lakes Project in the DEIR pursuant to CEQA. The Senior East County Lakes Project will result in reasonably foreseeable potential environmental impacts, requiring analysis and mitigation concurrently with the instant Project, in a revised and recirculated EIR.

The Arroyo Lago Project and Senior East County Lakes Project share a common property owner and would occupy the same parcel, APN 946-4634-2. Although the projects are being processed under separate applications, they represent a single combined use of the Project sites owned by a common entity. Combined, the projects would add 763 new residential units and associated uses requiring the construction of new infrastructure and the addition of public services.

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CONT

The Applicant's two projects proposed on APN 946-4634-2 are similar to the piecemealed developments overturned by the court in *Arviv Enterprises, Inc. v. South Valley Area Planning Commission*.[47] There, the developer, Arviv, received permits to develop three houses, then additional two houses, a categorical exemption to develop two additional houses across the street, and a mitigated negative declaration to build 14 additional houses on an adjacent street.[48] The City of Los Angeles came to realize the cumulative effects from what was in reality a development project for 21 hillside houses that required environmental review of the project as a whole.[49] The City required that an EIR be prepared and certified that covered all 21 proposed houses, even those already constructed, due to their

[44] DEIR, p. 3-7.
[45] *Id.*
[46] Letter from Holland & Knight USL Pleasanton Lakes L.P. to Planning Director Albert Lopez, Submittal of SB 330 Preliminary Application for "Builder's Remedy" Project at Busch Rd., Alameda County, APN 946-4634-002 (June 4, 2024).
[47] (2002) 101 CA4th 1333, 1336.
[48] *Arviv Enters., Inc. v. South Area Planning Comm'n* (2002) 101 CA4th 1333, 1336.
[49] *Id.*



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violations of law.[50] The court held that the piecemeal review "failed to take into account the cumulative impacts from the overall project, which… warranted full environmental review."[51] The court held that this approach violated CEQA because "Arviv was attempting to go around the rules by developing in a piecemeal fashion in order to take advantage of environmental exemptions…"[52] Similarly here, the County has impermissibly piecemealed its environmental review of this Project from the Senior East County Lakes Project. The court in *Arviv* explained that:

> This entire case is the direct result of inadequate, or misleading, project descriptions. In other words, it is entirely possible a two-house project—located somewhere other than the steep slopes of the Mulholland Scenic Parkway Area—may in fact have a de minimus, or mitigatable, effect on the local environment. However, Arviv never intended a two or three house project. As he admitted at the hearing before the Commission, he always envisioned a 21-house development.
>
> The significance of an accurate project description is manifest, where, as here, cumulative environmental impacts may be disguised or minimized by filing numerous, serial applications.[53]
>
> By the time the Commission made its decision the record before it contained substantial evidence of environmental impacts regarding all the projects. For example, it heard concrete evidence of problems neighboring residents had encountered from construction of the first five homes on Woodstock Road. Residents and representatives from homeowners associations described mud slides, rockslides, soil erosion and other slope failures which occurred during grading for the constructed homes. The relevant personal observations of these residents alone constitutes substantial evidence of environmental impacts.[54]

11
CONT

Here, substantial evidence in the record and from EBRRD's expert consultants demonstrates that the Arroyo Lago and Senior East County Lakes Project are part of a single overarching development which will result in significant individual and cumulative impacts. The County must prepare a single EIR to address the combined impacts of the Arroyo Lago and Senior East County Lakes

[50] *Arviv*, *supra*, at 1346. [The five existing houses exceeded the height restrictions of the Mulholland Scenic Parkway Specific Plan, the Hillside ordinance, as well as the height limitations specified in the permits issued by the City.]
[51] *Id.* at 1342.
[52] *Id* at 1340.
[53] *Id.* at 1346.
[54] *Id.*



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Projects. In particular, the combined environmental and public health impacts from construction and operation of the two projects at the same location are significant and must be analyzed in a single environmental review document to ensure that the full scope of impacts is disclosed and mitigated in compliance with CEQA.

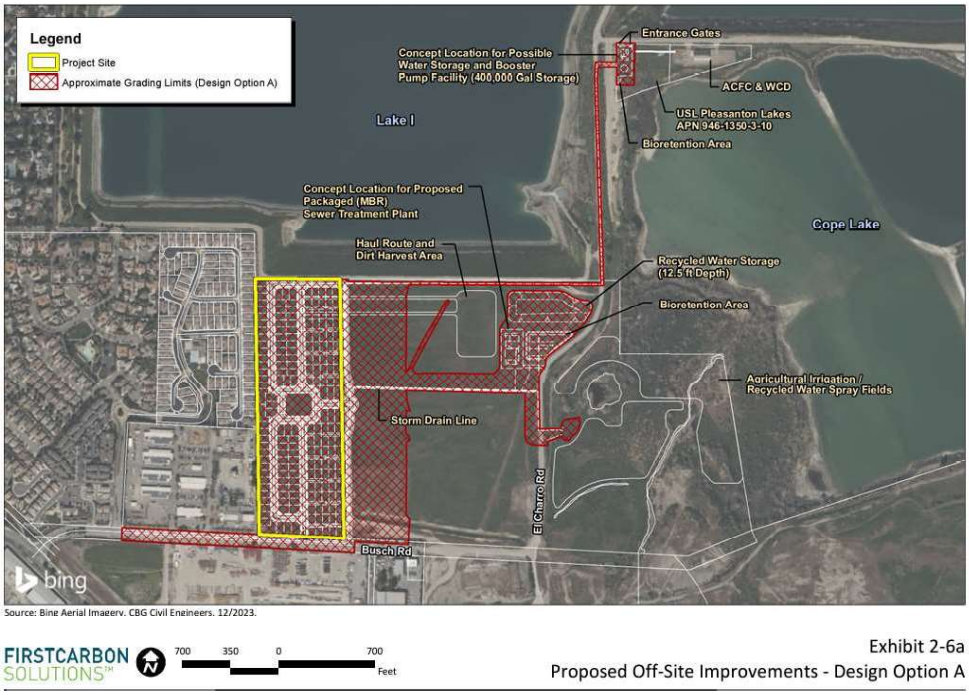
The Senior East County Lakes Project will add an additional 596 new residential units to parcel APN 946-4634-2, including a high density independent/assisted living facility, and associated facilities. The addition of the Senior East County Lakes Project at the same location as the Arroyo Lago Project will substantially increase the localized and regional air quality impacts, transportation impacts, GHG, noise and other impacts generated by the projects. The combined effects of the two projects must be analyzed together to accurately assess their severity and ensure that proposed mitigation measures reduce the combined local and regional effects of the projects to the greatest extent feasible. 11 CONT

The addition of the Senior East County Lakes Project may also affect the design, location, feasibility, and capacity of the Arroyo Lago Project's proposed offsite improvements. For example, the Arroyo Lago Project proposes to install a sewage treatment plant on parcel APN 946-4634-2 to handle wastewater from the Arroyo Lago residences. The Project design described in the Notice of Preparation ("NOP") placed the sewage treatment plant far from the proposed residences.[55] However, the Senior East County Lakes Project would place *all 596 of its new residences* on the same parcel as the sewage treatment plant, which could result in significant air quality and public health impacts to Senior East County Lakes Project residents and users. See DEIR, Exhibit 2-6a below. 12

[55] See NOP, Exhibit 6, Proposed Offsite Improvements.



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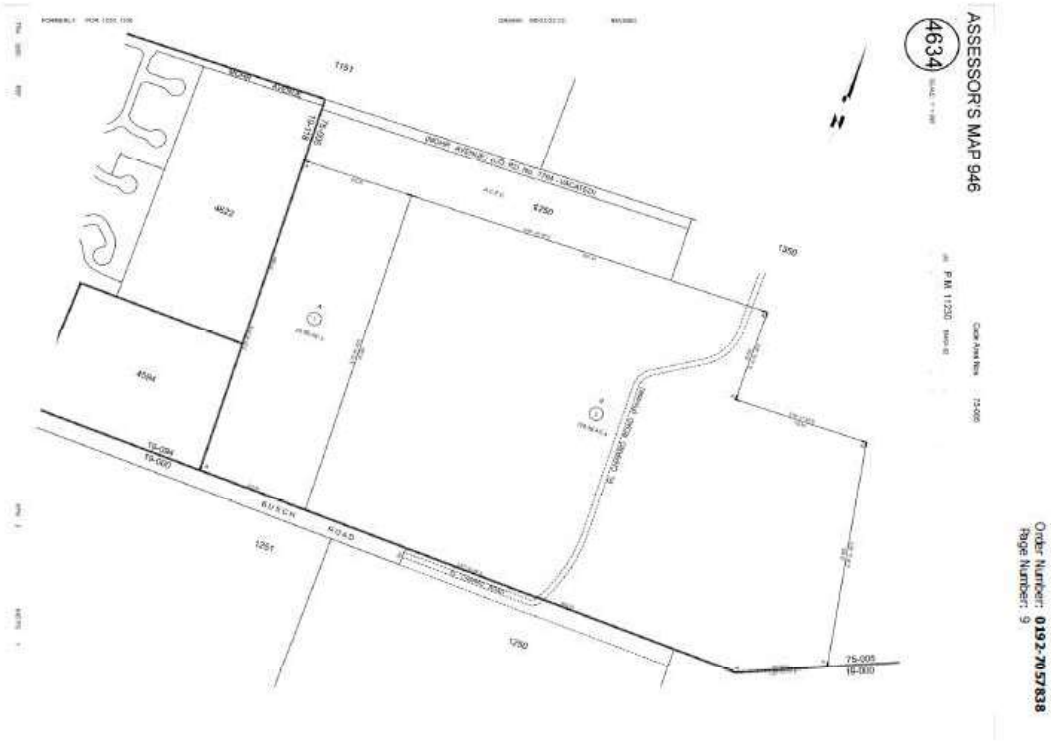

DEIR, Exhibit 2-6a.

The SB 330 Application filed for the Senior East County Lakes Project includes the same APN suggesting an overlap of the Project's offsite improvements with the Senior East County Lakes Project components.

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The off-site improvement site on APN 946-4634-002 will house both the sewer treatment plant and the Senior East County Lakes Project. Sewage and wastewater treatment plants are widely known to generate noxious odors and can release potentially unhealthful chemicals, such as hydrogen sulfide.[57] The East Bay Municipal Utilities District ("EBMUD") acknowledges on its "What's that Smell?" webpage that "Due to the nature of wastewater, unpleasant odors can be produced at working wastewater treatment plants under certain circumstances."[58] Studies show that living close to a municipal wastewater treatment plant can result in adverse respiratory and health effects.[59] Hydrogen sulfide and sewage-like odors

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[56] Exhibit C.
[57] National Library of Medicine, *Wastewater Treatment Plants as a Source of Malodorous Substances Hazardous to Health*, available at https://www.ncbi.nlm.nih.gov/pmc/articles/PMC10093992/ (visited 9/10/24).
[58] EBMUD, What's that Smell?, available at https://www.ebmud.com/wastewater/collection-treatment/whats-smell (visited 9/10/24).
[59] Journal of Environmental and Public Health, *Impact on the Quality of Life When Living Close to a Municipal Wastewater Treatment Plant*, available at https://onlinelibrary.wiley.com/doi/10.1155/2016/8467023 (visited 9/10/24).



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have been released from wastewater treatment plants in the region, prompting site investigations and incident responses, and notice of violations for violations of Air District Rule 1-301, Public Nuisance.[60] The DEIR fails to adequately analyze these odor impacts and concludes, absent substantial evidence, that "[t]he proposed project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people." 13 CONT

The Arroyo Lago and Senior East County Lakes projects must be analyzed in a single EIR which evaluates the combined odor, air quality, and health effects of the proposed placement of hundreds of new residences in close proximity to Arroyo Lago's new sewage treatment plant, among other combined impacts. The Arroyo Lago Project may also necessitate a revised design to move the proposed sewage treatment plant farther away from the Senior East County Lakes Project residences, as required by the East County Area Plan.[61] The County must prepare an EIR which accurately analyzes both projects, including updating the Project Description to account for development of the Senior East County Lakes Project, any changes in design, capacity, or location that are necessary for required offsite improvements, and all potential project alternatives that may require consideration under CEQA. 14

## IV. THE DEIR FAILS TO ADEQUATELY CHARACTERIZE THE EXISTING ENVIRONMENTAL SETTING

CEQA requires that a lead agency include a description of the physical environmental conditions in the vicinity of the Project as they exist at the time environmental review commences.[62] As numerous courts have held, the impacts of a project must be measured against the "real conditions on the ground."[63] The description of the environmental setting constitutes the baseline physical conditions by which a lead agency may assess the significance of a project's impacts.[64] Use of the proper baseline is critical to a meaningful assessment of a project's 15

[60] Bay Area Air Quality Management District, Compliance and Enforcement Division INCIDENT REPORT, City of Richmond Wastewater Treatment Plant/Veolia, Site # A2482, 601 Canal Blvd. Richmond, California (Dec. 07, 2023), available at: https://www.baaqmd.gov/~/media/files/compliance-and-enforcement/incident-reports/2023/incidentreport_veolia_richmondwwtp_h2sodors_update_120723-pdf.pdf?rev=6d4d944cd4ee44f6a91a3a59e152c9a0.

[61] ECAP, p. 71, Policy 302 requires that the "County shall include buffer zones within new residential and sensitive receptor site plans to separate those uses away from freeways, arterials, point sources, and hazardous material locations."

[62] CEQA Guidelines, § 15125, subd. (a).

[63] *Save Our Peninsula Com. v. Monterey Bd. of Supervisors* (2001) 87 Cal.App.4th 99, 121-22; *City of Carmel-by-the Sea v. Bd. of Supervisors* (1986) 183 Cal.App.3d 229, 246.

[64] CEQA Guidelines, § 15125, subd. (a).



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environmental impacts.[65] An agency's failure to adequately describe the existing setting contravenes the fundamental purpose of the environmental review process, which is to determine whether there is a potentially substantial, adverse change compared to the existing setting.

Baseline information on which a lead agency relies must be supported by substantial evidence.[66] The CEQA Guidelines define "substantial evidence" as "enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion."[67] "Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts ... [U]nsubstantiated opinion or narrative [and] evidence which is clearly inaccurate or erroneous ... is not substantial evidence."[68] 15 CONT

**A. The DEIR Fails to Characterize the Environmental Setting With Respect to Noise**

Ms. Toncheva determined that the DEIR's failure to analyze existing noise conditions Project site and at the proposed Senior East County Lakes Project results in an inadequate baseline against which to analyze the Project's potentially significant noise impacts.[69] The DEIR's noise analysis is therefore not supported by substantial evidence for failure to establish an accurate baseline against which to evaluate potential impacts. 16

Ms. Toncheva emphasizes that "[t]he Project must conduct properly documented ambient measurements near all sensitive receptors that capture the current baseline conditions during quiet period of the day and night to determine impact of construction and operational noise."[70] This baseline analysis will constitute significant new information which must be included in a revised EIR, recirculated for public review and scrutiny.

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[65] *Communities for a Better Environment v. South Coast Air Quality Management District* (2010) 48 Ca.4th 310, 320.
[66] *CBE v. SCAQMD, supra,* 48 Ca.4th at 321 (stating "an agency enjoys the discretion to decide [...] exactly how the existing physical conditions without the project can most realistically be measured, subject to review, as with all CEQA factual determinations, for support by substantial evidence"); *see Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 435.
[67] CEQA Guidelines §15384.
[68] Pub. Resources Code § 21082.2(c).
[69] Toncheva Comments, p. 6.
[70] Toncheva Comments, p. 6.



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## V. THE DEIR FAILS TO ADEQUATELY ANALYZE, QUANTIFY, AND MITIGATE ALL POTENTIALLY SIGNIFICANT IMPACTS

The failure to provide information required by CEQA is a failure to proceed in the manner required by CEQA.[71] Challenges to an agency's failure to proceed in the manner required by CEQA, such as the failure to address a subject required to be covered in an EIR or to disclose information about a project's environmental effects or alternatives, are subject to a less deferential standard than challenges to an agency's factual conclusions.[72] In reviewing challenges to an agency's approval of an EIR based on a lack of substantial evidence, the court will "determine de novo whether the agency has employed the correct procedures, scrupulously enforcing all legislatively mandated CEQA requirements."[73] 17

Even when the substantial evidence standard is applicable to agency decisions to certify an EIR and approve a project, reviewing courts will not "uncritically rely on every study or analysis presented by a project proponent in support of its position. A clearly inadequate or unsupported study is entitled to no judicial deference."[74]

### A. The DEIR Fails to Accurately Quantify Potentially Significant Impacts on Air Quality and Public Health

Under CEQA a project has significant impacts if it "[v]iolate[s] any air quality standard or contribute[s] substantially to an existing or projected air quality violation" or "[e]xpose[s] sensitive receptors to substantial pollutant concentrations."[75] The Bay Area Air Quality Management District ("BAAQMD") maintains thresholds of significance for criteria air pollutants that are to be used in determining the significance of a project's air quality impacts under CEQA.[76] The DEIR acknowledges that the proposed project would result in a significant impact if 18

[71] *Sierra Club v. State Bd. Of Forestry* (1994) 7 Cal.4th 1215, 1236.
[72] *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 435.
[73] *Id., Madera Oversight Coal., Inc. v. County of Madera* (2011) 199 Cal. App. 4th 48, 102.
[74] *Berkeley Jets*, 91 Cal.App.4th at 1355.
[75] CEQA Appendix G.
[76] Bay Area Air Quality Management District 2022 CEQA Guidelines Thresholds of Significant (2022), available at: https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa-guidelines-2022/ceqa-guidelines-chapter-3-thresholds_final_v2-pdf.pdf?rev=a976830cce0c4a6bb624b020f72d25b3&sc_lang=en.



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it exceeds the BAAQMD construction and operational significance thresholds,[77] but concludes that Project emissions would not exceed any of these thresholds.[78]

SWAPE reviewed the DEIR's air quality analysis and performed an independent model of the Project's construction emissions.[79] SWAPE concludes that the DEIR underestimates the Project's construction emissions of ROG, NOX, PM10, and PM2.5 by artificially extending the construction phase lengths without proper justification. SWAPE concludes that the DEIR failed to adequately analyze emissions associated with material hauling and associated truck trips. The DEIR relies on modeling based on Tier 4 Final engine tier, but the DEIRs' mitigation measures only require Tier 4 Interim, which has higher emissions than Tier 4 Final. These significant errors and omissions result in a severe underestimation of the Project's air emissions. When properly calculated, Project construction and operational air pollutant impacts will be significant and remain unmitigated.

18 CONT

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SWAPE's comments demonstrate that the Project would result in a potentially significant air quality impact that was not identified or mitigated in the DEIR.[80] Therefore, the DEIR's statement that construction emissions are less than significant is not supported by substantial evidence.[81] A revised EIR should be circulated to provide an adequate construction-related air quality analysis.

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**i. The DEIR Underestimates Construction Emissions**

The DEIR estimates the Project's air pollution emissions using the "CalEEMod" modeling program, which allows users to input project-specific information supported by substantial evidence.[82] The modeling program's calculations for the Project are generated as "output files" that reveal what inputs and parameters were used. Any deviations from the "default values" in the model must include a written description to justify why a different value was selected.[83]

21

[77] DEIR, p. 3.2-36; 3.2-38.
[78] DEIR, p. 3.2-43.
[79] SWAPE Comments, pp. 2-13.
[80] SWAPE Comments, p. 4; *Comtys. for a Better Env't v. Cal. Resources Agency* (2002) 103 Cal.App.4th 98, 110-111 (when impact exceeds CEQA significance threshold, agency must disclose in the EIR that the impact is significant); *Schenck v. County of Sonoma* (2011) 198 Cal.App.4th 949, 960; *CBE v. SCAQMD*, 48 Cal.4th at 327 (impact is significant because exceeds "established significance threshold for NOx … constitute[ing] substantial evidence supporting a fair argument for a significant adverse impact").
[81] DEIR, p. I-14.
[82] SWAPE Comments p. 2.
[83] SWAPE Comments p. 2.



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Following their review of the Project's CalEEMod output files, SWAPE finds that the DEIR failed to account for emissions generated by material import and export from the Project site, and relied on input values that were inconsistent with information disclosed in the DEIR. As a result, the Project's reactive organic gases, nitrogen oxide ("NOx"), exhaust PM10 and exhaust PM2.5 emissions associated with Project construction were underestimated.[84] As SWAPE shows, the DEIR's conclusions are not supported by the evidence because they rely on a CalEEMod model that underestimates emissions and on mitigation measures that are unverified and unenforceable. 22

SWAPE concludes that the DEIR fails to accurately characterize the Project's construction length resulting in a significant underestimation of the Project's air pollutant emissions.[85] The DEIR includes unsubstantiated construction phase length in the modeling.[86] The DEIR's construction air quality modeling therefore underestimates the peak daily emissions associated with construction and is not supported by substantial evidence.[87] 23

Further, the DEIR provides that "[a]ccording to the applicant-provided information, the grading would not lead to significant import or export material. Material movement would be limited to an off-site location, which is within 1 mile of the residential project site."[88] The DEIR states that import and export of grading material would be limited to an off-site location.[89] But the DEIR's air quality modeling relies on CalEEMod inputs that provide that there will be zero cubic yards of material imported and exported from the Project site associated with Site Preparation, Grading, or Paving.[90] The air quality modeling associated with "Construction Earthmoving Activities" is therefore unsupported by substantial evidence.[91] SWAPE concludes that "[t]he inclusion of material import and export within the model is essential for accurately calculating emissions generated from material movement, which encompasses truck loading and unloading, as well as additional hauling truck trips."[92] By failing to include the amount of material import required for Project construction, the model has underestimated the Project's construction-related emissions.[93] 24

[84] SWAPE Comments, p. 4.
[85] *Id.* at 3.
[86] *Id.*
[87] *Id.*
[88] DEIR, p. 3.2-46.
[89] *Id.*
[90] DEIR, Appendix B: Air Quality, Greenhouse Gas, and Energy Supporting Information, p. 78.
[91] *Id.* at 117.
[92] SWAPE Comments, p. 5.
[93] SWAPE Comments, p. 5.



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By failing to account for the total amount of material import and export that will be needed during Project construction, the Project's fugitive PM10 and PM2.5 emissions and mobile-source emissions are also greatly underestimated.[94] These errors and omissions of basic input data from the DEIR's air quality model render the results of the DEIR's air quality analysis artificially low and inaccurate. The DEIR must be revised and recirculated to accurately calculate and mitigate the Project's significant air quality impacts. 25

**ii. The DEIR's Air Quality and GHG Modeling Relies on Nonbinding Measures to Artificially Reduce Air Emissions**

The DEIR includes mitigation measure ("MM") AIR-3 which requires:

> "Prior to the issuance of any demolition, grading, or building permits (whichever occurs earliest), the project applicant and/or construction contractor shall prepare a construction operations plan that, during construction activities, requires all off-road equipment with engines greater than 50 horsepower to meet particulate matter emissions standards for Tier 4 interim engines."[95] 26

The DEIR's air quality modeling, though, relies on Tier 4 final engines to purportedly reduce air quality impacts to less than significant levels. Tier 4 Interim equipment has higher emission levels than Tier 4 Final equipment.[96] Therefore, by modeling construction emissions assuming a full Tier 4 Final equipment fleet, the air quality and greenhouse gas emissions impacts analyses fail to account for higher emissions that may occur because of the use of Tier 4 Interim equipment.[97]

Additionally, while MM AIR-3 specifies that the measure applies to "off-road equipment with engines greater than 50 horsepower," a review of the CalEEMod output files by SWAPE reveals that Tier 4 Final emissions standards are applied to equipment with lower horsepower.[98] Specifically, the DEIR's air quality and GHG analysis applies these standards to excavators, welders, and rollers, all of which all have horsepower ratings below 50.[99] The air quality and GHG analysis in the DEIR is therefore not supported by substantial evidence and emissions associated with 27

[94] *Id.*
[95] DEIR, p. 3.2-55.
[96] SWAPE Comments, p. 9.
[97] SWAPE Comments, p. 9.
[98] SWAPE Comments, p. 9.
[99] SWAPE Comments, p. 9.



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excavators, welders, and rollers will be more significant than analyzed in the DEIR.[100]

Moreover, DEIR Appendix B provides, "Several equipment are adjusted to be electric as a common construction practice. Number of forklift, generator sets, tractors, and welders are increased to 5 each day to account for overlapped construction during building construction phase."[101] The DEIR provides that electric welders and air compressors would be utilized.[102] But the DEIR does not require that welders or air compressors be electric. Under the DEIR's mitigation plan, the applicant is therefore free to utilize non-electric equipment, including welders or air compressors. SWAPE concludes that the DEIR's modeling therefore underestimates peak daily emissions associated with construction and is not supported by substantial evidence.[103] The daily emissions associated with construction will therefore be more significant than analyzed in the DEIR. The DEIR must be revised and recirculated to accurately quantify and mitigate significant construction air quality impacts. 27 CONT

**iii. The DEIR Fails to Include an Operational Health Risk Assessment**

The Alameda County General Plan requires preparation of a Health Risk Assessment for projects that generate substantial toxic air contaminant ("TAC") emissions within 1,000 feet of sensitive receptors or for sensitive receptor uses proposed to be located within 1,000 feet of an existing major source of toxic air contaminants. The Project's sewer treatment plant could emit Volatile Organic Compounds (VOCs), Hydrogen Sulfide ($H_2S$), Ammonia ($NH_3$), Methane ($CH_4$), but the DEIR fails to quantify these potential emissions. Noxious emissions from the sewer treatment plant would directly adversely affect residents on the Project site and residents at the Senior East County Lakes Project. An operational health risk assessment should be prepared to quantify the Project's impacts to public health from the development and operation of the sewer treatment plant. 28

**B. The DEIR Fails to Adequately Analyze and Mitigate Potentially Significant Hazards Impacts**

The DEIR fails to include any analysis whatsoever regarding the potentially significant hazards and water quality impact of the Project associated with perfluorinated and polyfluorinated alkyl substances ("PFAS"). The State Water 29

[100] SWAPE Comments, p. 9.
[101] DEIR, Appendix B: Air Quality, Greenhouse Gas, and Energy Supporting Information, p. 93.
[102] DEIR, p. 3.2-25.
[103] SWAPE Comments, p. 7.



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Resources Control Board's maps show that the Project site is adjacent to "Drinking Water Wells with Orders for PFAS Monitoring" for Well 08, PS Code CA0110008_004_004.[104]

The Water Agency Zone 7 commented on the NOP that "Zone 7 has particular concerns about potential use of the Amazon well, due to issues with perfluorinated and polyfluorinated alkyl substances (PFAS). Zone 7 requests that the EIR clearly state the water sources proposed to be used for the Project. If these include the Amazon well, or other sources with potential PFAS concerns, then the EIR should thoroughly evaluate potential impacts due to PFAS contamination."[105] The DEIR fails to analyze the potential PFAS contamination within the Project vicinity.

In 2019, pursuant to an order from the California State Water Resource Control Board Division of Drinking Water, the City of Pleasanton ("City") began testing its water for PFAS including, but not limited to, perfluorooctanoic acid ("PFOA") and perfluorooctane sulfonic acid ("PFOS").[106] During this testing, the City discovered detectable levels of PFOS and PFOA, among other PFAS chemicals, in its water supply wells. The City filed a lawsuit against 3M for its release, use, and storage of PFAS products at and/or in the vicinity of the City's water supplies.[107] The complaint alleges that 3M allowed PFOS, PFOA, and their chemical precursors to enter the environment, and migrate through the soil, sediment, surface water, and groundwater, thereby contaminating the City's property groundwater wells. The City and 3M have entered into a settlement agreement to cover the substantial costs of removing these "forever chemicals" from the City's water supply or finding alternate water supply sources.

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CONT

In September 2022, the Pleasanton City Council directed City staff to suspend the evaluation of the PFAS Treatment and Wells Rehabilitation Project in order to evaluate water supply alternatives that could replace the water previously supplied by the City's existing groundwater wells. The City has effectively abandoned efforts to remediate wells due to PFAS contamination, and instead considered other alternatives: "two alternatives involved water treatment solutions and one examined the purchase of water from Zone 7 to meet all City drinking water needs. The final option was the construction of two new groundwater wells located within the Bernal subbasin in an area located outside of the influence of

[104] California Water Boards, California PFAS Investigation Site Map,
[105] DEIR, Appendix A: EIR Noticing and Public Involvement, pdf p. 59 of 208.
[106] https://www.paloaltoonline.com/media/reports_pdf/1687827492.pdf.
[107] *Id.*



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PFAS contamination that would cost-effectively deliver to City residents high-quality, reliable drinking water needs each year."[108]

The PFAS within the groundwater beneath the Project site remains and it does not appear the City will make any effort to remediate it. The County's failure to make any mention, or include any substantive analysis in the DEIR, of the significant PFAS contamination beneath the Project site is a dereliction of the County's duty to inform the public of the Project's potentially significant environmental impacts. The County must revise and recirculate the DEIR to accurately measure and mitigate the PFAS contamination on the Project site and adjacent to the Project site. 29 CONT

### C. The DEIR Fails to Adequately Analyze and Mitigate Significant Greenhouse Gas Emissions

CEQA requires public agencies to avoid or reduce environmental damage when "feasible" by requiring consideration of environmentally superior alternatives and adoption of all feasible mitigation measures.[109] 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."[110] 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" to the greatest extent feasible and that any unavoidable significant effects on the environment are "acceptable due to overriding concerns."[111] 30

The DEIR concludes that both GHG emissions and transportation impacts are significant and unavoidable.[112] The DEIR provides that, even with the implementation of mitigation measures MM GHG-1, GHG-2, and MM TRANS-2a and TRANS-2b, the Project still results in significant and unavoidable GHG impacts. SWAPE confirmed that the DEIR's conclusion that GHG impacts are unavoidable is not supported by substantial evidence. SWAPE confirmed that there

[108] City of Pleasanton, News, Pleasanton City Council Approves Two New Water Wells to Meet Long-Term Drinking Water Needs (Oct. 17, 2023), available at: https://www.cityofpleasantonca.gov/news/pleasanton-city-council-approves-two-new-water-wellsto-meet-long-term-drinking-water-needs/.
[109] 14 C.C.R. § 15002(a)(2), (3); *see also Berkeley Jets*, 91 Cal.App.4th at 1354; *Citizens of Goleta Valley*, 52 Cal.3d at 564.
[110] 14 C.C.R. § 15002(a)(2).
[111] Public Resources Code § 21081(a)(3), (b); 14 C.C.R. §§ 15090(a), 15091(a), 15092(b)(2)(A), (B); *Covington v. Great Basin Unified Air Pollution Control Dist.* (2019) 43 Cal.App.5th 867, 883.
[112] DEIR, p. ES-18 -19; ES-26.



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are additional feasible mitigation measures which could reduce the Project's GHG emissions impacts. The DEIR fails to analyze additional measures which could reduce the Project's GHG emissions impacts to the greatest extent feasible.[113] CEQA requires the lead agency to adopt feasible mitigation measures that will substantially lessen or avoid a project's potentially significant environmental impacts and describe those mitigation measures in the EIR.[114] The lead agency may not make the required CEQA findings regarding a project unless the administrative record demonstrates that it has adopted all feasible mitigation to reduce significant environmental impacts to the greatest extent feasible.[115] SWAPE provides a list of potential GHG mitigation measures that may apply to the Project.[116] The County must consider these and any other available feasible GHG mitigation measures that can further reduce the Project's significant GHG emissions, and incorporate additional mitigation measures in a revised EIR circulated for public review and comment. 30 CONT

Here, the Project results in significant GHG impacts from construction and operation of the proposed apartments and road improvements.[117] The DEIR provides that "[p]rior to project operation, the proposed project would construct approximately 1,000 feet of off-site sidewalk improvements and bicycle lane improvements along Busch Road, which would connect to existing facilities on Busch Road and Ironwood Drive."[118] In order to mitigate these GHG impacts, SWAPE recommends BAAQMD recommended measures to reduce Project-related GHG emissions.[119] 31

The DEIR relies on Mitigation Measure MM TRANS-2b for transportation impacts, but determines the impacts are still significant and unavoidable. MM TRANS-2b provides that "Prior to project operation, the proposed project would construct approximately 1,000 feet of off-site sidewalk improvements and bicycle lane improvements along Busch Road, which would connect to existing facilities on Busch Road and Ironwood Drive."[120] But the DEIR also provides that "as part of the project's design, the proposed project would construct approximately 1,000 feet of sidewalk and bicycle facilities improvements to fill in the sidewalk gaps on the north side of Busch Road between the project site and the existing sidewalk at 32

[113] SWAPE Comments, p. 10.
[114] PRC §§§ 21002, 21081(a) 21100(b)(3); CEQA Guidelines § 15126.4.
[115] *Covington v. Great Basin Unified Air Pollution Control Dist.* (2019) 43 Cal.App.5th 867, 883.
[116] SWAPE Comments, pp. 11-12.
[117] SWAPE Comments, p. 12.
[118] DEIR, p. ES-26.
[119] SWAPE Comments, p. 12.
[120] DEIR, p. 3.7-27.



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Ironwood Drive."[121] The DEIR relies on mitigation that is also a Project design feature to conclude that transportation impacts cannot be mitigated. Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments.[122] CEQA defines "mitigation" as "[a]voiding the impact altogether by not taking a certain action or parts of an action; [m]inimizing impacts by limiting the degree or magnitude of the action and its implementation; [r]ectifying the impact by repairing, rehabilitating, or restoring the impacted environment; [r]educing or eliminating the impact over time by preservation and maintenance operations during the life of the action; or [c]ompensating for the impact by replacing or providing substitute resources or environments."[123] The project design features are therefore not "mitigation" within the meaning of CEQA, because construction of approximately 1,000 feet of off-site sidewalk improvements and bicycle lane improvements is already a Project component. Moreover, as SWAPE's comments demonstrate, MM TRANS-2b itself will result in GHG emissions impacts which must be mitigated in a revised and recirculated EIR. 32 CONT

Further, the Project results in cumulatively significant GHG impacts, particularly when taking into account the proposed Senior East County Lakes Project. The additional 569 units and 10,000 square feet of support services will result in cumulatively significant GHG and transportation impacts that the DEIR fails to adequately analyze or mitigate. The DEIR must be revised and recirculated to accurately quantify the cumulative GHG and transportation impacts of the concurrent proposed Project on the Project site. 33

**D. The DEIR Fails to Adequately Analyze and Mitigate Significant Noise and Vibration Impacts**

**i. The DEIR Underestimates Operational Noise Impacts** 34

The DEIR fails to adequately analyze and mitigate the Project's significant operational and construction noise impacts. Furthermore, the DEIR fails to analyze noise impacts to the foreseeable Senior East County Lakes Project.

The DEIR predicts future traffic noise levels, including project traffic increases, of 65 dBA along Busch Road.[124] These levels exceed normally acceptable community noise exposure threshold of 60 dBA for single family residences, per 35

[121] DEIR, p. 3.16-20.
[122] *Id.* at § 15064(a)(2).
[123] 14 Cal. Code Regs. § 15370.
[124] DEIR, p. 3.12-21, Table 3.12-8



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California Office of Noise Control Land Use Compatibility Guidelines.[125] Ms. Toncheva concludes that operational noise impacts are therefore significant. The DEIR's conclusion that operational noise impacts are less than significant is therefore not supported by substantial evidence. 35 CONT

Ms. Toncheva's comments also provide substantial evidence that noise from off-site elements of the Project, including the proposed sewer treatment plant located in Parcel B adjacent to the Project Site will result in a significant environmental impact.[126] Ms. Toncheva's comments demonstrate that the pumps on top of separation tanks could allow noise to propagate deep into an adjoining neighborhood, significantly disturbing noise sensitive receptors.[127] Further, Ms. Toncheva concludes that the nearby lake would further exacerbate operational noise from the sewer treatment plant.[128] Ms. Toncheva's comments provide that the lake's "smooth water surface reflects sound, and the effect can be amplified by morning and evening air inversions."[129] The Project's sewer treatment plant results in significant, unmitigated operational noise impacts to nearby sensitive receptors, which must be analyzed and mitigated in a revised and recirculated EIR. 36

Further, Ms. Toncheva's comments point to the DEIR's failure to adequately analyze the cumulative operational noise impacts associated with the Project. The DEIR includes a public comment that: "The Draft EIR should analyze noise impacts associated with proximity to the City of Pleasanton Operations Services Center, Fire Training Facility, and Police Department practice range."[130] The DEIR fails to adequately address the potentially significant cumulative operational noise impacts of these projects, even though these facilities are mentioned as dominant noise sources near the Project site.[131] The DEIR's failure to adequately analyze the cumulative operational noise impacts of these Projects is a failure to proceed in the manner required by law. 37

The DEIR fails to analyze noise impacts to the adjacent Senior East County Lakes Project. Ms. Toncheva's comments demonstrate that the DEIR's failure to include analysis of the Senior East County Lakes Project in the environmental baseline for the Project results in an underestimation of the Project's operational noise impacts. 38

[125] https://www.lci.ca.gov/docs/OPR_Appendix_D_final.pdf
[126] Toncheva Comments, p. 3.
[127] Toncheva Comments, p. 3.
[128] Toncheva Comments, p. 3.
[129] Toncheva Comments, p. 3.
[130] DEIR, pg. 3.12-1.
[131] DEIR, pg. 3.12-10.



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The DEIR must be revised and recirculated to include analysis of the Project's and nearby projects' cumulative operational noise impacts before the Project can proceed. 39

**ii. The DEIR Underestimates Construction Noise Impacts**

The DEIR concludes that construction noise impacts are less than significant. This is not correct. Construction noise will exceed the Federal Transit Administration's 80 dBA threshold at nearby sensitive receptors.[132] Ms. Toncheva calculated that construction noise at nearby residences would be over 82 dBA.[133] 40

The DEIR's construction noise analysis assumes shielding from the existing 6-foot high sound wall located along the project's western boundary adjoining the residential land uses.[134] Ms. Toncheva's comments provide that the DEIR provides no evidence in the form of measurement data, or clarification on the type of wall, to support the determination that the 6-foot wall would shield the Project's noise impacts.[135] The DEIR provides that "[w]hile the proposed project would raise the project site by approximately 6 feet adjacent to the western boundary of the project site, the proposed project would include a retaining wall and good neighbor wall to minimize impacts relate to existing visual characteristics of the site."[136] The DEIR does not provide any definition of a "retaining wall" or a "good neighbor wall" or provide the public with any certainty that this would constitute a noise buffer to mitigate the Project's construction noise impacts. Moreover, if the Project site is raised 6 feet, then a 6-foot sound wall will do nothing to reduce noise impacts. The DEIR must be revised and recirculated to accurately characterize, analyze, and mitigate significant noise impacts associated with construction and operation of the Project. 41

## VI. THE DEIR FAILS TO ADEQUATELY ANALYZE AND MITIGATE THE PROJECT'S SIGNIFICANT CUMULATIVE IMPACTS

The environmental and public health impacts of the Arroyo Lago and Senior East County Lakes projects will overlap in time and location, and may be significant both individually and cumulatively. The DEIR fails to account for the Senior East County Lakes Project in the cumulative projects analysis.[137] The projects also 42

[132] Toncheva Comments, p. 5.
[133] *Id.*
[134] DEIR, p. 3.12-19.
[135] Toncheva Comments, p. 4.
[136] DEIR, p. 3.1-16.
[137] DEIR, Table 3-1: Cumulative Projects.



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propose concurrent and potentially incompatible long-term uses on parcel APN 946-4634-2 which may require the County to consider new project alternatives that were not identified in the Arroyo Lago NOP. The impacts of the two projects must be analyzed in the same EIR. At a minimum, the EIR must analyze and mitigate all reasonably foreseeable direct, indirect, and cumulative effects of the two projects the County identified as potentially significant, including:

> Aesthetics, Air Quality, Biological Resources, Cultural Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation, Tribal Cultural Resources, Utilities and Service Systems, and Wildfire.[138]

42 CONT

The County must also analyze and mitigate any additional significant impacts which are identified during preparation of the EIR. Examples of two impact areas identified by responsible agencies during the NOP comment period are discussed below which require specific analysis in the EIR.

**1. <u>Water Supply</u>**

The Arroyo Lago and Senior East County Lakes projects may have significant impacts on water supply, both individually and cumulatively, which must be analyzed in a water supply assessment ("WSA") that is circulated for public review with the Draft EIR.

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The CEQA Guidelines and State Water Code require a WSA to be prepared for all "water-demand projects," which includes, *inter alia*, residential developments of more than 500 dwelling units, a project that would demand an amount of water equivalent to, or greater than, the amount of water required by a 500 dwelling unit project, proposed residential or mixed use projects that would account for an increase of 10 percent or more in the number of a public water system's existing service connections for public water systems with fewer than 5,000 service connections.[139] At 569 units, the Senior East County Lakes Project alone exceeds the 500-unit threshold requiring a WSA. Both the Senior East County Lakes and Arroyo Lago projects may individually exceed the 10 percent threshold for increasing water connections, and when considered together (763 units), the projects clearly exceed thresholds requiring a WSA. Under CEQA and the Water

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[138] NOP, p. 11.
[139] 14 Cal. Code Regs. § 15155(a); Water Code § 10910.



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Code, the County must request that the water district prepare a WSA for the projects and include it for public comment in the Draft EIR. 44 CONT

There is also evidence in the record that the existing water supply from the local water district may not be adequate to serve the Arroyo Lago Project, let alone the Senior East County Lakes Project. In 2022, the California Water Service Company Livermore District ("Cal Water") provided the County with a will-serve letter for the Arroyo Lago Project based on the Project's plan to drill wells on site and equip them with necessary water storage and booster pumps.[140] However, Cal Water retracted the will-serve letter in October 2023, explaining:

> Cal Water has not evaluated the forecasted water system needs of this development, the ability of Zone 7 to serve this new development under the existing Cal Water contract, nor conducted a review of the water system evaluation of this new development. As such, all claims in the documentation regarding the availability of water for the development have not been validated by Cal Water, the future water purveyor for this development.[141] 45

The Cal Water letter stated that, as of October 2023, Cal Water was working with USL Pleasanton Lakes, L.P. to develop a Letter of Agreement ("LOA") to provide water service to the Arroyo Lago Project, but that the LOA was still under negotiation.[142] The addition of the 569-unit Senior East County Lakes Project will substantially expand the water supply needs at the Project site, and may require significant changes to the LOA Cal Water is considering. The Projects' cumulative water supply needs must be quantified and discussed in the WSA and EIR.

**2. <u>Hazardous Materials / Soil Contamination</u>**

A portion of the Project site was formerly an aggregate mining facility and is undergoing ongoing regulatory cleanup for hazardous substances under the supervision of the Alameda County Department of Environmental Health ("ACDEH").[143] The current site status is listed as "OPEN - LONG TERM MANAGEMENT AS OF 7/18/2017."[144] In October 2022, ACDEH responded to the Arroyo Lago Project application by explaining that site closure would be dependent 46

[140] **Exhibit E –** Letter from California Water Service to Alameda County re *Will Serve Tract or Parcel Map No: PM 11230 Owner: USL Pleasanton Lakes, L.P.* (11/11/2022).
[141] **Exhibit F,** Letter from California Water Service to Alameda County re *Case No.: PLN2022-00193* (10/12/2023)
[142] *Id.*
[143] See Exhibit G, Geotracker, USL Pleasonton Lakes, available at https://geotracker.waterboards.ca.gov/profile_report?global_id=T10000009398 (visited 9/10/24).
[144] *Id.*



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upon submittal of soil impact reports to ACDEH documenting "soil being imported to the parcel to restore the former quarry in accordance with the Reclamation Plan being implemented under the oversight of Alameda County Community Development Agency on the Former Aggregates Facility under Surface Mining Permit (SMP) 31."[145] The DEIR's air quality modeling relies on CalEEMod inputs that provide that there will be zero cubic yards of material imported and exported from the Project site associated with Site Preparation, Grading, or Paving.[146] But, the DEIR provides that import and export of grading material would be limited to an off-site location.[147] ACDEH requires that "if additional soil is proposed to be imported to the site during redevelopment activities additional documentation will be required to be submitted to ACDEH for review and approval."[148] The DEIR's reliance on an artificial zero cubic yards of imported and exported material precludes the necessary oversight by ACDEH. 46 CONT

The County must fully investigate and disclose the status of the mine closure in the EIR, and must require that any and all residual contamination at the Project site be cleaned to residential environmental screening levels ("ESLs") before any Project construction activities are allowed to commence. 47

## VII. THE DEIR FAILS TO ADEQUATELY DISCLOSE, ANALYZE, AND MITIGATE POTENTIALLY SIGNIFICANT LAND USE INCONSISTENCIES

Under CEQA, a significant environmental impact results if there is a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.[149] Under State Planning and Zoning Law, a project cannot be found consistent with a general plan if it conflicts with a general plan policy that is "fundamental, mandatory, and clear," regardless of whether it is consistent with other general plan policies.[150] 48

[145] *Id.*
[146] DEIR, Appendix B: Air Quality, Greenhouse Gas, and Energy Supporting Information, p. 117.
[147] *Id.*
[148]
[149] *Endangered Habitats League*, 131 Cal.App.4th at 783–784 (Project's inconsistencies with local plans and policies constitute significant impacts under CEQA).
[150] *Id.* at 782–783; see also *Families Unafraid to Uphold Rural El Dorado County v. Bd. of Supervisors* (1998) 62 Cal.App.4th 1332, 1341–1342 (holding that project was clearly inconsistent with fundamental policy within land-use element of Draft General Plan).



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**A. The DEIR Fails to Analyze or Rectify The Project's Inconsistencies with the East County Area Plan**

The Project is not consistent with the East County Area Plan ("ECAP"). Policy 301 of the ECAP provides that the County shall only approve new air pollution point sources such as manufacturing and extracting facilities when they are located away from residential areas and sensitive receptors.[151] Sensitive receptors are defined in the East County Area Plan as "facilities which are most likely to be used by the elderly or infirm, children, or persons with particular sensitivity to air pollutants, including hospitals, schools, convalescent homes, and similar uses."[152]

The Project's sewer treatment plant constitutes an air pollution point source and would result in potentially significant air, odor, and noise impact on nearby sensitive receptors. The DEIR provides that "under both Design Option A and Design Option B (Exhibit 2-6a and Exhibit 2-6b), the sewer treatment plant would be located west of El Charro Road in the northern portion of APN 946-4634-2."[153] The proposed Senior East County Lakes Project is also proposed on APN 946-4634-2. The Montessori School of Pleasonton is located 0.25 miles from the Project site.[154] Sensitive receptors including individuals in the residences on the Project site itself, and seniors living at the Senior East County Lakes Project adjacent to the Project, and students at the Montessori School of Pleasonton will be adversely affected by the air, odor, and noise emissions from the sewer treatment plant. 49

ECAP Policy 302 requires that the "County shall include buffer zones within new residential and sensitive receptor site plans to separate those uses away from freeways, arterials, point sources, and hazardous material locations."[155] 50

Program 104 states that the County shall require the use of noise reduction techniques (such as buffers, building design modifications, lot orientation, soundwalls, earth berms, landscaping, building setbacks, and real estate disclosure notices) to mitigate noise impacts generated by transportation-related and stationary sources as specified in the California Office of Noise Control Land Use Compatibility Guidelines.[156] The DEIR provides that the DEIR's noise analysis was conducted "assuming minimal shielding from the existing 6-foot high sound wall 51

[151] Alameda County, East County Area Plan (1994) (Revised by Initiative Nov. 2000), (hereinafter "ECAP").
[152] *Id.* at p. T-4
[153] DEIR, p. 2-29.
[154] DEIR, p. 3.8-20.
[155] ECAP, p. 71.
[156] ECAP, p. 70.



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located along the project's western boundary adjoining the residential land uses."[157] But, the DEIR does not include any binding requirement that the Project include a 6-foot tall noise barrier. Therefore, the DEIR's assumption that a 6-foot high sound wall will be erected is not supported. The Project's failure to include a binding measure requiring a noise barrier results in a violation of the ECAP, and results in the Project's nonconformance with CEQA. 52

Pursuant to the map in the DEIR, Exhibit 2-6a below, detailing the Project's off-site improvements, the Project fails to include a buffer to separate the sewer treatment plant or bioretention area from the residential units at the Project site. Sensitive receptors at the Project itself and those at the Senior East County Lakes Project will be subject to air pollution and noise pollution emission from the sewer treatment plant and related infrastructure. The DEIR's failure to provide a buffer to protect these sensitive receptors violates the ECAP and results in the Project's nonconformance with CEQA. The DEIR must be recirculated because new information of substantial importance must be added, that sensitive receptors at the Senior East County Lakes Project will be adversely affected by development of the sewer treatment plant. 53

[157] DEIR, p. 3.12-19.



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53 CONT

## VIII. THE COUNTY CANNOT MAKE THE NECESSARY FINDINGS TO APPROVE THE PROJECT'S ENTITLEMENTS

Project approval requires approval of a site development permit and approval of a Vesting Tentative Map.

The Project requires a Site Development permit. The planning director or his or her designated representative shall receive and decide applications for site development review. No public hearing is required, but the planning director may give such notice as he deems appropriate. Should the planning director or other public body hold a public hearing on a site development review the planning department shall give notice of the hearing pursuant to Section 17.54.830. Alameda County Municipal Code Section 17.54.240 provides that "[t]he planning director, upon receipt of an application for site development review, shall make such investigations as are necessary to determine whether or not the proposed use or structure conforms or may be conditioned to conform fully to the regulations for the district as herein set forth. The planning director may request reports and recommendations from the county surveyor, building official and health officer,

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public works department, other offices of the county, or any other interested public agencies regarding matters within their jurisdiction which may be affected by the proposed use or structure."[158] The Project as proposed, does not conform with the regulations of the County, the ECAP, or CEQA.

Pursuant to Municipal Code Section 17.54.250, the Planning Director has the authority to require additional study if the Project may cause emission of dangerous or objection noise, odors, lights, dust, smoke or vibrations. "If, in the opinion of the planning director, the proposed use may cause the emission of dangerous or objectionable noise, odors, lights, dust, smoke or vibrations, the planning director with the consent of the applicant, may refer the application for investigation and report to one or more expert consultants qualified to advise as to whether a proposed use will conform to the applicable performance standards. Such consultant or consultants shall report in writing to the planning director and a copy of such report shall be furnished to the applicant. The applicant shall be required to pay the fee for service of said consultant(s)."[159] Here, additional information is required to analyze the cumulatively and individually significant impacts of the Project combined with the concurrent Senior East County Lakes Project. This additional review should be included in a revised and recirculated EIR. 54 CONT

The Municipal Code requires that the advisory agency shall approve, conditionally approve, or disapprove tentative maps of subdivisions normally within fifty (50) days after filing of a complete application, ***including completion of environmental review as required under the California Environmental Quality Act***.[160] Conditions of approval may include, but are not limited to dedication and improvement of streets; alleys, including access rights and abutters' rights; and drainage, public utility, and other public easements.[161] The advisory agency may require establishment of a maintenance agreement or homeowners' or property owners' association(s) to maintain private streets and other common areas, and may require a minimum deposit to establish an initial or long term reserve fund or both for use by the future property owners.[162] 55

The Municipal Code provides that no tentative map shall be approved which is not in conformance with the provisions of the Municipal Code, the county zoning ordinance and any other ordinance of this county.[163] The DEIR's inadequacies and

[158] Alameda County Municipal Code § 17.54.240.
[159] Alameda County Municipal Code § 17.54.250.
[160] Alameda County Municipal Code § 16.08.080.
[161] Alameda County Municipal Code § 16.08.080.
[162] Alameda County Municipal Code § 16.08.080.
[163] Alameda County Municipal Code § 16.08.090.



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the Project's nonconformance with the ECAP precludes the County from making the necessary findings that the Project conforms with local law and precludes the County from making the necessary findings to approve the tentative map.[164]

55 CONT

## IX. CONCLUSION

For the reasons discussed above, the DEIR for the Project remains wholly inadequate under CEQA. It must be thoroughly revised to provide legally adequate analysis of, and mitigation for, all of the Project's potentially significant impacts. These revisions will necessarily require that the DEIR be recirculated for public review. Until the DEIR has been revised and recirculated, as described herein, the County may not lawfully approve the Project.

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Thank you for your attention to these comments. Please include them in the record of proceedings for the Project.

Sincerely,

Kelilah Federman

Kelilah D. Federman

Attachments
KDF:acp

[164] Alameda County Municipal Code § 16.08.080; 16.08.090.



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# EXHIBIT A

SWAPE Technical Consultation, Data Analysis and Litigation Support for the Environment

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November 7, 2024

Kelilah Federman
Adams Broadwell Joseph & Cardozo
601 Gateway Blvd #1000
South San Francisco, CA 94080

**Subject: Comments on the Arroyo Lago Residential Project (SCH No. 2023050339)**

Dear Ms. Federman,

We have reviewed the September 2024 Draft Environmental Impact Report ("DEIR") for the Arroyo Lago Residential Project ("Project") located in the City of Alameda ("City"). The Project proposes constructing 194 dwelling units with associated parking areas and a 0.7-acre park on the 26.6-acre site, as well as 1,000 feet of off-site road improvements to Busch Road.

Our review concludes that the DEIR fails to adequately evaluate the Project's air quality and greenhouse gas impacts. As a result, emissions and health risk impacts associated with construction and operation of the proposed Project may be underestimated and inadequately addressed. A revised Environmental Impact Report ("EIR") should be prepared to adequately assess and mitigate the potential air quality and greenhouse gas impacts that the project may have on the environment.

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## Air Quality

### Unsubstantiated Input Parameters Used to Estimate Project Emissions

The DEIR's air quality analysis relies on emissions calculated with the California Emissions Estimator Model ("CalEEMod") Version 2022.1 (p. 3.2-1).[1] CalEEMod provides recommended default values based on site-specific information, such as land use type, meteorological data, total lot acreage, project type and typical equipment associated with project type. If more specific project information is known, the user can change the default values and input project-specific values, but the California Environmental

[1] "CalEEMod User's Guide." California Air Pollution Control Officers Association, May 2021, *available at:* https://www.aqmd.gov/caleemod/user's-guide.

Quality Act ("CEQA") requires that such changes be justified by substantial evidence.[2] After entering all relevant data into the model, CalEEMod calculates the emissions from both construction and operational phases, producing "output files." These files outline the parameters used in the emissions calculations and highlight any modifications made to the default values, along with justifications for each change.

Upon review of the Project's CalEEMod output files, provided in the Air Quality, Greenhouse Gas, and Energy Supporting Information ("AQ & GHG Analysis") as Appendix B to the DEIR, we identified several model inputs that are inconsistent with the information presented in the DEIR. These discrepancies, outlined below, suggest the Project's construction emissions may be underestimated. A revised EIR should be prepared to include an updated air quality analysis that adequately evaluates the impacts that construction of the Project will have on local and regional air quality.

### *Unsubstantiated Changes to Individual Construction Phase Lengths*

Review of the CalEEMod output files demonstrates that the "Alameda County Arroyo Lago Residential Main Site" model includes changes to the default construction schedule (see excerpt below) (Appendix B, pp. 95, 96).

57

| Screen | Justification |
|---|---|
| Land Use | The land use summary is based on site plan and applicant-provided information. The square footage of the 49 ADUs are included in the "Single Family Housing" land use. |
| Construction: Construction Phases | The schedule is based on applicant-provided information. The construction would occur 7 days a week for conservative estimates. |
| Construction: Trips and VMT | 27 one-ways trips are added for paving phase. On-site truck trips are added to grading phase to account for truck trips near the project site based on applicant-provided information. |
| Construction: Architectural Coatings | Based on applicant-provided information, no interior painting is needed. |
| Construction: Paving | The paved area is based on land use summary. |
| Operations: Architectural Coatings | Based on applicant-provided information, the interior painting is not needed. Page 92 |
| Construction: Off-Road Equipment | Several equipment are adjusted to be electric as a common construction practice. Number of forklift, generator sets, tractors, and welders are increased to 5 each day to account for overlapped construction during building construction phase. |
| Operations: Vehicle Data | Based on traffic study, total 2,159 trips would be generated daily. The trip rates are adjusted to include trips generated by 49 ADU. |

As a result of these changes, the model includes the following construction schedule (see excerpt below) (Appendix B, pp. 77):

| Phase Name | Phase Type | Start Date | End Date | Days Per Week | Work Days per Phase | Phase Description |
|---|---|---|---|---|---|---|
| 1 Mass Grading | Grading | 3/1/2025 | 6/28/2025 | 7.00 | 120 | Mass grading and surcharge |
| 4 Building Construction | Building Construction | 8/1/2025 | 8/21/2027 | 7.00 | 751 | Vertical construction |
| 3 Main Site and Frontage Improvement | Paving | 10/27/2025 | 7/23/2026 | 7.00 | 270 | Including top site improvement and frontage construction on Busch Road, east boundary |
| 5 Architectural Coating | Architectural Coating | 2/8/2027 | 8/21/2027 | 7.00 | 195 | Interior and exterior coating |
| 2 Utility Trenching | Trenching | 6/29/2025 | 10/26/2025 | 7.00 | 120 | For underground utilities |

[2] "CalEEMod User's Guide." CAPCOA, May 2021, *available at:* https://www.aqmd.gov/caleemod/user's-guide, p. 13, 14.

The CalEEMod User's Guide requires any changes to model defaults be justified.[3] As shown above in the "User Changes to Default Data" table above, the justification provided for these changes is:

> "The schedule is based on applicant-provided information. The construction would occur 7 days a week for conservative estimates" (Appendix B, pp. 95).

Regarding the Project's anticipated construction duration, the DEIR states:

> "At the time of this analysis, the construction of the proposed project was anticipated to begin in March 2025 and end in August 2027" (p. 3.7-22).

The DEIR also provides the following construction schedule (see excerpt below) (p. 3.2-24, Table 3.2-4).

**Table 3.2-4: Construction Schedule**

| Construction Activity | Conceptual Construction Schedule | | Working Days per Week | Working Days |
|---|---|---|---|---|
| | Start Date | End Date | | |
| Main Project Site Construction | | | | |
| Mass Grading | 3/1/2025 | 6/28/2025 | 7 | 120 |
| Utility Trenching | 6/29/2025 | 10/26/2025 | 7 | 120 |
| Main Site and Frontage Improvement | 10/27/2025 | 7/23/2026 | 7 | 270 |
| Building Construction | 8/1/2025 | 8/21/2027 | 7 | 751 |
| Architectural Coating | 2/8/2027 | 8/21/2027 | 7 | 195 |
| Off-site Improvements | | | | |
| Site Preparation | 6/1/2025 | 6/30/2025 | 7 | 30 |
| Grading | 7/1/2025 | 7/28/2025 | 7 | 28 |
| Building Construction | 7/29/2025 | 2/13/2026 | 7 | 200 |
| Paving | 2/14/2026 | 5/27/2026 | 7 | 103 |
| Architectural Coating | 5/5/2026 | 5/27/2026 | 7 | 23 |
| Agriculture Field Trenching | 7/29/2025 | 8/17/2025 | 7 | 20 |
| Source: CalEEMod Output (Appendix B). | | | | |

The changes to the individual construction phase lengths, however, remain unsubstantiated. While the DEIR substantiates a total length of Project construction of 30 months, the DEIR fails to provide a sufficient source for the individual construction phase lengths, as demonstrated above by Table 3.2-4. The DEIR cites its own CalEEMod outputs as the source of these changes, which does not qualify as "substantial evidence" required under CEQA.[4] Until a proper source is provided, such as information

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[3] "CalEEMod User's Guide." CAPCOA, May 2021, *available at:* https://www.aqmd.gov/caleemod/user's-guide, p. 13, 14.
[4] "CalEEMod User's Guide." CAPCOA, May 2021, *available at:* https://www.aqmd.gov/caleemod/user's-guide, p. 14.

from the Project Applicant, the model should have included proportionately altered individual phase lengths to match the proposed construction duration of 30 months.[5]

The construction emissions are inexplicably spread out over a longer period of time for some phases, but not for others. According to the CalEEMod User's Guide, each construction phase is associated with different emissions activities (see excerpt below).[6]

> *Demolition* involves removing buildings or structures.
>
> *Site Preparation* involves clearing vegetation (grubbing and tree/stump removal) and removing stones and other unwanted material or debris prior to grading.
>
> *Grading* involves the cut and fill of land to ensure that the proper base and slope is created for the foundation.
>
> *Building Construction* involves the construction of the foundation, structures and buildings.
>
> *Architectural Coating* involves the application of coatings to both the interior and exterior of buildings or structures, the painting of parking lot or parking garage striping, associated signage and curbs, and the painting of the walls or other components such as stair railings inside parking structures.
>
> *Paving* involves the laying of concrete or asphalt such as in parking lots, roads, driveways, or sidewalks.

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By altering and extending the construction phase lengths without proper justification, the model assumes there are a greater number of days to complete the construction activities required by the prolonged phases. As a result, there will be less construction activities required per day and fewer pollutants emitted per day. The model may therefore underestimate the peak daily emissions associated with construction and should not be relied upon to determine the significance of the Project's construction emissions.

### *Failure to Include Required Material Export and Import*

The DEIR reveals that Project construction could include soil import and export, stating:

> "Based on applicant provided information, any import and export of soil would be accomplished by using soil from a soil harvest site east of the residential project site. As such, import and export of material would not generate long haul trips but would expand the area to be disturbed to include the vacant lot located directly east of the residential project site. Potential impacts from this additional area to be disturbed was accounted for in the localized air quality impact analysis completed for the project by including the adjacent site as part of the AERMOD modeling conducted for the construction HRA" (p. 3.2-26).

Review of the CalEEMod output files, however, demonstrates that the "Alameda County Arroyo Lago Residential Main Site" model does not include any amount of material import or export (see excerpt below) (Appendix B, pp. 81, 82):

[5] See Attachment A for proportionately altered construction schedule.
[6] "CalEEMod User's Guide." CAPCOA, May 2021, *available at:* https://www.aqmd.gov/caleemod/user's-guide, p. 32.

| Phase Name | Material Imported (cy) | Material Exported (cy) | Acres Graded (acres) | Material Demolished (sq. ft.) | Acres Paved (acres) |
|---|---|---|---|---|---|
| 1 Mass Grading | — | — | 720 | 0.00 | — |
| 3 Main Site and Frontage Improvement | 0.00 | 0.00 | 0.00 | 0.00 | 16.6 |

The model does not account for the possibility of Project-related earthwork, and therefore fails to conduct a "'conservative analysis' to afford the 'fullest possible protection of the environment'" as is required under CEQA.[7] As the DEIR leaves doubt as to whether there would be material import or export, the model should include a conservative estimate.

Additionally, the DEIR's inclusion of the adjacent site into the AQ & GHG Analysis's AERMOD modeling fails to substantiate the model's omission of material import and export. As discussed by the Bay Area Air Quality Management District ("BAAQMD"), Project Applicants are required to model construction-related emissions using CalEEMod which can include "soil disturbance, grading, and material hauling."[8] As such, the above-mentioned soil import and export should have been included in the CalEEMod as well. 57

The inclusion of material import and export within the model is essential for accurately calculating emissions generated from material movement, which encompasses truck loading and unloading, as well as additional hauling truck trips.[9] By failing to include the amount of material import required for Project construction, the model has underestimated the Project's construction-related emissions and should not be relied upon to determine the significance of the Project's construction emissions. A revised EIR should be prepared to include required amounts of material import and export, and include revised models, as required by CEQA and the BAAQMD.

### *Unsubstantiated Changes to Off-Road Construction Equipment Values*

Review of the CalEEMod output files demonstrates that the "Alameda County Arroyo Lago Residential Main Site" model includes changes to the off-road construction equipment input parameters (see excerpt below) (Appendix B, pp. 95, 96).

[7] "Warehouse Truck Trip Study Data Results and Usage" Presentation. SCAQMD Inland Empire Logistics Council, June 2014, *available at*: http://www.aqmd.gov/docs/default-source/ceqa/handbook/high-cube-warehouse-trip-rate-study-for-air-quality-analysis/final-ielc_6-19-2014.pdf?sfvrsn=2

[8] "BAAQMD CEQA Air Quality Guidelines." BAAQMD, 2022, *available at:* https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa-guidelines-2022/ceqa-guidelines-chapter-5-project-air-quality-impacts_final-pdf.pdf?la=en, p. 5-4.

[9] "CalEEMod User's Guide." CAPCOA, May 2021, *available at:* https://www.aqmd.gov/caleemod/user's-guide, p. 34.

| Screen | Justification |
|---|---|
| Land Use | The land use summary is based on site plan and applicant-provided information. The square footage of the 49 ADUs are included in the "Single Family Housing" land use. |
| Construction: Construction Phases | The schedule is based on applicant-provided information. The construction would occur 7 days a week for conservative estimates. |
| Construction: Trips and VMT | 27 one-ways trips are added for paving phase. On-site truck trips are added to grading phase to account for truck trips near the project site based on applicant-provided information. |
| Construction: Architectural Coatings | Based on applicant-provided information, no interior painting is needed. |
| Construction: Paving | The paved area is based on land use summary. |
| Operations: Architectural Coatings | Based on applicant-provided information, the interior painting is not needed. Page 92 |
| Construction: Off-Road Equipment | Several equipment are adjusted to be electric as a common construction practice. Number of forklift, generator sets, tractors, and welders are increased to 5 each day to account for overlapped construction during building construction phase. |
| Operations: Vehicle Data | Based on traffic study, total 2,159 trips would be generated daily. The trip rates are adjusted to include trips generated by 49 ADU. |

As a result, the model includes the following off-road equipment table (Appendix B, pp. 78, 79):

| Phase Name | Equipment Type | Fuel Type | Engine Tier | Number per Day | Hours Per Day | Horsepower | Load Factor |
|---|---|---|---|---|---|---|---|
| 1 Mass Grading | Rubber Tired Dozers | Diesel | Tier 4 Final | 3.00 | 8.00 | 367 | 0.40 |
| 1 Mass Grading | Tractors/Loaders/Backhoes | Diesel | Tier 4 Final | 3.00 | 8.00 | 84.0 | 0.37 |
| 1 Mass Grading | Graders | Diesel | Tier 4 Final | 3.00 | 8.00 | 148 | 0.41 |
| 1 Mass Grading | Excavators | Diesel | Tier 4 Final | 3.00 | 8.00 | 36.0 | 0.38 |
| 1 Mass Grading | Scrapers | Diesel | Tier 4 Final | 3.00 | 8.00 | 423 | 0.48 |
| 4 Building Construction | Cranes | Diesel | Tier 4 Final | 1.00 | 7.00 | 367 | 0.29 |
| 4 Building Construction | Forklifts | Diesel | Tier 4 Final | 5.00 | 8.00 | 82.0 | 0.20 |
| 4 Building Construction | Generator Sets | Diesel | Average | 5.00 | 8.00 | 14.0 | 0.74 |
| 4 Building Construction | Tractors/Loaders/Backhoes | Diesel | Tier 4 Final | 5.00 | 7.00 | 84.0 | 0.37 |
| 4 Building Construction | Welders | Electric | Average | 4.00 | 8.00 | 46.0 | 0.45 |
| 4 Building Construction | Welders | Electric | Tier 4 Final | 1.00 | 8.00 | 46.0 | 0.45 |
| 3 Main Site and Frontage Improvement | Pavers | Diesel | Tier 4 Final | 2.00 | 8.00 | 81.0 | 0.42 |
| 3 Main Site and Frontage Improvement | Paving Equipment | Diesel | Tier 4 Final | 2.00 | 8.00 | 89.0 | 0.36 |
| 3 Main Site and Frontage Improvement | Rollers | Diesel | Tier 4 Final | 2.00 | 8.00 | 36.0 | 0.38 |

The justification provided for these changes, found in the "User Changes to Default Data" table, states:

> "Several equipment are adjusted to be electric as a common construction practice. Number of forklift, generator sets, tractors, and welders are increased to 5 each day to account for overlapped construction during building construction phase" (Appendix B, pp. 96).

The DEIR provides a summary of the assumptions regarding the use of on-site, off-road construction equipment, relied on to evaluate emissions (see excerpt below) (p. 3.2-25, Table 3.2-5):

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**Table 3.2-5: Project Construction Equipment Assumptions**

| Phase Name | Equipment Type | Number per Day | Hours Per Day | Horsepower | Load Factor | Fuel Type |
|---|---|---|---|---|---|---|
| **Main Project Site Construction** | | | | | | |
| Mass Grading | Rubber Tired Dozers | 3 | 8 | 367 | 0.40 | Diesel |
| | Tractors/Loaders/Backhoes | 3 | 8 | 84 | 0.37 | Diesel |
| | Graders | 3 | 8 | 148 | 0.41 | Diesel |
| | Excavators | 3 | 8 | 36 | 0.38 | Diesel |
| | Scrapers | 3 | 8 | 423 | 0.48 | Diesel |
| Utility Trenching | Trenchers | 1 | 8 | 40 | 0.50 | Diesel |
| | Excavators | 1 | 8 | 36 | 0.38 | Diesel |
| Main Site and Frontage Improvement | Pavers | 2 | 8 | 81 | 0.42 | Diesel |
| | Paving Equipment | 2 | 8 | 89 | 0.36 | Diesel |
| | Rollers | 2 | 8 | 36 | 0.38 | Diesel |
| Building Construction | Cranes | 1 | 7 | 367 | 0.29 | Diesel |
| | Forklifts | 5 | 8 | 82 | 0.20 | Diesel |
| | Generator Sets | 5 | 8 | 14 | 0.74 | Diesel |
| | Tractors/Loaders/Backhoes | 5 | 7 | 84 | 0.37 | Diesel |
| | Welders | 5 | 8 | 46 | 0.45 | Electric |
| Architectural Coating | Air Compressors | 1 | 6 | 37 | 0.48 | Electric |

Source: CalEEMod Output (Appendix B).

*Note: The above screenshot only includes Main Project Site construction equipment assumptions.*

As the DEIR states that the source for the construction equipment assumptions are the CalEEMod output files themselves, the changes to the off-road equipment values are unsubstantiated. While the model shows the inclusion of electric construction equipment, the DEIR fails to mention this or provide an adequate source for the assumptions in the above table. The DEIR again cites its own CalEEMod output files as the source of these changes and fails to meet CEQA requirements.[10] We are consequently unable to verify these changes until the DEIR provides specific, substantiated information regarding construction equipment values and fuel types. While these changes remain unsubstantiated, we recommend that the values are left as default.

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[10] "CalEEMod User's Guide." CAPCOA, May 2021, *available at:* https://www.aqmd.gov/caleemod/user's-guide, p. 14.

CalEEMod uses the off-road equipment unit amounts, horsepower, and hours of use per day values to calculate the emissions associated with off-road construction equipment.[11] The model may therefore underestimate the peak daily emissions associated with construction and should not be relied upon to determine Project significance.

### *Incorrect Application of Tier 4 Final Engine Emissions Standards*

Review of the DEIR demonstrates that the "Alameda County Arroyo Lago Residential Main Site" model assumes that the Project's off-road construction equipment fleet would meet Tier 4 Final emissions standards (see excerpt below) (Appendix B, pp. 78, 79).

| Phase Name | Equipment Type | Fuel Type | Engine Tier | Number per Day | Hours Per Day | Horsepower | Load Factor |
|---|---|---|---|---|---|---|---|
| 1 Mass Grading | Rubber Tired Dozers | Diesel | Tier 4 Final | 3.00 | 8.00 | 367 | 0.40 |
| 1 Mass Grading | Tractors/Loaders/Backhoes | Diesel | Tier 4 Final | 3.00 | 8.00 | 84.0 | 0.37 |
| 1 Mass Grading | Graders | Diesel | Tier 4 Final | 3.00 | 8.00 | 148 | 0.41 |
| 1 Mass Grading | Excavators | Diesel | Tier 4 Final | 3.00 | 8.00 | 36.0 | 0.38 |
| 1 Mass Grading | Scrapers | Diesel | Tier 4 Final | 3.00 | 8.00 | 423 | 0.48 |
| 4 Building Construction | Cranes | Diesel | Tier 4 Final | 1.00 | 7.00 | 367 | 0.29 |
| 4 Building Construction | Forklifts | Diesel | Tier 4 Final | 5.00 | 8.00 | 82.0 | 0.20 |
| 4 Building Construction | Generator Sets | Diesel | Average | 5.00 | 8.00 | 14.0 | 0.74 |
| 4 Building Construction | Tractors/Loaders/Backhoes | Diesel | Tier 4 Final | 5.00 | 7.00 | 84.0 | 0.37 |
| 4 Building Construction | Welders | Electric | Average | 4.00 | 8.00 | 46.0 | 0.45 |
| 4 Building Construction | Welders | Electric | Tier 4 Final | 1.00 | 8.00 | 46.0 | 0.45 |
| 3 Main Site and Frontage Improvement | Pavers | Diesel | Tier 4 Final | 2.00 | 8.00 | 81.0 | 0.42 |
| 3 Main Site and Frontage Improvement | Paving Equipment | Diesel | Tier 4 Final | 2.00 | 8.00 | 89.0 | 0.36 |
| 3 Main Site and Frontage Improvement | Rollers | Diesel | Tier 4 Final | 2.00 | 8.00 | 36.0 | 0.38 |
| 5 Architectural Coating | Air Compressors | Electric | Average | 5.00 | 6.00 | 37.0 | 0.48 |
| 2 Utility Trenching | Trenchers | Diesel | Average | 1.00 | 8.00 | 40.0 | 0.50 |
| 2 Utility Trenching | Excavators | Diesel | Average | 1.00 | 8.00 | 36.0 | 0.38 |

Furthermore, the DEIR includes mitigation measure ("MM") AIR-3 that states:

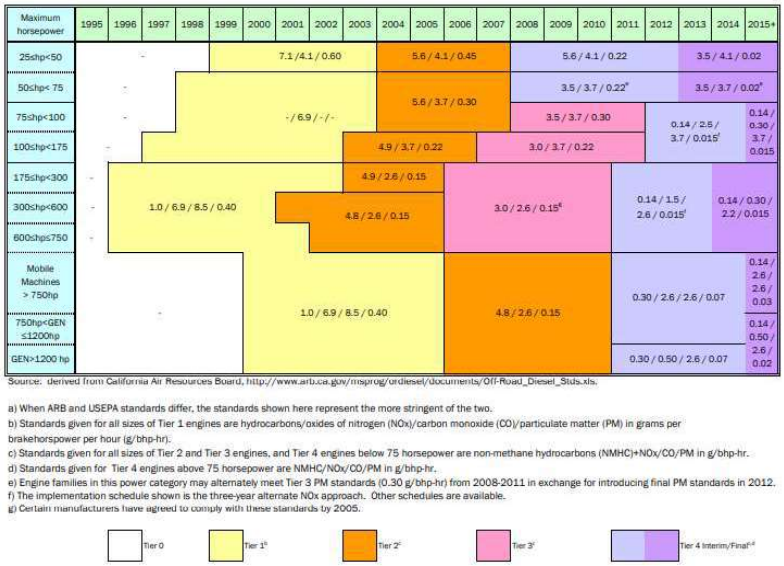
> "Prior to the issuance of any demolition, grading, or building permits (whichever occurs earliest), the project applicant and/or construction contractor shall prepare a construction operations plan that, during construction activities, requires all off-road equipment with engines greater than 50 horsepower to meet particulate matter emissions standards for Tier 4 interim engines" (p. 3.2-55).

The inclusion of Tier 4 Final emissions standards remains unsupported, as the DEIR fails to discuss or required the use of Tier 4 Final emission standards. The United States Environmental Protection Agency ("U.S. EPA") has slowly adopted more stringent standards to lower the emissions from off-road construction equipment. Since 1994, Tier 1, Tier 2, Tier 3, Tier 4 Interim, and Tier 4 Final construction equipment have been phased in over time. Tier 4 Final represents the cleanest burning equipment and

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[11] "CalEEMod User's Guide." CAPCOA, April 2022, *available at:* https://www.caleemod.com/documents/user-guide/01_User%20Guide.pdf, p. 36.

therefore has the lowest emissions compared to other tiers, including Tier 4 Interim equipment (see excerpt below):[12]



| Maximum horsepower | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015+ |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 25shp<50 | - | | | | 7.1 /4.1 / 0.60 | | | | | 5.6 / 4.1 / 0.45 | | | | 5.6 / 4.1 / 0.22 | | | | | 3.5 / 4.1 / 0.02 | | |
| 50shp< 75 | - | | | | | | | | | 5.6 / 3.7 / 0.30 | | | | 3.5 / 3.7 / 0.22[e] | | | | | 3.5 / 3.7 / 0.02[e] | | |
| 75shp<100 | - | | | | | | -/ 6.9 / - /- | | | | | | | 3.5 / 3.7 / 0.30 | | | | 0.14 / 2.5 / 3.7 / 0.015[f] | | 0.14 / 0.30 / 3.7 / 0.015 |
| 100shp<175 | - | | | | | | | | | 4.9 / 3.7 / 0.22 | | | | 3.0 / 3.7 / 0.22 | | | | | | | |
| 175shp<300 | - | | | | | | | | | 4.9 / 2.6 / 0.15 | | | | | | | | | | | |
| 300shp<600 | - | | 1.0 / 6.9 / 8.5 / 0.40 | | | | | | | 4.8 / 2.6 / 0.15 | | | 3.0 / 2.6 / 0.15[g] | | | | 0.14 / 1.5 / 2.6 / 0.015[f] | | | 0.14 / 0.30 / 2.2 / 0.015 | |
| 600shp≤750 | - | | | | | | | | | | | | | | | | | | | | |
| Mobile Machines > 750hp | | | | | | | | | | | | | | | | | | | | | 0.14 / 2.6 / 2.6 / 0.03 |
| 750hp<GEN ≤1200hp | | | - | | | | 1.0 / 6.9 / 8.5 / 0.40 | | | | | | 4.8 / 2.6 / 0.15 | | | | 0.30 / 2.6 / 2.6 / 0.07 | | | | 0.14 / 0.50 / 2.6 / 0.02 |
| GEN>1200 hp | | | | | | | | | | | | | | | | | 0.30 / 0.50 / 2.6 / 0.07 | | | | |

Source: derived from California Air Resources Board, http://www.arb.ca.gov/msprog/ordiesel/documents/Off-Road_Diesel_Stds.xls.

a) When ARB and USEPA standards differ, the standards shown here represent the more stringent of the two.
b) Standards given for all sizes of Tier 1 engines are hydrocarbons/oxides of nitrogen (NOx)/carbon monoxide (CO)/particulate matter (PM) in grams per brakehorspower per hour (g/bhp-hr).
c) Standards given for all sizes of Tier 2 and Tier 3 engines, and Tier 4 engines below 75 horsepower are non-methane hydrocarbons (NMHC)+NOx/CO/PM in g/bhp-hr.
d) Standards given for Tier 4 engines above 75 horsepower are NMHC/NOx/CO/PM in g/bhp-hr.
e) Engine families in this power category may alternately meet Tier 3 PM standards (0.30 g/bhp-hr) from 2008-2011 in exchange for introducing final PM standards in 2012.
f) The implementation schedule shown is the three-year alternate NOx approach. Other schedules are available.
g) Certain manufacturers have agreed to comply with these standards by 2005.

Tier 0 Tier 1[b] Tier 2[c] Tier 3[c] Tier 4 Interim/Final[c,d]

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Tier 4 Interim equipment has higher emission levels than Tier 4 Final equipment. Therefore, by modeling construction emissions assuming a full Tier 4 Final equipment fleet, the AQ & GHG Analysis fails to account for higher emissions that may occur because of the use of Tier 4 Interim equipment.

Additionally, while MM AIR-3 specifies that it applies to "off-road equipment with engines greater than 50 horsepower," a review of the CalEEMod output files reveals that Tier 4 Final emissions standards are applied to equipment with lower horsepower. Specifically, as shown in the excerpt above, the AQ & GHG Analysis applies these standards to excavators, welders, and rollers, all of which all have horsepower ratings below 50. Until a revised EIR is prepared that substantiates the use of Tier 4 Final emissions standards, including for equipment with less than 50 horsepower, the model should not be relied upon to determine Project significance.

## Greenhouse Gas

### Failure to Adequately Evaluate Greenhouse Gas Impacts

The DEIR estimates that the Project would result in net annual greenhouse gas ("GHG") emissions of 2,872-metric tons of carbon dioxide equivalents per year ("MT $CO_2e$/year") (see excerpt below) (p. 4.6-27 – 4.6-28, Table 4.6-4).

[12] "San Francisco Clean Construction Ordinance Implementation Guide for San Francisco Public Projects." August 2015, *available at:* https://www.sf.gov/sites/default/files/2024-03/San_Francisco_Clean_Construction_Ordinance_2015.pdf , p. 6.

**Table 3.7-3: Operational Greenhouse Gas Emissions**

| GHG Emissions Source | GHG Emissions (MT $CO_2e$ per year) |
|---|---|
| Mobile | 2,053 |
| Area | 6 |
| Energy–Electricity | 162 |
| Energy–Natural Gas | 478 |
| Water | 14 |
| Waste | 51 |
| Amortized Construction Emissions | 108 |
| Total Annual Project Emissions | **2,872** |

Notes:
MT $CO_2e$ = metric tons carbon dioxide equivalent
Totals were summed using unrounded numbers and may not appear to sum exactly due to rounding.
Source: Appendix B.

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The DEIR concludes that the Project would result in a significant-and-unavoidable GHG impact, stating:

> "The analysis showed that the proposed project would have a significant GHG impact and as such would be considered to have cumulatively significant impact as well. Feasible and enforceable mitigation with a nexus to the project's impact have been identified under Impacts GHG-1 and GHG-2; however, even with implementation of all feasible mitigation, project impacts would be significant" (p. 3.7-28).

The DEIR claims that the Project aligns with BAAQMD requirements and design elements. According to CEQA Guidelines § 15096(g)(2):

> "When an updated EIR has been prepared for a project, the Responsible Agency shall not approve the project as proposed if the agency finds any feasible alternative or feasible mitigation measures within its powers that would substantially lessen or avoid any significant effect the project would have on the environment."

An impact can therefore only be labeled as significant-and-unavoidable after all available, feasible mitigation measures are evaluated. While the DEIR incorporates MM GHG-1, GHG-2, and MM TRANS-2a and TRANS-2b, there are additional measures that the DEIR fails to consider (p. 3.7-26, 3.7-27). To reduce the Project's GHG impacts to the maximum extent possible, additional feasible mitigation measures should be incorporated, such as those suggested in the section of this letter titled "Feasible Mitigation Measures Available to Reduce Emissions."

# Mitigation

## Feasible Mitigation Measures Available to Reduce Emissions

According to CEQA Guidelines § 15096(g)(2), the DEIR is required under CEQA to implement all feasible mitigation to reduce the Project's potential impacts. As noted above, the Project may result in potentially significant GHG impacts that should be mitigated further. To reduce the GHG emissions associated with the Project, we recommend several mitigation measures (see list below).

The Southern California Association of Governments ("SCAG")'s 2020 RTP/SCS Program Environmental Impact Report ("PEIR") Greenhouse Gas Project Level Mitigation Measures ("PMM-GHG-1") recommends:

- Measures that encourage transit use, carpooling, bike-share and car-share programs, active transportation, and parking strategies, including, but not limited to the following:
    - Promote transit-active transportation coordinated strategies,
    - Increase bicycle carrying capacity on transit and rail vehicles,
    - Improve or increase access to transit,
    - Increase access to common goods and services, such as groceries, schools, and day care,
    - Incorporate the neighborhood electric vehicle network,
    - Orient the project toward transit, bicycle and pedestrian facilities,
    - Improve pedestrian or bicycle networks, or transit service,
    - Provide traffic calming measures,
    - Limit or eliminate park supply,
    - Provide parking cash-out programs, and
    - Implement or provide access to commute reduction program.
- Improving transit access to rail and bus routes by incentives for construction and transit facilities within developments, and/or providing dedicated shuttle service to transit stations.
- Designate a percentage of parking spaces for ride-sharing vehicles or high-occupancy vehicles, and provide adequate passenger loading and unloading for those vehicles.
- Require at least five percent of all vehicle parking spaces include electric vehicle charging stations, or at a minimum, require the appropriate infrastructure to facilitate sufficient electric charging for passenger vehicles and trucks to plug-in.
- Implement preferential parking permit program.
- Encourage telecommuting and alternative work schedules, such as:
    - Staggered starting times,
    - Flexible schedules, and
    - Compressed work weeks.
- Implement commute trip reduction marketing, such as:
    - New employee orientation of trip reduction and alternative mode options,
    - Event promotions, and
    - Publications.
- Price workplace parking, such as:
    - Explicitly charging for parking for its employees,

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  - Implementing above market rate pricing,
  - Validating parking only for invited guests,
  - Not providing employee parking and transportation allowances, and
  - Educating employees about available alternatives.
- Adopting employer trip reduction measures to reduce employee trips such as vanpool and carpool programs, providing end-of-trip facilities, and telecommuting programs including but not limited to measures that:
  - Provide car-sharing, bike sharing, and ride-sharing programs,
  - Provide transit passes,
  - Shift single occupancy vehicle trips to carpooling or vanpooling, for example providing ride-matching services,
  - Provide incentives or subsidies that increase that use of modes other than single-occupancy vehicle, and
  - Provide on-site amenities at places of work, such as priority parking for carpools and vanpools, secure bike parking, and showers and locker rooms.

Furthermore, to mitigate the GHG impacts from construction and operation of the proposed apartments and road improvements, BAAQMD recommends the following applicable measures from the California Air Pollution Control Officers Association:[13] 57

- Provide transit-oriented development,
- Implement a Commute Trip Reduction Program,
- Use electric or hybrid powered equipment during Project construction,
- Limit heavy-duty diesel vehicle idling during Project construction,
- Create a construction plan with community input,
- Institute an air quality monitoring and response plan,
- Establish vegetative barriers, and
- Increase urban tree canopy and green spaces.

Additionally, the California Air Resources Board ("CARB") 2022 Scoping Plan recommends that new residential projects "[use] all-electric appliances without any natural gas connections and [do] not use propane or other fossil fuels for space heating, water heating, or indoor cooking" to reduce Project-related GHG emissions.[14]

Several mitigation measures gathered from SCAG, BAAQMD, and CARB would reduce Project-related GHG emissions. These measures offer a cost-effective, feasible way to incorporate lower-emitting design features into the proposed Project, which subsequently reduce emissions released during Project

[13] "Mitigating Air Quality And Climate Impacts" BAAQMD, April 2023, *available at*: https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa-guidelines-2022/ceqa-guidelines-chapter-8-mitigation_final-pdf.pdf?rev=5a4aa8d31c394498b8b4de4e9eb46edc&sc_lang=en, p. 8-5 – 7.
[14] "2022 Scoping Plan For Achieving Carbon Neutrality" CARB, November 2022, *available at*: https://ww2.arb.ca.gov/sites/default/files/2022-11/2022-sp-appendix-d-local-actions.pdf, Appendix D, p. 23, Table 3.

construction and operation. A revised EIR should be prepared that incorporates all feasible mitigation measures and includes an updated GHG analysis to ensure the implementation of these measures and maximize emissions reductions.

## Disclaimer

SWAPE has received limited discovery regarding this project. Additional information may become available in the future; thus, we retain the right to revise or amend this report when additional information becomes available. Our professional services have been performed using that degree of care and skill ordinarily exercised, under similar circumstances, by reputable environmental consultants practicing in this or similar localities at the time of service. No other warranty, expressed or implied, is made as to the scope of work, work methodologies and protocols, site conditions, analytical testing results, and findings presented. This report reflects efforts which were limited to information that was reasonably accessible at the time of the work, and may contain informational gaps, inconsistencies, or otherwise be incomplete due to the unavailability or uncertainty of information obtained or provided by third parties.

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Sincerely,



Paul E. Rosenfeld, Ph.D.

Attachment B

SWAPE Technical Consultation, Data Analysis and Litigation Support for the Environment

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# *Paul Rosenfeld, Ph.D.*

**Chemical Fate and Transport & Air Dispersion Modeling**

*Principal Environmental Chemist*

**Risk Assessment & Remediation Specialist**

## Education

Ph.D. Soil Chemistry, University of Washington, 1999. Dissertation on volatile organic compound filtration.

M.S. Environmental Science, U.C. Berkeley, 1995. Thesis on organic waste economics.

B.A. Environmental Studies, U.C. Santa Barbara, 1991. Thesis on wastewater treatment.

## Professional Experience

Dr. Rosenfeld has over 25 years' experience conducting environmental investigations and risk assessments for evaluating impacts to human health, property, and ecological receptors. His expertise focuses on the fate and transport of environmental contaminants, human health risk, exposure assessment, and ecological restoration. Dr. Rosenfeld has evaluated and modeled emissions from oil spills, landfills, boilers and incinerators, process stacks, storage tanks, confined animal feeding operations, industrial, military and agricultural sources, unconventional oil drilling operations, and locomotive and construction engines. His project experience ranges from monitoring and modeling of pollution sources to evaluating impacts of pollution on workers at industrial facilities and residents in surrounding communities. Dr. Rosenfeld has also successfully modeled exposure to contaminants distributed by water systems and via vapor intrusion. 57

Dr. Rosenfeld has investigated and designed remediation programs and risk assessments for contaminated sites containing lead, heavy metals, mold, bacteria, particulate matter, petroleum hydrocarbons, chlorinated solvents, pesticides, radioactive waste, dioxins and furans, semi- and volatile organic compounds, PCBs, PAHs, creosote, perchlorate, asbestos, per- and poly-fluoroalkyl substances (PFOA/PFOS), unusual polymers, fuel oxygenates (MTBE), among other pollutants. Dr. Rosenfeld also has experience evaluating greenhouse gas emissions from various projects and is an expert on the assessment of odors from industrial and agricultural sites, as well as the evaluation of odor nuisance impacts and technologies for abatement of odorous emissions. As a principal scientist at SWAPE, Dr. Rosenfeld directs air dispersion modeling and exposure assessments. He has served as an expert witness and testified about pollution sources causing nuisance and/or personal injury at sites and has testified as an expert witness on numerous cases involving exposure to soil, water and air contaminants from industrial, railroad, agricultural, and military sources.

## Professional History:

Soil Water Air Protection Enterprise (SWAPE); 2003 to present; Principal and Founding Partner
UCLA School of Public Health; 2007 to 2011; Lecturer (Assistant Researcher)
UCLA School of Public Health; 2003 to 2006; Adjunct Professor
UCLA Environmental Science and Engineering Program; 2002-2004; Doctoral Intern Coordinator
UCLA Institute of the Environment, 2001-2002; Research Associate
Komex $H_2O$ Science, 2001 to 2003; Senior Remediation Scientist
National Groundwater Association, 2002-2004; Lecturer
San Diego State University, 1999-2001; Adjunct Professor
Anteon Corp., San Diego, 2000-2001; Remediation Project Manager
Ogden (now Amec), San Diego, 2000-2000; Remediation Project Manager
Bechtel, San Diego, California, 1999 – 2000; Risk Assessor
King County, Seattle, 1996 – 1999; Scientist
James River Corp., Washington, 1995-96; Scientist
Big Creek Lumber, Davenport, California, 1995; Scientist
Plumas Corp., California and USFS, Tahoe 1993-1995; Scientist
Peace Corps and World Wildlife Fund, St. Kitts, West Indies, 1991-1993; Scientist

## Publications:

Remy, L.L., Clay T., Byers, V., **Rosenfeld P. E.** (2019) Hospital, Health, and Community Burden After Oil Refinery Fires, Richmond, California 2007 and 2012. *Environmental Health.* 18:48

Simons, R.A., Seo, Y. **Rosenfeld, P**., (2015) Modeling the Effect of Refinery Emission On Residential Property Value. Journal of Real Estate Research. 27(3):321-342

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Chen, J. A, Zapata A. R., Sutherland A. J., Molmen, D.R., Chow, B. S., Wu, L. E., **Rosenfeld, P. E.,** Hesse, R. C., (2012) Sulfur Dioxide and Volatile Organic Compound Exposure To A Community In Texas City Texas Evaluated Using Aermod and Empirical Data. *American Journal of Environmental Science*, 8(6), 622-632.

**Rosenfeld, P.E**. & Feng, L. (2011). *The Risks of Hazardous Waste.* Amsterdam: Elsevier Publishing.

Cheremisinoff, N.P., & **Rosenfeld, P.E.** (2011). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Agrochemical Industry*, Amsterdam: Elsevier Publishing.

Gonzalez, J., Feng, L., Sutherland, A., Waller, C., Sok, H., Hesse, R., **Rosenfeld, P.** (2010). PCBs and Dioxins/Furans in Attic Dust Collected Near Former PCB Production and Secondary Copper Facilities in Sauget, IL. *Procedia Environmental Sciences*. 113–125.

Feng, L., Wu, C., Tam, L., Sutherland, A.J., Clark, J.J., **Rosenfeld, P.E.** (2010). Dioxin and Furan Blood Lipid and Attic Dust Concentrations in Populations Living Near Four Wood Treatment Facilities in the United States. *Journal of Environmental Health*. 73(6), 34-46.

Cheremisinoff, N.P., & **Rosenfeld, P.E.** (2010). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Wood and Paper Industries.* Amsterdam: Elsevier Publishing.

Cheremisinoff, N.P., & **Rosenfeld, P.E.** (2009). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Petroleum Industry*. Amsterdam: Elsevier Publishing.

Wu, C., Tam, L., Clark, J., **Rosenfeld, P**. (2009). Dioxin and furan blood lipid concentrations in populations living near four wood treatment facilities in the United States. *WIT Transactions on Ecology and the Environment, Air Pollution,* 123 (17), 319-327.

Tam L. K.., Wu C. D., Clark J. J. and **Rosenfeld, P.E.** (2008). A Statistical Analysis Of Attic Dust And Blood Lipid Concentrations Of Tetrachloro-p-Dibenzodioxin (TCDD) Toxicity Equivalency Quotients (TEQ) In Two Populations Near Wood Treatment Facilities. *Organohalogen Compounds*, 70, 002252-002255.

Tam L. K.., Wu C. D., Clark J. J. and **Rosenfeld, P.E.** (2008). Methods For Collect Samples For Assessing Dioxins And Other Environmental Contaminants In Attic Dust: A Review. *Organohalogen Compounds*, 70, 000527-000530.

Hensley, A.R. A. Scott, J. J. J. Clark, **Rosenfeld, P.E.** (2007). Attic Dust and Human Blood Samples Collected near a Former Wood Treatment Facility. *Environmental Research.* 105, 194-197.

**Rosenfeld, P.E.,** J. J. J. Clark, A. R. Hensley, M. Suffet. (2007). The Use of an Odor Wheel Classification for Evaluation of Human Health Risk Criteria for Compost Facilities. *Water Science & Technology* 55(5), 345-357.

**Rosenfeld, P. E.,** M. Suffet. (2007). The Anatomy Of Odour Wheels For Odours Of Drinking Water, Wastewater, Compost And The Urban Environment. *Water Science & Technology* 55(5), 335-344.

Sullivan, P. J. Clark, J.J.J., Agardy, F. J., **Rosenfeld, P.E.** (2007). *Toxic Legacy, Synthetic Toxins in the Food, Water, and Air in American Cities.* Boston Massachusetts: Elsevier Publishing

**Rosenfeld, P.E.,** and Suffet I.H. (2004). Control of Compost Odor Using High Carbon Wood Ash. *Water Science and Technology*. 49(9),171-178.

**Rosenfeld P. E.,** J.J. Clark, I.H. (Mel) Suffet (2004). The Value of An Odor-Quality-Wheel Classification Scheme For The Urban Environment. *Water Environment Federation's Technical Exhibition and Conference (WEFTEC) 2004.* New Orleans, October 2-6, 2004.

**Rosenfeld, P.E.,** and Suffet, I.H. (2004). Understanding Odorants Associated With Compost, Biomass Facilities, and the Land Application of Biosolids. *Water Science and Technology*. 49(9), 193-199.

**Rosenfeld, P.E.,** and Suffet I.H. (2004). Control of Compost Odor Using High Carbon Wood Ash, *Water Science and Technology*, 49( 9), 171-178.

**Rosenfeld, P. E**., Grey, M. A., Sellew, P. (2004). Measurement of Biosolids Odor and Odorant Emissions from Windrows, Static Pile and Biofilter. *Water Environment Research*. 76(4), 310-315.

**Rosenfeld, P.E.,** Grey, M and Suffet, M. (2002). Compost Demonstration Project, Sacramento California Using High-Carbon Wood Ash to Control Odor at a Green Materials Composting Facility. *Integrated Waste Management Board Public Affairs Office*, Publications Clearinghouse (MS–6), Sacramento, CA Publication #442-02-008.

**Rosenfeld, P.E**., and C.L. Henry. (2001). Characterization of odor emissions from three different biosolids. *Water Soil and Air Pollution*. 127(1-4), 173-191.

**Rosenfeld, P.E.,** and Henry C. L., (2000). Wood ash control of odor emissions from biosolids application. *Journal of Environmental Quality.* 29, 1662-1668.

**Rosenfeld, P.E.,** C.L. Henry and D. Bennett. (2001). Wastewater dewatering polymer affect on biosolids odor emissions and microbial activity. *Water Environment Research*. 73(4), 363-367.

**Rosenfeld, P.E.,** and C.L. Henry. (2001). Activated Carbon and Wood Ash Sorption of Wastewater, Compost, and Biosolids Odorants. *Water Environment Research*, 73, 388-393.

**Rosenfeld, P.E.,** and Henry C. L., (2001). High carbon wood ash effect on biosolids microbial activity and odor. *Water Environment Research*. 131(1-4), 247-262.

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Chollack, T. and **P. Rosenfeld. (**1998). Compost Amendment Handbook For Landscaping. Prepared for and distributed by the City of Redmond, Washington State.

**Rosenfeld, P. E.** (1992). The Mount Liamuiga Crater Trail. *Heritage Magazine of St. Kitts*, 3(2).

**Rosenfeld, P. E.** (1993). High School Biogas Project to Prevent Deforestation On St. Kitts. *Biomass Users Network*, 7(1).

**Rosenfeld, P. E. (**1998). Characterization, Quantification, and Control of Odor Emissions From Biosolids Application To Forest Soil. Doctoral Thesis. University of Washington College of Forest Resources.

**Rosenfeld, P. E.** (1994). Potential Utilization of Small Diameter Trees on Sierra County Public Land. Masters thesis reprinted by the Sierra County Economic Council. Sierra County, California.

**Rosenfeld, P. E. (**1991). How to Build a Small Rural Anaerobic Digester & Uses Of Biogas In The First And Third World. Bachelors Thesis. University of California.

## Presentations:

**Rosenfeld, P.E**., "The science for Perfluorinated Chemicals (PFAS): What makes remediation so hard?" Law Seminars International, (May 9-10, 2018) 800 Fifth Avenue, Suite 101 Seattle, WA.

**Rosenfeld, P.E.,** Sutherland, A; Hesse, R.; Zapata, A. (October 3-6, 2013). Air dispersion modeling of volatile organic emissions from multiple natural gas wells in Decatur, TX. *44th Western Regional Meeting, American Chemical Society.* Lecture conducted from Santa Clara, CA.

Sok, H.L.; Waller, C.C.; Feng, L.; Gonzalez, J.; Sutherland, A.J.; Wisdom-Stack, T.; Sahai, R.K.; Hesse, R.C.; **Rosenfeld, P.E.** (June 20-23, 2010). Atrazine: A Persistent Pesticide in Urban Drinking Water. *Urban Environmental Pollution*. Lecture conducted from Boston, MA.

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Feng, L.; Gonzalez, J.; Sok, H.L.; Sutherland, A.J.; Waller, C.C.; Wisdom-Stack, T.; Sahai, R.K.; La, M.; Hesse, R.C.; **Rosenfeld, P.E.** (June 20-23, 2010). Bringing Environmental Justice to East St. Louis, Illinois. *Urban Environmental Pollution.* Lecture conducted from Boston, MA.

**Rosenfeld, P.E**. (April 19-23, 2009). Perfluoroctanoic Acid (PFOA) and Perfluoroactane Sulfonate (PFOS) Contamination in Drinking Water From the Use of Aqueous Film Forming Foams (AFFF) at Airports in the United States. *2009 Ground Water Summit and 2009 Ground Water Protection Council Spring Meeting*, Lecture conducted from Tuscon, AZ.

**Rosenfeld, P.E.** (April 19-23, 2009). Cost to Filter Atrazine Contamination from Drinking Water in the United States" Contamination in Drinking Water From the Use of Aqueous Film Forming Foams (AFFF) at Airports in the United States. *2009 Ground Water Summit and 2009 Ground Water Protection Council Spring Meeting*. Lecture conducted from Tuscon, AZ.

Wu, C., Tam, L., Clark, J., **Rosenfeld, P**. (20-22 July, 2009). Dioxin and furan blood lipid concentrations in populations living near four wood treatment facilities in the United States. Brebbia, C.A. and Popov, V., eds., *Air Pollution XVII: Proceedings of the Seventeenth International Conference on Modeling, Monitoring and Management of Air Pollution*. Lecture conducted from Tallinn, Estonia.

**Rosenfeld, P. E.** (October 15-18, 2007). Moss Point Community Exposure To Contaminants From A Releasing Facility. *The 23rd Annual International Conferences on Soils Sediment and Water.* Platform lecture conducted from University of Massachusetts, Amherst MA.

**Rosenfeld, P. E.** (October 15-18, 2007). The Repeated Trespass of Tritium-Contaminated Water Into A Surrounding Community Form Repeated Waste Spills From A Nuclear Power Plant. *The 23rd Annual International*

*Conferences on Soils Sediment and Water*. Platform lecture conducted from University of Massachusetts, Amherst MA.

**Rosenfeld, P. E.** (October 15-18, 2007). Somerville Community Exposure To Contaminants From Wood Treatment Facility Emissions. The *23rd Annual International Conferences on Soils Sediment and Water*. Lecture conducted from University of Massachusetts, Amherst MA.

**Rosenfeld P. E.** (March 2007). Production, Chemical Properties, Toxicology, & Treatment Case Studies of 1,2,3-Trichloropropane (TCP). *The Association for Environmental Health and Sciences (AEHS) Annual Meeting*. Lecture conducted from San Diego, CA.

**Rosenfeld P. E.** (March 2007). Blood and Attic Sampling for Dioxin/Furan, PAH, and Metal Exposure in Florala, Alabama. *The AEHS Annual Meeting.* Lecture conducted from San Diego, CA.

Hensley A.R., Scott, A., **Rosenfeld P.E.,** Clark, J.J.J. (August 21 – 25, 2006). Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility. *The 26th International Symposium on Halogenated Persistent Organic Pollutants – DIOXIN2006*. Lecture conducted from Radisson SAS Scandinavia Hotel in Oslo Norway.

Hensley A.R., Scott, A., **Rosenfeld P.E.,** Clark, J.J.J. (November 4-8, 2006). Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility. *APHA 134 Annual Meeting & Exposition.* Lecture conducted from Boston Massachusetts.

**Paul Rosenfeld Ph.D**. (October 24-25, 2005). Fate, Transport and Persistence of PFOA and Related Chemicals. Mealey's C8/PFOA. *Science, Risk & Litigation Conference.* Lecture conducted from The Rittenhouse Hotel, Philadelphia, PA.

**Paul Rosenfeld Ph.D**. (September 19, 2005). Brominated Flame Retardants in Groundwater: Pathways to Human Ingestion, *Toxicology and Remediation PEMA Emerging Contaminant Conference*. Lecture conducted from Hilton Hotel, Irvine California.

**Paul Rosenfeld Ph.D**. (September 19, 2005). Fate, Transport, Toxicity, And Persistence of 1,2,3-TCP. *PEMA Emerging Contaminant Conference.* Lecture conducted from Hilton Hotel in Irvine, California.

**Paul Rosenfeld Ph.D**. (September 26-27, 2005). Fate, Transport and Persistence of PDBEs. *Mealey's Groundwater Conference.* Lecture conducted from Ritz Carlton Hotel, Marina Del Ray, California.

**Paul Rosenfeld Ph.D**. (June 7-8, 2005). Fate, Transport and Persistence of PFOA and Related Chemicals. *International Society of Environmental Forensics: Focus On Emerging Contaminants*. Lecture conducted from Sheraton Oceanfront Hotel, Virginia Beach, Virginia.

**Paul Rosenfeld Ph.D**. (July 21-22, 2005). Fate Transport, Persistence and Toxicology of PFOA and Related Perfluorochemicals. *2005 National Groundwater Association Ground Water And Environmental Law Conference*. Lecture conducted from Wyndham Baltimore Inner Harbor, Baltimore Maryland.

**Paul Rosenfeld Ph.D**. (July 21-22, 2005). Brominated Flame Retardants in Groundwater: Pathways to Human Ingestion, Toxicology and Remediation. *2005 National Groundwater Association Ground Water and Environmental Law Conference.* Lecture conducted from Wyndham Baltimore Inner Harbor, Baltimore Maryland.

**Paul Rosenfeld, Ph.D.** and James Clark Ph.D. and Rob Hesse R.G. (May 5-6, 2004). Tert-butyl Alcohol Liability and Toxicology, A National Problem and Unquantified Liability. *National Groundwater Association. Environmental Law Conference*. Lecture conducted from Congress Plaza Hotel, Chicago Illinois.

**Paul Rosenfeld, Ph.D.** (March 2004). Perchlorate Toxicology. *Meeting of the American Groundwater Trust*. Lecture conducted from Phoenix Arizona.

Hagemann, M.F., **Paul Rosenfeld, Ph.D.** and Rob Hesse (2004). Perchlorate Contamination of the Colorado River. *Meeting of tribal representatives*. Lecture conducted from Parker, AZ.

**Paul Rosenfeld, Ph.D.** (April 7, 2004). A National Damage Assessment Model For PCE and Dry Cleaners. *Drycleaner Symposium. California Ground Water Association*. Lecture conducted from Radison Hotel, Sacramento, California.

**Rosenfeld, P. E.**, Grey, M., (June 2003) Two stage biofilter for biosolids composting odor control. *Seventh International In Situ And On Site Bioremediation Symposium Battelle Conference* Orlando, FL.

**Paul Rosenfeld, Ph.D.** and James Clark Ph.D. (February 20-21, 2003) Understanding Historical Use, Chemical Properties, Toxicity and Regulatory Guidance of 1,4 Dioxane. *National Groundwater Association. Southwest Focus Conference. Water Supply and Emerging Contaminants*.. Lecture conducted from Hyatt Regency Phoenix Arizona.

**Paul Rosenfeld, Ph.D.** (February 6-7, 2003). Underground Storage Tank Litigation and Remediation. *California CUPA Forum*. Lecture conducted from Marriott Hotel, Anaheim California.

**Paul Rosenfeld, Ph.D**. (October 23, 2002) Underground Storage Tank Litigation and Remediation. *EPA Underground Storage Tank Roundtable*. Lecture conducted from Sacramento California.

**Rosenfeld, P.E**. and Suffet, M. (October 7- 10, 2002). Understanding Odor from Compost, *Wastewater and Industrial Processes. Sixth Annual Symposium On Off Flavors in the Aquatic Environment. International Water Association*. Lecture conducted from Barcelona Spain.

**Rosenfeld, P.E**. and Suffet, M. (October 7- 10, 2002). Using High Carbon Wood Ash to Control Compost Odor. *Sixth Annual Symposium On Off Flavors in the Aquatic Environment. International Water Association*. Lecture conducted from Barcelona Spain.

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**Rosenfeld, P.E.** and Grey, M. A. (September 22-24, 2002). Biocycle Composting For Coastal Sage Restoration. *Northwest Biosolids Management Association*. Lecture conducted from Vancouver Washington..

**Rosenfeld, P.E**. and Grey, M. A. (November 11-14, 2002). Using High-Carbon Wood Ash to Control Odor at a Green Materials Composting Facility. *Soil Science Society Annual Conferenc*e. Lecture conducted from Indianapolis, Maryland.

**Rosenfeld. P.E.** (September 16, 2000). Two stage biofilter for biosolids composting odor control. *Water Environment Federation.* Lecture conducted from Anaheim California.

**Rosenfeld. P.E. (**October 16, 2000). Wood ash and biofilter control of compost odor. *Biofest.* Lecture conducted from Ocean Shores, California.

**Rosenfeld, P.E. (**2000). Bioremediation Using Organic Soil Amendments. *California Resource Recovery Association*. Lecture conducted from Sacramento California.

**Rosenfeld, P.E**., C.L. Henry, R. Harrison. (1998). Oat and Grass Seed Germination and Nitrogen and Sulfur Emissions Following Biosolids Incorporation With High-Carbon Wood-Ash. *Water Environment Federation 12th Annual Residuals and Biosolids Management Conference Proceedings*. Lecture conducted from Bellevue Washington.

**Rosenfeld, P.E.**, and C.L. Henry. (1999). An evaluation of ash incorporation with biosolids for odor reduction. *Soil Science Society of America*. Lecture conducted from Salt Lake City Utah.

**Rosenfeld, P.E.**, C.L. Henry, R. Harrison. (1998). Comparison of Microbial Activity and Odor Emissions from Three Different Biosolids Applied to Forest Soil. *Brown and Caldwell.* Lecture conducted from Seattle Washington.

**Rosenfeld, P.E.**, C.L. Henry. (1998). Characterization, Quantification, and Control of Odor Emissions from Biosolids Application To Forest Soil. *Biofest.* Lecture conducted from Lake Chelan, Washington.

**Rosenfeld, P.E,** C.L. Henry, R. Harrison. (1998). Oat and Grass Seed Germination and Nitrogen and Sulfur Emissions Following Biosolids Incorporation With High-Carbon Wood-Ash. Water Environment Federation 12th Annual Residuals and Biosolids Management Conference Proceedings. Lecture conducted from Bellevue Washington.

**Rosenfeld, P.E.**, C.L. Henry, R. B. Harrison, and R. Dills. (1997). Comparison of Odor Emissions From Three Different Biosolids Applied to Forest Soil. *Soil Science Society of America*. Lecture conducted from Anaheim California.

## Teaching Experience:

UCLA Department of Environmental Health (Summer 2003 through 20010) Taught Environmental Health Science 100 to students, including undergrad, medical doctors, public health professionals and nurses. Course focused on the health effects of environmental contaminants.

National Ground Water Association, Successful Remediation Technologies. Custom Course in Sante Fe, New Mexico. May 21, 2002. Focused on fate and transport of fuel contaminants associated with underground storage tanks.

National Ground Water Association; Successful Remediation Technologies Course in Chicago Illinois. April 1, 2002. Focused on fate and transport of contaminants associated with Superfund and RCRA sites.

California Integrated Waste Management Board, April and May, 2001. Alternative Landfill Caps Seminar in San Diego, Ventura, and San Francisco. Focused on both prescriptive and innovative landfill cover design.



UCLA Department of Environmental Engineering, February 5, 2002. Seminar on Successful Remediation Technologies focusing on Groundwater Remediation.

University Of Washington, Soil Science Program, Teaching Assistant for several courses including: Soil Chemistry, Organic Soil Amendments, and Soil Stability.

U.C. Berkeley, Environmental Science Program Teaching Assistant for Environmental Science 10.

## Academic Grants Awarded:

California Integrated Waste Management Board. $41,000 grant awarded to UCLA Institute of the Environment. Goal: To investigate effect of high carbon wood ash on volatile organic emissions from compost. 2001.

Synagro Technologies, Corona California: $10,000 grant awarded to San Diego State University.
Goal: investigate effect of biosolids for restoration and remediation of degraded coastal sage soils. 2000.

King County, Department of Research and Technology, Washington State. $100,000 grant awarded to University of Washington: Goal: To investigate odor emissions from biosolids application and the effect of polymers and ash on VOC emissions. 1998.

Northwest Biosolids Management Association, Washington State. $20,000 grant awarded to investigate effect of polymers and ash on VOC emissions from biosolids. 1997.

James River Corporation, Oregon: $10,000 grant was awarded to investigate the success of genetically engineered Poplar trees with resistance to round-up. 1996.

United State Forest Service, Tahoe National Forest: $15,000 grant was awarded to investigating fire ecology of the Tahoe National Forest. 1995.

Kellogg Foundation, Washington D.C. $500 grant was awarded to construct a large anaerobic digester on St. Kitts in West Indies. 1993

## Deposition and/or Trial Testimony:

In the Circuit Court Of The Twentieth Judicial Circuit, St Clair County, Illinois
Martha Custer et al., Plaintiff vs. Cerro Flow Products, Inc., Defendants
Case No.: No. 0i9-L-2295
Rosenfeld Deposition, 5-14-2021
Trial, October 8-4-2021

In the Circuit Court of Cook County Illinois
Joseph Rafferty, Plaintiff vs. Consolidated Rail Corporation and National Railroad Passenger Corporation d/b/a AMTRAK,
Case No.: No. 18-L-6845
Rosenfeld Deposition, 6-28-2021

In the United States District Court For the Northern District of Illinois
Theresa Romcoe, Plaintiff vs. Northeast Illinois Regional Commuter Railroad Corporation d/b/a METRA Rail, Defendants
Case No.: No. 17-cv-8517
Rosenfeld Deposition, 5-25-2021

In the Superior Court of the State of Arizona In and For the Cunty of Maricopa
Mary Tryon et al., Plaintiff vs. The City of Pheonix v. Cox Cactus Farm, L.L.C., Utah Shelter Systems, Inc.
Case Number CV20127-094749
Rosenfeld Deposition: 5-7-2021

In the United States District Court for the Eastern District of Texas Beaumont Division
Robinson, Jeremy et al *Plaintiffs*, vs. CNA Insurance Company et al.
Case Number 1:17-cv-000508
Rosenfeld Deposition: 3-25-2021

In the Superior Court of the State of California, County of San Bernardino
Gary Garner, Personal Representative for the Estate of Melvin Garner vs. BNSF Railway Company.
Case No. 1720288
Rosenfeld Deposition 2-23-2021

In the Superior Court of the State of California, County of Los Angeles, Spring Street Courthouse
Benny M Rodriguez vs. Union Pacific Railroad, A Corporation, et al.
Case No. 18STCV01162
Rosenfeld Deposition 12-23-2020

In the Circuit Court of Jackson County, Missouri
Karen Cornwell, *Plaintiff,* vs. Marathon Petroleum, LP, *Defendant.*
Case No.: 1716-CV10006
Rosenfeld Deposition. 8-30-2019

In the United States District Court For The District of New Jersey
Duarte et al, *Plaintiffs,* vs. United States Metals Refining Company et. al. *Defendant.*
Case No.: 2:17-cv-01624-ES-SCM
Rosenfeld Deposition. 6-7-2019

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In the United States District Court of Southern District of Texas Galveston Division
M/T Carla Maersk, *Plaintiffs,* vs. Conti 168., Schiffahrts-GMBH & Co. Bulker KG MS "Conti Perdido" *Defendant.*
Case No.: 3:15-CV-00106 consolidated with 3:15-CV-00237
Rosenfeld Deposition. 5-9-2019

In The Superior Court of the State of California In And For The County Of Los Angeles – Santa Monica
Carole-Taddeo-Bates et al., vs. Ifran Khan et al., Defendants
Case No.: No. BC615636
Rosenfeld Deposition, 1-26-2019

In The Superior Court of the State of California In And For The County Of Los Angeles – Santa Monica
The San Gabriel Valley Council of Governments et al. vs El Adobe Apts. Inc. et al., Defendants
Case No.: No. BC646857
Rosenfeld Deposition, 10-6-2018; Trial 3-7-19

In United States District Court For The District of Colorado
Bells et al. Plaintiff vs. The 3M Company et al., Defendants
Case No.: 1:16-cv-02531-RBJ
Rosenfeld Deposition, 3-15-2018 and 4-3-2018

In The District Court Of Regan County, Texas, 112th Judicial District
Phillip Bales et al., Plaintiff vs. Dow Agrosciences, LLC, et al., Defendants
Cause No.: 1923
Rosenfeld Deposition, 11-17-2017

In The Superior Court of the State of California In And For The County Of Contra Costa
Simons et al., Plaintiffs vs. Chevron Corporation, et al., Defendants
Cause No C12-01481
Rosenfeld Deposition, 11-20-2017

In The Circuit Court Of The Twentieth Judicial Circuit, St Clair County, Illinois
Martha Custer et al., Plaintiff vs. Cerro Flow Products, Inc., Defendants
Case No.: No. 0i9-L-2295
Rosenfeld Deposition, 8-23-2017

In United States District Court For The Southern District of Mississippi
Guy Manuel vs. The BP Exploration et al., Defendants
Case: No 1:19-cv-00315-RHW
Rosenfeld Deposition, 4-22-2020

In The Superior Court of the State of California, For The County of Los Angeles
Warrn Gilbert and Penny Gilber, Plaintiff vs. BMW of North America LLC
Case No.: LC102019 (c/w BC582154)
Rosenfeld Deposition, 8-16-2017, Trail 8-28-2018

In the Northern District Court of Mississippi, Greenville Division
Brenda J. Cooper, et al., *Plaintiffs,* vs. Meritor Inc., et al., *Defendants*
Case Number: 4:16-cv-52-DMB-JVM
Rosenfeld Deposition: July 2017

In The Superior Court of the State of Washington, County of Snohomish
Michael Davis and Julie Davis et al., Plaintiff vs. Cedar Grove Composting Inc., Defendants
Case No.: No. 13-2-03987-5
Rosenfeld Deposition, February 2017
Trial, March 2017

In The Superior Court of the State of California, County of Alameda
Charles Spain., Plaintiff vs. Thermo Fisher Scientific, et al., Defendants
Case No.: RG14711115
Rosenfeld Deposition, September 2015

In The Iowa District Court In And For Poweshiek County
Russell D. Winburn, et al., Plaintiffs vs. Doug Hoksbergen, et al., Defendants
Case No.: LALA002187
Rosenfeld Deposition, August 2015

In The Circuit Court of Ohio County, West Virginia
Robert Andrews, et al. v. Antero, et al.
Civil Action N0. 14-C-30000
Rosenfeld Deposition, June 2015

In The Iowa District Court For Muscatine County
Laurie Freeman et. al. Plaintiffs vs. Grain Processing Corporation, Defendant
Case No 4980
Rosenfeld Deposition: May 2015

In the Circuit Court of the 17th Judicial Circuit, in and For Broward County, Florida
Walter Hinton, et. al. Plaintiff, vs. City of Fort Lauderdale, Florida, a Municipality, Defendant.
Case Number CACE07030358 (26)
Rosenfeld Deposition: December 2014

In the County Court of Dallas County Texas
Lisa Parr et al, *Plaintiff*, vs. Aruba et al, *Defendant.*
Case Number cc-11-01650-E
Rosenfeld Deposition: March and September 2013
Rosenfeld Trial: April 2014

In the Court of Common Pleas of Tuscarawas County Ohio
John Michael Abicht, et al., *Plaintiffs,* vs. Republic Services, Inc., et al., *Defendants*
Case Number: 2008 CT 10 0741 (Cons. w/ 2009 CV 10 0987)
Rosenfeld Deposition: October 2012

In the United States District Court for the Middle District of Alabama, Northern Division
James K. Benefield, et al., *Plaintiffs*, vs. International Paper Company, *Defendant*.
Civil Action Number 2:09-cv-232-WHA-TFM
Rosenfeld Deposition: July 2010, June 2011

In the Circuit Court of Jefferson County Alabama
Jaeanette Moss Anthony, et al., *Plaintiffs*, vs. Drummond Company Inc., et al., *Defendants*
Civil Action No. CV 2008-2076
Rosenfeld Deposition: September 2010

In the United States District Court, Western District Lafayette Division
Ackle et al., *Plaintiffs*, vs. Citgo Petroleum Corporation, et al., *Defendants*.
Case Number 2:07CV1052
Rosenfeld Deposition: July 2009

# EXHIBIT B

WILSON IHRIG
ACOUSTICS, NOISE & VIBRATION

CALIFORNIA
WASHINGTON
NEW YORK

WI #24-001.xx

November 8, 2024

Kelilah D. Federman
Adam Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080

**SUBJECT: Arroyo Lago Residential Project**
**Alameda County, California**
**Review and Comment on Noise Study**

Dear Ms. Federman,

Per your request, Wilson Ihrig has reviewed the information and noise impact analysis in the following documents:

*Arroyo Lago Residential Project*
*Draft Environmental Impact Report, September 2024 (DEIR)*
*Appendix H Noise Supplemental Information (Appendix H)*

The Proposed Arroyo Lago Residential Project (Project) would result in the construction of 194 market-rate single family homes, a 0.7-acre park, and off-site infrastructure improvements to support the development, including a sewer treatment plant, a water storage and pump facility, recycled water facility, agricultural irrigation recycled water spray fields, and two bioretention areas. The project is adjacent to an age-qualified single-family residential neighborhood to the west of the site.

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This letter reports our comments on the Noise Analysis in Section 3.12 of the Draft Environmental Impact Report and the Noise Supplemental Information in Appendix H. Wilson Ihrig, Acoustical Consultants, has practiced exclusively in the field of acoustics since 1966. During our 57 years of operation, we have prepared hundreds of noise studies for Environmental Impact Reports and Statements. We have one of the largest technical laboratories in the acoustical consulting industry. We also utilize industry-standard acoustical programs such as Roadway Construction Noise Model (RCNM), SoundPLAN, and CADNA. In short, we are well qualified to prepare environmental noise studies and review studies prepared by others.

## Adverse Effects of Noise[1]

Although the health effects of noise are not taken as seriously in the United States as they are in other countries, they are real and, in many parts of the country, pervasive.

**Noise-Induced Hearing Loss.** If a person is repeatedly exposed to loud noises, he or she may experience noise-induced hearing impairment or loss. In the United States, both the Occupational Health and Safety Administration (OSHA) and the National Institute for Occupational Safety and Health (NIOSH) promote standards and regulations to protect the hearing of people exposed to high levels of industrial noise.

**Speech Interference.** Another common problem associated with noise is speech interference. In addition to the obvious issues that may arise from misunderstandings, speech interference also leads to problems with concentration fatigue, irritation, decreased working capacity, and automatic stress reactions. For complete speech intelligibility, the sound level of the speech should be 15 to 18 dBA higher than the background noise. Typical indoor speech levels are 45 to 50 dBA at 1 meter, so any noise above 30 dBA begins to interfere with speech intelligibility. The common reaction to higher background noise levels is to raise one's voice. If this is required persistently for long periods of time, stress reactions and irritation will likely result.

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**Sleep Disturbance.** Noise can disturb sleep by making it more difficult to fall asleep, by waking someone after they are asleep, or by altering their sleep stage, e.g., reducing the amount of rapid eye movement (REM) sleep. Noise exposure for people who are sleeping has also been linked to increased blood pressure, increased heart rate, increase in body movements, and other physiological effects. Not surprisingly, people whose sleep is disturbed by noise often experience secondary effects such as increased fatigue, depressed mood, and decreased work performance.

**Cardiovascular and Physiological Effects.** Human's bodily reactions to noise are rooted in the "fight or flight" response that evolved when many noises signaled imminent danger. These include increased blood pressure, elevated heart rate, and vasoconstriction. Prolonged exposure to acute noises can result in permanent effects such as hypertension and heart disease.

**Impaired Cognitive Performance.** Studies have established that noise exposure impairs people's abilities to perform complex tasks (tasks that require attention to detail or analytical processes) and it makes reading, paying attention, solving problems, and memorizing more difficult. This is why there are standards for classroom background noise levels and why offices and libraries are designed to provide quiet work environments.

[1] More information on these and other adverse effects of noise may be found in *Guidelines for Community Noise*, eds B Berglund, T Lindvall, and D Schwela, World Health Organization, Geneva, Switzerland, 1999. (https://www.who.int/docstore/peh/noise/Comnoise-1.pdf)

## Potentially Significant Operational Noise Impacts

The DEIR cites The East County Area Plan (ECAP) Program 104, which states:

> "The County shall require the use of noise reduction techniques (such as buffers, building design modifications, lot orientation, soundwalls, earth berms, landscaping, building setbacks, and real estate disclosure notices) to mitigate noise impacts generated by transportation-related and stationary sources as specified in the California Office of Noise Control Land Use Compatibility Guidelines" [DEIR, pg. 3.12-15].

The DEIR predicts future traffic noise levels, including project traffic increases, of 65 dBA along Busch Road [DEIR Table 3.12-8]. These levels exceed normally acceptable community noise exposure threshold of 60 dBA for single family residences, per California Office of Noise Control Land Use Compatibility Guidelines.[2] Operational noise may further exceed normally acceptable levels, per discussion below on un-analyzed off-site infrastructure noise sources.

## Incomplete Analysis

There is no analysis of operational noise from the off-site elements of the Project, including the proposed packaged sewer treatment plant located in Parcel B adjacent to the Project Site, as shown in Exhibit 2-6a of the DEIR (reproduced in Figure 1 below). Noisy pumps on top of separation tanks can allow noise to propagate deep into an adjoining neighborhood, especially if they are not vibration-isolated from the structure below. The nearby lake could further the issue – a smooth water surface reflects sound, and the effect can be amplified by morning and evening air inversions. 57

Further, the Project is being permitted concurrently with The Busch Road Senior Development, proposed for Parcel B. The DEIR makes no mention of this future development and does not assess impact of the Arroyo Lago Project off-site improvements, located in the same Parcel, on the 357 single-family residences and duet homes and 212 multifamily independent and/or assisted living units shown in the Busch Road Preliminary Application [pg. 2].

Finally, the DEIR states that the following public comment was received during the EIR Notice of Preparation scoping period:

> "The Draft EIR should analyze noise impacts associated with proximity to the City of Pleasanton Operations Services Center, Fire Training Facility, and Police Department practice range" [DEIR, pg. 3.12-1].

Although these facilities are mentioned as dominant noise sources near the Project site [DEIR, pg. 3.12-10], there is no discussion of their cumulative effect on noise levels at nearby residences.

**The Project should address these omissions and potential impacts.**

[2] https://www.lci.ca.gov/docs/OPR_Appendix_D_final.pdf




***Figure 1: Project Site and Off-Site Infrastructure***

## Construction Prediction Contains Errors

The DEIR states that construction noise levels of 78 dBA were predicted 35 feet from the "acoustic center of construction activity" and include shielding from the existing 6-foot-high sound wall located along the western boundary [DEIR, pg. 3.12-19]. The DEIR compares this to the Federal Transit Administration Noise Assessment Manual (FTA Manual) construction noise threshold of 80 dBA. Appendix H shows that the calculations for grading and site preparation used 35 feet for the grader and 85 feet for the rest of the equipment [App. H, pg. 3]. If the predictions used the distance specified in the DEIR, construction noise levels at nearby residences would be over the FTA 80 dBA threshold, as shown in Table 1. Further, the report provides no evidence in the form of measurement data, or even photos of the walls, showing that the existing barriers can provide 8 dB of shielding. Therefore, construction levels may be higher than those shown below. **The Project should address this error.**

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***Table 1: Corrected Estimated Construction Noise Levels for Grading and Site Preparation***

| Equipment | Lmax at 50 ft. (dBA) | Usage (%) | Distance (feet) | Shielding (dB) | Ground | Leq at Residence (dBA) | Over Ambient (dBA)[1] |
|---|---|---|---|---|---|---|---|
| **grader** | 85 | 40 | 35 | 8 | 1 | 78 | |
| **excavator** | 85 | 40 | 35 | 8 | 1 | 78 | |
| **front end loader** | 80 | 40 | 35 | 8 | 1 | 73 | |
| **backhoe** | 80 | 40 | 35 | 8 | 1 | 73 | |
| | | | | | **TOTAL:** | **82** | **23** |

## Potentially Significant Construction Noise Impacts

As stated above, the DEIR compares estimated construction noise levels to the FTA Manual threshold of 80 dBA. The cited FTA document is a guidance document, and it discourages projects against using its absolute noise criteria values without consideration of local conditions [FTA page 179, see Figure 1 below].

> No standardized criteria have been developed for assessing construction noise impact. Consequently, criteria must be developed on a project-specific basis unless local ordinances apply. As stated earlier in this section, local noise ordinances are typically not very useful in evaluating construction noise. They usually relate to nuisance and hours of allowed activity, and sometimes specify limits in terms of maximum levels, but are generally not practical for assessing the impact of a construction project. Project construction noise criteria should account for the existing noise environment, the absolute noise levels during construction activities, the duration of the construction, and the adjacent land

***Figure 2: FTA Noise and Vibration Impact Assessment, Section on Construction Noise and Vibration (page 179)***

California Environmental Quality Act Guidelines cited in the DEIR state that impacts to noise would be significant if the proposed project would result in "generation of a substantial temporary or permanent increase in ambient noise levels" [DEIR, pg. 3.12-18]. The DEIR lacks a significance threshold for "substantial increase" for Project noise. As shown in Table 1 above, corrected estimated construction levels are 23 dBA above the measured ambient CNEL at LT-1. 57

**The Project must properly evaluate construction noise impacts, including the noise increase over ambient levels at sensitive receptor locations. If the increase is significant the Project must properly evaluate mitigation measures to reduce the impacts to less than significant.**

## Baseline Noise is Not Properly Established

The manner in which the DEIR has determined the existing noise environment at sensitive receivers is unsupported. Three short-term measurements and one long-term measurement were conducted within the Project site. The report provides no evidence or discussion that these measurements are representative of levels at sensitive receivers near the Project.

Table 3.12-5 of the DEIR describes the short-term locations (approximated in Figure 2 below), but the report does not provide a figure showing the measurements (Appendix H includes a sketch of ST-1). The DIER states that dominant noise sources in the project vicinity are vehicular traffic on Busch Road, the Fire Department training facility, trucks from industrial use to the south, and the Pleasanton Garbage Station and that the long-term measurement was taken on the southwest corner of the site, approximately 20 feet off Busch Road [DEIR, pg. 3.12-9]. The report does not discuss how the measurement locations relate to sensitive receivers adjacent to the site. As shown in Figure 1, the residences along Chatham Place are 835 feet from Busch Road. The Fire Department training facility is adjacent to the homes, but the activities from the facility are not well documented. Ambient levels at residences are likely between levels at ST-1 (45 dBA) and LT-1 / ST-3 (59 CNEL / 55 dBA).

Further, there is no discussion of baseline levels at the future Busch Road Senior Project site (Parcel B). The project cannot properly evaluate potential impacts at the site without establishing baseline levels.

**The Project must conduct properly documented ambient measurements near all sensitive receptors that capture the current baseline conditions during quiet period of the day and night to determine impact of construction and operational noise.**




***Figure 2: Noise Measurements and Project Site***

## Conclusion

The Project may result in potentially significant construction and operational noise impacts. The DEIR fails to include an analysis of noise from off-site infrastructure improvements and does not evaluate impacts from those operational sources at the Busch Road Senior Project, which is being permitted concurrently with the Project. The baseline measurements are not properly documented and may not represent existing levels at residences west of the site or at the Busch Road development.

Please feel free to contact me with any questions on this information.

Very truly yours,
Ani Toncheva, Senior Consultant, WILSON IHRIG

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# ANI TONCHEVA

*Senior Consultant*

Since joining the firm in 2011, Ani has conducted analyses for transit systems, vibration sensitive research facilities, public infrastructure, construction, and other environmental noise. She has contributed to literature reviews, including research on current practices of historical preservation. She has extensive experience working on construction projects in New York City and is well versed in local noise codes.

## Education

- B.A., Physics; Bard College, New York

## Professional Associations

- *Member*, National Council of Acoustical Consultants (NCAC)
- *Member*, Acoustical Society of America (ASA)
- *Board Member,* Transportation Research Forum (TRF), NY Chapter and International board

## Research Paper

- NCHRP 25-25, *Current Practices to Address Construction Vibration and Potential Effects to Historic Buildings Adjacent to Transportation Projects*

## Relevant Experience

***BART Berryessa Station Transit Noise Impact and Mitigation, San Jose, CA*** Assisted with noise predictions and barrier design recommendations.

***Massachusetts Bay Transportation Authority (MBTA) Green Line Extension (GLX), Boston, MA*** Lead analyst on noise predictions and barrier design.

***RTD Eagle P3 Northwest Corridor Noise and Impacts, Denver, CO*** Assisted with data analysis and helped prepare final technical report.

***Alameda CTC, I-880 Interchange Improvements Project (Whipple Road-Industrial Southwest and Industrial Parkway West), Hayward, CA*** Project Manager for traffic noise study.

***Alameda CTC, I-80/Ashby Avenue Interchange Improvements, Berkeley, CA*** Project Manager for traffic noise study.

***Millennium Bulk Terminal, Longview, WA*** Prepared noise analysis for the project's NEPA and SEPA environmental impact statements.

***Peninsula Humane Society & SPCA Haskin Hill Sanctuary, Loma Mar, CA*** Prepared an environmental study for a planned animal sanctuary in Loma Mar.

***Analog (ArtX) Hotel, Palo Alto, CA*** Prepared preliminary basis of design guidelines for a new five-story boutique hotel in a residential area.

***Sunnydale Block 3A & 3B Mixed-Use Residential Development, San Francisco, CA*** Prepared a CCR Title 24 Noise Study Report for two, mixed-use, 5-story buildings.

***Columbia University Medical Center Medical and Graduate Education Building, New York, NY*** Conducted baseline noise survey and performed attended noise measurements during preliminary construction work.

***Hudson Yards Tower C Foundations and Utilities, New York, NY*** Conducted a baseline noise survey prior to construction work including a combination of long-term unattended and short-term attended noise measurements.

***PANYNJ Lincoln Tunnel Helix Rehabilitation, NJ*** Assisted in developing construction noise control and mitigation plan and implementing a remote long-term noise monitoring program at three locations.

***MSK 74th Street, New York, NY*** Conducted baseline noise survey, assisted in developing construction noise control and mitigation plan, and implemented a long-term noise monitoring program at two locations.



***NY MTA No. 7 Line Subway Extension Ventilation Facility Construction, New York, NY*** The project involved mining and lining of two shafts and construction of a 2-story ventilation building.

***NY MTA ESA/LIRR Grand Central Terminal Fit-Out, New York, NY*** Prepared the Contractor's noise and vibration control plan updates for fit-out work conducted underground at the Grand Central Terminal Suburban Level.

***San Francisco Planning Department, Alameda Street Wet Weather Tunnel and Folsom Area Sewer Improvement, San Francisco, CA*** Noise and vibration analysis for Folsom Area stormwater infrastructure improvements.

***World Trade Center Vehicle Security Center, New York, NY*** Conducted baseline noise surveys, assisted in developing construction noise control plans, and implementing a remote long-term noise monitoring program.

***50 Pine Street Condominiums, New York, NY***
Project involved evaluating mechanical noise at residential dwelling units for NYC noise code

***Uptown Newport, Newport Beach, CA***
Evaluation of noise levels due to mechanical equipment at adjacent property.

# EXHIBIT C

# HOUSING CRISIS ACT of 2019 – SB 330

# PRELIMINARY APPLICATION FORM

## PURPOSE

This form serves as the preliminary application for housing development projects seeking vesting rights pursuant to SB 330, the Housing Crisis Act of 2019.

## GENERAL INFORMATION

An applicant for a housing development project that includes (1) residential units (2) a mix of commercial and residential uses with two-thirds of the project's square footage used for residential purposes; or (3) transitional or supportive housing, shall be deemed to have submitted a preliminary application upon provision of all of the information listed in this Preliminary Application form and payment of the permit processing fee to the agency from which approval for the project is being sought.

After submitting this Preliminary Application to the local agency, an applicant has 180 days to submit a full application or the Preliminary Application will expire.

**Submittal Date Stamp**[*1,2]**:**

[*1]Submittal of all the information listed and payment of the permit processing fee freezes fees and development standards as of this date, unless exceptions per Government Code § 65889.5(o) are triggered.

[*2]Note: Record keeping pertaining to which standards and fees apply at date of submittal is imperative, as **penalties may apply for imposing incorrect standards**

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Notes:

1. California Environmental Quality Act (CEQA) and Coastal Act standards apply.
2. After submittal of all of the information required, if the development proponent revises the project to change the number of residential units or square footage of construction changes by 20 percent or more, excluding any increase resulting from Density Bonus Law, the development proponent must resubmit the required information so that it reflects the revisions.

## SITE INFORMATION

1. **PROJECT LOCATION** - The specific location, including parcel numbers, a legal description, and site address, if applicable.

   Street Address Busch Road, Unincorporated Alameda County Unit/Space Number _____

   Legal Description (Lot, Block, Tract) Attached? YES ☑ NO ☐

   See attached preliminary title report with legal description

   Assessor Parcel Number(s) 946-4634-2

2. **EXISTING USES -** The existing uses on the project site and identification of major physical alterations to the property on which the project is to be located.

   The 61.6 AC site is vacant and has no existing physical improvements

3. **SITE PLAN -** A site plan showing the building(s) location on the property and approximate square footage of each building that is to be occupied.

   Attached? YES ☑ NO ☐

4. **ELEVATIONS -** Elevations showing design, color, material, and the massing and height of each building that is to be occupied.

   Attached? YES ☑ NO ☐

5. **PROPOSED USES** - The proposed land uses by number of units and square feet of residential and nonresidential development using the categories in the applicable zoning ordinance.

   See attached cover letter and site plan.

a. **RESIDENTIAL DWELLING UNIT COUNT:**

Please indicate the number of dwelling units proposed, including a breakdown of levels by affordability, set by each income category.

| | Number of Units |
|---|---|
| Market Rate | 455 |
| Managers Unit(s) – Market Rate | |
| Extremely Low Income | |
| Very Low Income | |
| Low Income | 72 |
| Moderate Income | |
| Total No. of Units | 569 |
| Total No. of Affordable Units | 114 |
| Total No. of Density Bonus Units | N/A |

Other notes on units:

Applicant proposes to develop 357 single-family residences and duet homes and 212 multifamily independent and/or assisted living units. 20% of the residential units will be dedicated to low-income residents. Applicant reserves right to invoke State Density Bonus Law should that become needed in the future.

6. **FLOOR AREA** - Provide the proposed floor area and square footage of residential and nonresidential development, by building (attach relevant information by building and totals here):

| | Residential | Nonresidential | Total |
|---|---|---|---|
| **Floor Area (Zoning)** | 1,028,620 | | 1028620 |
| **Square Footage of Construction** | 1,028,620 | | 1,028,620 |

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7. **PARKING -** The proposed number of parking spaces:

1,822 total parking spaces

8. **AFFORDABLE HOUSING INCENTIVES, WAIVERS, CONCESSIONS and PARKING REDUCTIONS** - Will the project proponent seek Density Bonus incentives, waivers, concessions, or parking reductions pursuant to California Government Code Section 65915?

YES ☐ NO ☑

If "YES," please describe:

Because Project is entitled to protections under the HAA Builder's Remedy, it does not require a density bonus, incentives/concessions, or waivers to deviate from local zoning and General Plan standards. Applicant reserves the right to request such bonuses, incentives/concessions or waivers to the extent it becomes necessary at a future date.

9. **SUBDIVISION –** Will the project proponent seek any approvals under the Subdivision Map Act, including, but not limited to, a parcel map, a vesting or tentative map, or a condominium map?

YES ☑ NO ☐

If "YES," please describe:

The Project will require a parcel map to subdivide a portion of the Project that will include the 57 single-family residences and duet homes.

10. **POLLUTANTS** – Are there any proposed point sources of air or water pollutants?

YES ☐ NO ☑

If "YES," please describe:

11. **EXISTING SITE CONDITIONS –** Provide the number of existing residential units on the project site that will be demolished and whether each existing unit is occupied or unoccupied. Provide attachment, if needed.

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| | Occupied Residential Units | Unoccupied Residential Units | Total Residential Units |
|---|---|---|---|
| Existing | 0 | 0 | 0 |
| To Be Demolished | 0 | 0 | 0 |

12. **ADDITIONAL SITE CONDITIONS –**

a. Whether a portion of the property is located within any of the following:

i. A very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection, pursuant to Section 51178?

YES ☐ NO ☑

ii. Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993)?

YES ☐ NO ☑

iii. A hazardous waste site that is listed pursuant to Section 65962.5, or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code?

YES ☐ NO ☑

iv. A special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by any official maps published by the Federal Emergency Management Agency?

YES ☐ NO ☑

v. A delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2?

YES ☐ NO ☑

vi. A stream or other resource that may be subject to a streambed alteration agreement pursuant to Chapter 6 (commencing with Section 1600) of Division 2 of the Fish and Game Code?

YES ☐ NO ☑

If "YES" to any, please describe:

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b. Does the project site contain historic and/or cultural resources?

YES ☐ NO ☑

If "YES," please describe:

c. Does the project site contain any species of special concern?

YES ☐ NO ☑

If "YES," please describe:

d. Does the project site contain any recorded public easement, such as easements for storm drains, water lines, and other public rights of way?

YES ☑ NO ☐

If "YES," please describe:

See, please see attached Site Plan for description and location of public easements.

e. Does the project site contain a stream or other resource that may be subject to a streambed alteration agreement pursuant to Chapter 6 (commencing with Section 1600) of Division 2 of the Fish and Game Code? Provide an aerial site photograph showing existing site conditions of environmental site features that would be subject to regulations by a public agency, including creeks and wetlands.

YES ☐ NO ☑

If "YES," please describe and depict in attached site map:

13. **COASTAL ZONE -** For housing development projects proposed to be located within the coastal zone, whether any portion of the property contains any of the following:

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a. Wetlands, as defined in subdivision (b) of Section 13577 of Title 14 of the California Code of Regulations.

YES ☐ NO ☑

b. Environmentally sensitive habitat areas, as defined in Section 30240 of the Public Resources Code.

YES ☐ NO ☑

c. A tsunami run-up zone. YES ☐ NO ☑

d. Use of the site for public access to or along the coast. YES ☐ NO ☑

14. **PROJECT TEAM INFORMATION -** The applicant's contact information and, if the applicant does not own the property, consent from the property owner to submit the application.

**Applicant's Name** Bridget Metz

Company/Firm USL Pleasanton Lakes. L.P.

Address 101 California Street Unit/Space Number 800

City San Francisco State CA Zip Code 94111

Telephone 925.364.0898 Email bmetz@steelwavellc.com

Are you in escrow to purchase the property? YES ☐ NO ☑

**Property Owner of Record** ☑ Same as applicant ☐ Different from applicant

Name (if different from applicant) _____

Address _____ Unit/Space Number _____

City _____ State _____ Zip Code _____

Telephone _____ Email _____

**Optional: Agent/Representative Name** Kevin Ashe

Company/Firm Holland & Knight

Address 4675 MacArthur Court Unit/Space Number 900

City Newport Beach State CA Zip Code 92660

Telephone 415.743.6972 Email kevin.ashe@hklaw.com

**Optional: Other** (Specify Architect, Engineer, CEQA Consultant, etc.) Architect

Name Robert Lee

Company/Firm WHA Architects

Address 5000 Executive Parkway Unit/Space Number 375

City San Ramon State CA Zip Code 94582

Telephone 925.463.1700 Email robert@whainc.com

Primary Contact for Project: ☐ Owner ☑ Applicant ☐ Agent/Representative ☐ Other

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## PROPERTY OWNER AFFIDAVIT

Before the application can be accepted, the owner of each property involved must provide a signature to verify the Preliminary Application is being filed with their knowledge. Staff will confirm ownership based on the records of the City Engineer or County Assessor. In the case of partnerships, corporations, LLCs or trusts, the agent for service of process or an officer of the ownership entity so authorized may sign as stipulated below.

- **Ownership Disclosure.** If the property is owned by a partnership, corporation, LLC or trust, a disclosure identifying the agent for service or process or an officer of the ownership entity must be submitted. The disclosure must list the names and addresses of the principal owners (25 percent interest or greater). The signatory must appear in this list of names. A letter of authorization, as described below, may be submitted provided the signatory of the letter is included in the Ownership Disclosure. Include a copy of the current partnership agreement, corporate articles, or trust document as applicable.
- **Letter of Authorization (LOA).** A LOA from a property owner granting someone else permission to sign the Preliminary Application form may be provided if the property is owned by a partnership, corporation, LLC or trust, or in rare circumstances when an individual property owner is unable to sign the Preliminary Application form. To be considered for acceptance, the LOA must indicate the name of the person being authorized to file, their relationship to the owner or project, the site address, a general description of the type of application being filed and must also include the language in items 1-3 below. In the case of partnerships, corporations, LLCs or trusts, the LOA must be signed by the authorized signatory as shown on the Ownership Disclosure or in the case of private ownership by the property owner. Proof of Ownership for the signatory of the LOA must be submitted with said letter.
- **Grant Deed.** Provide Copy of the Grant Deed if the ownership of the property does not match local records. The Deed must correspond exactly with the ownership listed on the application.
- **Multiple Owners.** If the property is owned by more than one individual (e.g., John and Jane Doe, or Mary Smith and Mark Jones) signatures are required of all owners.

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1. I hereby certify that I am the owner of record of the herein previously described property located in _____ which is involved in this Preliminary Application, or have been empowered to sign as the owner on behalf of a partnership, corporation, LLC, or trust as evidenced by the documents attached hereto.
2. I hereby consent to the filing of this Preliminary Application on my property for processing by the Department of _____ for the sole purpose of vesting the proposed housing project subject to the Planning and Zoning ordinances, policies, and standards adopted and in effect on the date that this Preliminary Application is deemed complete.
3. Further, I understand that this Preliminary Application will be terminated and vesting will be forfeited if the housing development project is revised such that the number of residential units or square footage of construction increases or decreases by 20 percent or more, exclusive of any increase resulting from the receipt of a density bonus, incentive, concession, waiver, or similar provision, and/or an application requesting approval of an entitlement is not filed with _____ within 180 days of the date that the Preliminary Application is deemed complete.
4. By my signature below, I certify that the foregoing statements are true and correct.

| | | | |
|---|---|---|---|
| Signature | See attached ownership disclosure form | Signature | See attached ownership disclosure form |
| Printed Name | _____ | Printed Name | _____ |
| Date | _____ | Date | _____ |

# EXHIBIT D

Holland & Knight

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Holland & Knight LLP | www.hklaw.com

Kevin J. Ashe
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Kevin.Ashe@hklaw.com

June 4, 2024

Via Email

Albert Lopez
Planning Director
Planning Department
224 W. Winton Avenue, Rm 111
Hayward, CA 94544

Re: Submittal of SB 330 Preliminary Application for "Builder's Remedy" Project at Busch Rd., Alameda County, APN 946-4634-002

Dear Mr. Lopez and County Planning Department Staff:

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Our firm represents USL Pleasanton Lakes L.P. ("Owner" and "Applicant"), owner of approximately 118.4 acres of vacant land located at Busch Road (APN 946-4634-002) (the "Property") in the County of Alameda (the "County"). Applicant hereby submits a preliminary application pursuant to Senate Bill ("SB") 330 to develop a 61.6-acre southwestern portion of the Property with qualified senior housing (age restricted for 55 years and older) of the following product types: 357 single-family residences and duet homes and 212 multifamily independent and/or assisted living units (the "Project").[1]

## I. Project Description

As explained above, Applicant is proposing to develop a 61.6-acre southwestern portion of the Property[2] into a senior housing development project consisting of 357 single-family residences and duet homes and 212 multifamily senior independent and/or assisted living units. The single-family and duet homes will require a parcel map pursuant to the Subdivision Map Act to independently subdivide, and the 212 multifamily senior independent and/or assisted living units will be located in a 208,000 sq. ft. apartment building to the north-central portion of the Property. Of the 569 total units, twenty percent (20%) will be dedicated to low-income ("LI") residents. The Project will also include approximately 1,822 parking spaces,

[1] Gov. Code § 65589.5.
[2] The eastern portions of the Property are not proposed for development at this time.

and an internal circulation system to accommodate bike and vehicular travel as well as ingress and egress to the Property. The Project will include a 6,000 sq. ft. clubhouse amenity space for residents to congregate and dine, as well as an open space courtyard and activity space for outdoor recreational uses (e.g., potentially an amphitheater, bocce ball court, pool and pool house) on a 6.5-acre portion of the site. The senior residential housing architecture style consists of contemporary and traditional character. The higher density independent/assisted living and the senior clubhouse/restaurant will be designed in a contemporary form, while the single-family and duets are more traditional architecture style to provide two very distinct styling for the senior housing market. Applicant's goal is to develop an aesthetically appealing and charming community where senior residents can enjoy all the amenities and social value the Project has to offer.

## II. SB 330 Preliminary Application

The Housing Crisis Act of 2019, or "SB 330," created important new protections for housing developments:

- *Preliminary Application* - SB 330 specifies, as of effective January 1, 2020, an application is "deemed complete" if a qualifying "preliminary application" has been submitted.[3] Accordingly, a project shall be deemed to have submitted a qualifying preliminary application upon providing the local agency with all information specified in Gov. Code § 65941.1(a).

- *Vested Rights* - With the submission of the preliminary application, the Project will be deemed complete.[4] As such, the Project will have vested rights to develop in accordance with the regulations, policies and fees applicable to the Project in effect upon this "deemed complete" date.

- *Completeness Review Limitations* – Once an applicant submits a formal application within 180 days of the preliminary application, the County must provide Applicant with an "exhaustive list of items that were not complete" within 30 days. After that, no further requests can be made for items not on the initial list of deficiencies.[5]

- *Hearing Limit* - In addition, SB 330 limits the total number of hearings that can be held on the Modified Project to five (5). Gov. Code § 65905.5(b) defines a "hearing" to include "any public hearing, workshop, or similar meeting conducted by the local agency with respect to the housing development project," whether by the legislative body of the local agency, the planning agency or any other agency thereof.

Applicant hereby submits an SB 330 preliminary application using the California Department of Housing and Community Development ("HCD") prescribed form, which is attached hereto.

[3] Gov. Code § 65589.5(h)(5).
[4] Gov. Code § 65589.5(h)(5).
[5] Gov. Code § 65943.

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Applicant intends to submit a formal land use application within 180 days of this preliminary application.[6]

## III. The HAA "Builder's Remedy"

In enacting the Housing Accountability Act ("HAA") (Gov. Code Sec. 65589.5 et seq.), our Legislature declared that a lack of housing "is a critical problem that threatens the economic, environmental, and social quality of life in California."[7] Under the HAA, a local agency cannot deny a housing development project for very low-, low-, or moderate-income household, unless it makes one of five stringent findings in Gov. Code § 65589.5, subdivision (d).[8] One such finding under subdivision (d)(5) is:

> "The housing development project … is inconsistent with both the jurisdiction's zoning ordinance and general plan land use designation as specified in any element of the general plan as it existed on the date the application was deemed complete, and the jurisdiction has adopted a revised housing element in accordance with Section 65588 that is in substantial compliance with this article."

Critical to this determination is a substantially-compliant housing element. Without one, a jurisdiction cannot deny a project that conflicts with the local agency's applicable development standards under its General Plan or Zoning Code. This is colloquially known as the "Builder's Remedy."

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Here, the Project is a "housing development project" as defined in the HAA because it is a development consisting of residential and residential amenities uses with at least two thirds of the square footage designated for residential use."[9] Moreover, the Project has committed to providing 20 percent low-income dwelling units.

## IV. The Project Has Vested to the Current Status of the County's Sixth Cycle Housing Element

By submitting an SB 330 preliminary application with the information required by Government Code Section 65941.1, Applicant has obtained a vested right to develop the Project in accordance with the applicable policies, ordinances, and standards in effect when the preliminary application is submitted.[10] HCD has confirmed on multiple occasions that such vested rights include a right to proceed under the

[6] Gov. Code § 65941.1(d)(1).
[7] Gov. Code § 65589.5(a).
[8] For purposes of the HAA, housing for very low-, low-, or moderate-income households is defined as having at least 20 percent of units set aside for low-income residents or 100% of units set aside for moderate- or middle-income residents.
[9] § 65589.5(h)(2).
[10] Gov. Code § 65589.5(o)(1).

Housing Element compliance status in effect at the time of preliminary application submittal.[11] In guidance materials issued to local agencies, HCD has confirmed that:

> "When a preliminary application "submittal occurs at a time when the jurisdiction does not have a compliant housing element, any potential benefits afforded to the applicant as a result of the jurisdiction's noncompliant status . . . remain throughout the entitlement process *even if the jurisdiction subsequently achieves compliance during the entitlement process*."[12]

This principle was also recently confirmed in the first builder's remedy trial court decision in Los Angeles Superior Court, in the case of *California Housing Defense Fund v. City of La Cañada Flintridge* et. al.[13]

Here, on January 4, 2024, HCD found that the County's December 21, 2023 draft housing element did not substantially comply with state housing element law.[14] Applicant understands that the County recently submitted a revised draft of its Housing Element to HCD on May 10, 2024. As of today's date, HCD has not certified the County's Housing Element as being in substantial compliance with state housing element law. Per the County's website, if HCD certifies the County's revised draft housing element, "CDA staff and consultant team will finalize Housing Element. Planning Commission & Board of Supervisors will hold public hearings for adoption."[15] If HCD does not certify the draft Housing Element, CDA staff and consultant team will revise the second draft of the Housing Element to address HCD's comments as needed; give public notice of second comment period on Housing Element; and submit third Housing Element draft to HCD for review.[16] 57

Thus, as of today's date, the County has not adopted a Housing Element that substantially complies with state housing element law. Accordingly, the Project is entitled to (and has vested) to processing under the HAA's Builder's Remedy.

## V. State Density Bonus Law

Under State Density Bonus Law ("SDBL"),[17] 20% LI projects are entitled to a 35% density bonus, two (2) incentive/concession from developments standards, and unlimited waivers from development standards that physically preclude development of the project at the density sought.

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[11] See HCD, 3030 Nebraska Avenue, Santa Monica – Letter of Technical Assistance (Oct. 5, 2022), at 2, https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/HAU/santa-monica-TA-100522.pdf
[12] 3030 Nebraska Avenue – Letter of Technical Assistance, at 2.
[13] Los Angeles Superior Court Case No. 23STCP02614, Order on Petitions for Writ of Mandate and Complaints for Declaratory Relief (Mar. 4, 2024).
[14] https://www.acgov.org/cda/planning/housing-element/documents/AlamedaCountyInitialDraftHousingElementLetter1_4_2024.pdf
[15] Alameda County Housing Element Update 2023-203, (accessed on June 3, 2024), available at https://www.acgov.org/cda/planning/housing-element/housing-element.htm
[16] *Id.*
[17] § 65913.16(j)(1)(C).

However, because the Project is entitled to protections under the Builder's Remedy, it technically does not need a density bonus to accommodate its proposed density (9.2 du/ac), or waivers from inconsistent development standards in the County's General Plan or Zoning Code. However, Applicant reserves the right to request such a density bonus, incentives, or waivers to the extent such becomes necessary during the County's processing and review of the Project.

## VI. CEQA

Although HAA-covered projects are not automatically exempt from CEQA, the limited discretion agencies have in reviewing such projects has implications on the CEQA process. As one leading treatise states: "[w]hen the discretion a lead agency may exercise in granting an approval for a project is confined, CEQA review for that approval may be limited to match the scope of that discretion."[18] This legal principle was affirmed in *Tiburon Open Space Committee v. County of Marin* (2022) 78 Cal.App.5th 700 ("*Tiburon*"), in which the court noted:

> "CEQA ... recognizes that an agency's discretion is limited by its own legal obligations. **Accordingly, where a legal obligation limits an agency's discretion, the scope of environmental review likewise is limited.** This is also consistent with CEQA's requirement that an agency exercise its discretionary powers in a manner 'consistent with express or implied limitations provided by other laws."[19]

Applicant welcomes the opportunity to discuss (or present) potential CEQA pathways for the County's consideration. Regardless of the scope of CEQA review for this Project, the County should ensure that environmental review is confined to those issues over which it possesses discretionary authority – specifically, potential public health and safety impacts.[20]

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## VII. Conclusion

Applicant looks forward to collaborating with County Planning staff to ensure this much-needed housing Project comes to fruition. Should any questions arise as the process proceeds, please do hesitate to reach out to discuss this project further.

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[18] Kostka & Zischke, Practice Under the California Environmental Quality Act (2d ed. Cal. CEB 2023) § 12.8

[19] *See, Tiburon*, 78 Cal.App.5th at 732-33 (internal quotations omitted) (emphasis added); *see also San Diego Navy Broadway Complex Coalition v. City of San Diego* (2010) 185 Cal.App.4th 924, 938 ("Where an agency has no authority to modify a project based on the analysis contained in the EIR, there is no basis for requiring the agency to prepare the EIR.").

[20] HAA, subdivision (d)(5) provides that local agencies cannot deny or render infeasible affordable housing development projects unless they make one of five enumerated findings, one of which is that "housing development … would have a specific adverse impact on public health and safety, and there is no way to mitigate or avoid the impact without making the development unaffordable. The impact must be based on objective, written public health or safety standards in place when the application was deemed complete." (Gov. Code 65589.5(d)(2).)

Sincerely yours,

HOLLAND & KNIGHT LLP



Kevin J. Ashe
Tamsen Plume

# EXHIBIT E

**CALIFORNIA WATER SERVICE**
1720 North First Street
San Jose, CA 95112-4598 *Tel:* (408) 367-8200

November 11, 2022

Alameda County Community Development Agency
Mr. Rodrigo Orduña
Deputy Planning Director
224 West Winton Avenue, Room 111
Hayward, Ca 94544

**Will Serve**
**Tract or Parcel Map No: *PM 11230***
**Owner: *USL Pleasanton Lakes, L.P.***

Dear *Mr. Orduña,*

California Water Service Company Livermore district ("Cal Water") has determined that adequate water is available to serve the above-referenced project based on the information provided and the plans by the "development" to drill wells on site and equip them with necessary pumps and storage. And also to have an emergency connection with Zone 7". Cal Water is committed to operate the water and related sewer system to provide service in accordance with the rules and regulations of the California Public Utilities Commission (CPUC) and the company's approved tariffs on file with the CPUC.

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Installation of facilities shall be made in accordance with the current rules and regulations of the CPUC including, among others, Tariff Rules 15 and 16 and General Order 103-A. In order for us to provide adequate sewer and water for domestic use as well as fire service protection, it may be necessary for the development to contain facilities, such as, but not limited to, booster pumps, storage tanks and/or water wells.

If you have any questions regarding the above, please call me at *(408)367-8558*.

Sincerely,

Paul Townsley
VP, Corporate Development
California Water Service Company

cc: Rashmi Kashyap – Cal Water Engineering Dept
File

# EXHIBIT F

CALIFORNIA WATER SERVICE
Livermore District 195 South N Street
Livermore, CA 94550 Tel: (925) 447-4900

October 12, 2023

Ms. Aubrey Rose
Planner
Alameda County Planning Dept
224 West Winton Ave, Room 111
Hayward, CA 94544

RE: Case No.: PLN2022-00193

Dear Ms. Rose:

California Water Service (Cal Water) would like to comment on the 4th referral application for PLN2022-00193 / USL Pleasanton Lakes, L.P. / 330 Land Company, L.L.C., Vesting Tentative Tract Map (TR-8423). Within the applicant response to County comments and their attached documentation, multiple statements are made about the water infrastructure and Cal Water's ability to provide water supply to the new development.

Cal Water is currently working with USL Pleasanton Lakes, L.P., to develop a Letter of Agreement (LOA) to provide water service to the new development. This LOA has not been finalized as of the date of this letter, and is still under negotiation. USL Pleasanton Lakes, L.P., has spoken to Zone 7 Water Agency directly, and has contracted with another firm to evaluate the water system capabilities separate from Cal Water.

Cal Water has not evaluated the forecasted water system needs of this development, the ability of Zone 7 to serve this new development under the existing Cal Water contract, nor conducted a review of the water system evaluation of this new development. As such, all claims in the documentation regarding the availability of water for the development have not been validated by Cal Water, the future water purveyor for this development.

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Additionally, the statements in the letter regarding the pending process and letters with the California Public Utilities Commission (CPUC), Zone 7 Water Agency, and the Division of Drinking Water (DDW), have also not been validated.

Cal Water will continue to work with USL Pleasanton Lakes, L.P. to finalize and validate the statements and the water supply capability upon agreement and execution of a LOA, but at this time cannot validate the statements.

Cal Water is glad to answer any questions regarding this development given the information that we currently have to date.

CALIFORNIA WATER SERVICE

Sincerely,

John Freeman, Jr

John Freeman
Livermore District Manager

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Cc: USL Pleasanton Lakes, L.P. (rwada@steewavellc.com)
Steve Reilly (sreilly@landadvisors.com)
Shilen Patel, Chief Corporate Development Officer
Scott Wagner, Director of Water Resources
Patrick Kalvass, Distribution Engineering Manager
Robert Seeley, Regional Community Affairs Specialist

# EXHIBIT G

STATE WATER RESOURCES CONTROL BOARD
GEOTRACKER

# CASE SUMMARY

REPORT DATE
9/13/2016

HAZARDOUS MATERIAL INCIDENT REPORT FILED WITH OES?

**I. REPORTED BY -**
UNKNOWN

**CREATED BY**
UNKNOWN

**III. SITE LOCATION**

FACILITY NAME
USL PLEASANTON LAKES - LONG-TERM MONITORING

FACILITY ID

FACILITY ADDRESS
3000 BUSCH RD
PLEASANTON, CA 94566
ALAMEDA COUNTY

ORIENTATION OF SITE TO STREET

CROSS STREET

**V. SUBSTANCES RELEASED / CONTAMINANT(S) OF CONCERN**

ARSENIC
CHROMIUM
COPPER
DIESEL
LEAD
NICKEL
OTHER METAL
WASTE OIL / MOTOR / HYDRAULIC / LUBRICATING
ZINC

**VI. DISCOVERY/ABATEMENT**

DATE DISCHARGE BEGAN

| DATE DISCOVERED | HOW DISCOVERED | DESCRIPTION |
|---|---|---|
| 1/1/1965 | | |
| DATE STOPPED | STOP METHOD | DESCRIPTION |

**VII. SOURCE/CAUSE**

SOURCE OF DISCHARGE
Other

CAUSE OF DISCHARGE
Other

DISCHARGE DESCRIPTION

**VIII. CASE TYPE**

CASE TYPE
Soil
Other Groundwater (uses other than drinking water)

**IX. REMEDIAL ACTION**

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NO REMEDIAL ACTIONS ENTERED

## X. GENERAL COMMENTS

USL Pleasanton is planning the development of the entire former Hanson Radum Aggregates Facility comprised of approximately 1,000 acres. The Hanson Radum Aggregates Facility is regulated by the Alameda County Department of Environmental Health (ACDEH) under two existing voluntary remedial action program (VRAP) cases RO0002941 and RO002952. USL Pleasanton is seeking regulatory closure for three parcels contained within this former facility where potential environmental impacts from the former mining operations have been adequately investigated and delineated, and found to not present an adverse risk to human health or the environment. Regulatory closure and redevelopment approval of the former facility's other four parcels will be addressed separately. ACDEH has opened this new VRAP case no. RO0003228 to evaluate the proposed site development and potentially close the three parcels (Parcels D, E and F) to facilitate subsequent development while continuing to provide regulatory oversight of the remaining parcels of the facility under VRAP cases RO0002941 and RO002952. The majority of these three parcels are contained within Alameda County Assessor Parcel Numbers (APNs) 946-1250-6-4 and 946-1350-3]-2, while the northern extent of Parcel E is also within Alameda County APNs 946-1250-6-5 and 946-1350-3-13 and the northern extent of Parcel F is also within Alameda County APN 946-1250-6-5.

## XI. CERTIFICATION

**I HEREBY CERTIFY THAT THE INFORMATION REPORTED HEREIN IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.**

## XII. REGULATORY USE ONLY

| LOCAL AGENCY CASE NUMBER | REGIONAL BOARD CASE NUMBER |
|---|---|
| RO0003228 | |

### LOCAL AGENCY

| CONTACT NAME | INITIALS | ORGANIZATION_NAME | EMAIL ADDRESS |
|---|---|---|---|
| DILAN ROE | DR | ALAMEDA COUNTY LOP | dilan.roe@acgov.org |

ADDRESS
1131 Harbor Bay Parkway
ALAMEDA, CA 94502

CONTACT DESCRIPTION

| PHONE TYPE | PHONE NUMBER | EXTENSION |
|---|---|---|
| PHONE | (510)-567-6767 | |

### REGIONAL BOARD

| CONTACT NAME | INITIALS | ORGANIZATION_NAME | EMAIL ADDRESS |
|---|---|---|---|
| Cherie McCaulou | CCM | SAN FRANCISCO BAY RWQCB (REGION 2) | cherie.mccaulou@waterboards.ca.gov |

ADDRESS
1515 CLAY STREET, SUITE 1400
OAKLAND, CA 94612

CONTACT DESCRIPTION

| PHONE TYPE | PHONE NUMBER | EXTENSION |
|---|---|---|
| Office | (510)-622-2342 | |

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## Organizations

### *East Bay Residents for Responsible Development (EBRRD)*

*Response to EBRRD-1*
The comment is noted. The Senior East County Lakes Project is not proposed as part of the proposed project, which as the commenter notes proposes "194 market-rate single-family homes, with 49 accessory dwelling units." The Senior East County Lakes Project is included in Table 3-1, Cumulative Projects, and is considered in the cumulative analysis. Please see Section 3.7 of the Draft EIR, and please also refer to Master Response 7, The Project Considers the Whole of the Action and Does Not Improperly Piecemeal, in Section 2, Master Responses, of this document. Master Response 7 explains why the proposed project considers the "whole of the action" and does not improperly piecemeal environmental analysis, especially with regard to the Senior East County Lakes Project. No further response is required.

*Response to EBRRD-2*
The comment is noted. Each of the comments on these areas has been considered, and written responses are provided in the Response to Comments that follow. No further response is needed.

*Response to EBRRD-3*
The comment is noted. Each of the expert's comments provided in Exhibit A has been considered, and written responses are provided in the Response to Comments that follow. No further response is needed.

*Response to EBRRD-4*
The comment is noted. Each of the expert's comments provided in Exhibit B has been considered, and written responses are provided in the Response to Comments that follow. No further response is needed.

*Response to EBRRD-5*
The comment is noted. The comment does not state a specific concern related to the adequacy of the Draft EIR, and therefore does not require a detailed response. The comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project. No further response is needed.

*Response to EBRRD-6*
The comment is noted. The comment does not state a specific concern related to the adequacy of the Draft EIR and therefore does not require a detailed response. The comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project. No further response is required.

*Response to EBRRD-7*
The comment is noted. The comment does not state a specific concern related to the adequacy of the Draft EIR and therefore does not require a detailed response. The comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project. No further response is required.

*Response to EBRRD-8*
The comment is noted. CEQA requires feasible mitigation that lessens a project's impacts. The Draft EIR accurately quantifies the proposed project's impacts and includes mitigation measures to address air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, noise, transportation and traffic, and wildfire impacts. Please see Responses to EBRRD-11 through -13, -14, -16, -18 through -28, -30 through -41, -49, -51 through -54, and -57 regarding the adequacy of the Draft EIR's information and analysis. The comment does not state a specific concern related to the adequacy of the Draft EIR and therefore does not require a detailed response. The comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project. No further response is required.

*Response to EBRRD-9*
The comment is noted. Recirculation of an EIR is required under CEQA "[w]hen significant new information is added to an environmental impact report after notice has been given pursuant to Section 21092 and consultation has occurred pursuant to Sections 21104 and 21153, but prior to certification." Public Resources Code Section 21092.1 (emphasis added). The standard for recirculation is whether "significant new information is added to the EIR after public notice is given of the availability of the Draft EIR for public review under Section 15087 but before certification." (CEQA Guidelines § 15088.5(a)). "[R]ecirculation is not required where the new information added to the EIR 'merely clarifies or amplifies . . . or makes insignificant modifications in . . . an adequate EIR." (*Laurel Heights Improvement Assn. v. Regents of University of California* ("*Laurel Heights*") (1993) 6 Cal.4th 1112, 1129–30, *as modified on denial of reh'g* (Feb. 24, 1994) (citations omitted)). "[R]ecirculation is only required when the information added to the EIR changes the EIR in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible project alternative or mitigation measure that would clearly reduce such an effect and that the project's proponents have declined to implement." (*Laurel Heights*, *supra*, 6 Cal.4th at 1120). Courts have also confirmed that recirculation is intended to be an exception, not the general rule. Please also refer to Master Response 5, Recirculation Not Required, in Section 2, Master Responses, of this document. Master Response 5 explains why the Draft EIR will not require recirculation.

Here, the Senior East County Lakes Project is disclosed in the Draft EIR, included on the EIR's list of cumulative projects, and is therefore included in the analysis of the proposed project's cumulative impacts. The commenter has provided no specific reasons or evidence that the Draft EIR and its impacts analyses therein does not account for the Senior East County Lakes Project, nor any information that the Draft EIR was revised after the public comment period with new information regarding that project. Therefore, the comments from the commenter's experts do not provide substantial evidence demonstrating that significant impacts not disclosed in the Draft EIR "would result from the project or from a new mitigation measure proposed to be implemented," or that the proposed project has declined to implement a feasible mitigation measure or alternative that would reduce an environmental impact or reduce "[a] substantial increase in the severity of an environmental impact." (CEQA Guidelines §§ 15088.5(a)(1), (a)(2), (a)(3)). Please also refer to Master Response 7, The Project Considers the Whole of the Action and Does Not Improperly Piecemeal, in Section 2, Master Responses, of this document. Master Response 7 explains why the proposed

project considers the "whole of the action" and does not improperly piecemeal environmental analysis, especially with regard to the Senior East County Lakes Project.

The commenter does not claim that the Draft EIR is "so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded." (CEQA Guidelines § 15088.5(a)(4)). Rather, the commenter takes issue with the Draft EIR's specific and detailed analysis of air quality, noise, greenhouse gas emissions, and hazards impacts. Please refer to *Response to EBRRD-8.* Therefore, the circumstances under which recirculation is required are not triggered and the County's decision not to recirculate the Draft EIR is supported by substantial evidence and consistent with CEQA. No further response is required.

*Response to EBRRD-10*
The comment is noted. The comment is correct that California courts hold that "an accurate, stable, and finite project description as the *sine qua non* of an informative and legally sufficient EIR . . ." (*Stopthemillenniumhollywood.com v. City of Los Angeles* (2019) 39 Cal.App.5th 1, 17 (citations omitted)). However, the comment does not raise a specific issue with the accuracy, stability, or the finite nature of the proposed project's Project Description beyond a broad claim that the description should include the Senior East County Lakes Project. Therefore, the comment does not require a detailed response, and the comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project. Please refer to Master Response 7, The Project Considers the Whole of the Action and Does Not Improperly Piecemeal, in Section 2, Master Responses, of this document. Master Response 7 explains why the proposed project considers the "whole of the action" and does not improperly piecemeal environmental analysis, especially with regard to the Senior East County Lakes Project. No further response is required.

*Response to EBRRD-11*
The comment is noted. Please refer to Master Response 7, The Project Considers the Whole of the Action and Does Not Improperly Piecemeal, in Section 2, Master Responses, of this document. Master Response 7 explains why the proposed project considers the "whole of the action" and does not improperly piecemeal environmental analysis, especially with regard to the Senior East County Lakes Project.

The comment is correct that "CEQA forbids 'piecemeal' review of the environmental effects of a project." (*Anderson v. County of Santa Barbara* (2023) 94 Cal.App.5th 554, 573 (citations omitted)). CEQA requires a lead agency to consider "the whole of an action" when determining whether the action will have a potentially significant impact on the environment. (CEQA Guidelines § 15378). CEQA's broad definition of project, as the "whole of an action," prohibits an agency from piecemeal review of the environmental impacts of individual parts of a larger project. (*Tuolumne County Citizens for Responsible Growth, Inc. v. City of Sonora* (2007) 155 Cal.App.4th 1214, 1223, as modified (Oct. 31, 2007) ("This broad interpretation ensures that the requirements of CEQA cannot be avoided by chopping up proposed projects into bite-size pieces which, when taken individually, may have no significant adverse effect on the environment.") (internal quotations and citations omitted); see also *Rio Vista Farm Bureau Center v. County of Solano* (1992) 5 Cal.App.4th 351, 370 as

modified (Apr. 27, 1992) (quoting *Bozung v. Local Agency Formation Com.* (1975) 13 Cal.3d 262, 283-84; *City of Antioch v. City Council* (1986) 187 Cal.App.3d 1325, 1333).

An EIR must be prepared for projects that include components of an "ultimate project," projects that include "an individual project" that "is a necessary precedent for action on a larger project," and projects that "commit the Lead Agency to a larger project, with significant environmental effect." (CEQA Guidelines § 15165).

"The California Supreme Court set forth a piecemealing test in [*Laurel Heights*, 6 Cal.4th at 1120]." (*Banning Ranch Conservancy v. City of Newport Beach* (2012) 211 Cal.App.4th 1209, 1222).

"[A]n EIR must include an analysis of the environmental effects of future expansion or other action if: (1) it is a reasonably foreseeable consequence of the initial project; and (2) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects. Absent these two circumstances, the future expansion need not be considered in the EIR for the proposed project. Of course, if the future action is not considered at that time, it will have to be discussed in a subsequent EIR before the future action can be approved under CEQA." (*Laurel Heights*, *supra*, 6 Cal.4th at 1120, *as modified on denial of reh'g* (Jan. 26, 1989)).

"[I]mproper piecemealing [occurs] when the purpose of the reviewed project is to be the first step toward future development," or "when the reviewed project legally compels or practically presumes completion of another action." (*Banning Ranch Conservancy*, 211 Cal.App.4th at 1223 (citations omitted)). "On the other hand, two projects may properly undergo separate environmental review (i.e., no piecemealing) when the projects have different proponents, serve different purposes, or can be implemented independently." *Id.* (citations omitted).

"A project may . . . be reviewed without reference to potential future projects when it has 'significant independent or local utility' and would be implemented with or without approval of the future project, even if the two are related in some other respects." (*Anderson.* 94 Cal.App.5th at 574 (citing *Planning & Conservation League v. Castaic Lake Water Agency* (2009) 180 Cal.App.4th 210, 237; *Sierra Club v. West Side Irrigation Dist.* (2005) 128 Cal.App.4th 690, 699).

The comment asserts that the Senior East County Lakes Project is a reasonably foreseeable project that will be developed concurrently on property that is owned by the proposed project's applicant and must be analyzed in a single EIR with the proposed project. The comment asserts that even though the Senior East County Lakes Project is included as a cumulative project in the Draft EIR's cumulative analysis, the County should have analyzed the Senior East County Lakes Project in the Draft EIR because the projects "represent a single combined use of the project sites owned by a common entity."

The comment does not provide substantial evidence for the claim that the projects "represent a single combined use of the project sites" or that the projects are part of an ultimate or larger project. The fact that the projects are proposed to include development on portions of the same or

adjacent parcels does not substantiate the commenter's claim that the projects are part of a larger project.

Assessor's Parcel Number (APN) 946-4634-0002 is approximately 118.4 acres. The Senior East County Lakes Project proposes to develop the southern 61.6 acres of the parcel. The proposed project's off-site improvements are proposed on approximately 13.2 acres of the parcel and are separate and apart from the proposed Senior East County Lakes Project.

Approval of one project is not contingent on the approval of the other. Each project will be implemented with or without the development of the other project. Each project has independent utility and will serve distinct communities with product types that are tailored to the market preferences and needs of those individual communities. The Senior East County Lakes Project proposes 569 units of qualified senior housing that is restricted to residents ages 55 years and older. In contrast, the proposed project proposes market-rate single-family homes with separate amenities that are not age restricted.

Both projects will independently contribute to the County's Sixth Cycle Regional Housing Needs Allocation ("RHNA") mandate, in terms of total residential units and affordable units.

The proposed project's wastewater treatment plant (proposed WWTP), including an influent pump station, a headworks facility, odor control, a membrane bioreactor facility, ultraviolet disinfection, an effluent and recycled water pump station and pipelines, solids handling, a chemical facility, administration, laboratory, operations, and maintenance uses, is described in the Project Description and analyzed in the Utilities chapter. Please see Draft EIR Sections 2 and 3.17. The Senior East County Lakes Project does not propose to use the proposed project's WWTP as it sized specifically to the proposed project and would not support the additional demand generated by the Senior East County Lakes Project.

Therefore, the proposed project is not a step toward development of the Senior East County Lakes Project, and approval of the proposed project does not compel or presume completion of the Senior East County Lakes Project. The Senior East County Lakes Project is included in the cumulative projects considered in analysis of the proposed project's cumulative impacts. Therefore, impacts from development of the projects are analyzed and disclosed.

Lastly, although the Draft EIR assumes the Senior East County Lakes Project is a reasonably foreseeable project and included it in the cumulative project list accordingly, it bears mentioning that that project has only submitted an SB 330 Preliminary Application. SB 330 preliminary applications are vesting mechanisms that allow qualifying residential development projects to "freeze" the land use regulations and fee categories in affect at the time the preliminary application is submitted (Gov. Code § 65589.5(o)). In order to preserve vesting, projects must submit a formal land use application within 180 days after the submittal of a preliminary application (Gov. Code § 65941.1(e)). The Draft EIR assumes the Senior East County Lakes Project will be developed for purposes of the proposed project's cumulative impact analyses, but that project has not yet submitted a complete application or finalized site plans, a construction timeline has not been determined, and analysis of the project's impacts under CEQA has not yet begun. Please refer to

page 3.12-26 of the Draft EIR. CEQA requires that a local agency "use its best efforts to find out and disclose all that it reasonably can," without resorting to speculation. (CEQA Guidelines §§ 15144, 15145).

The comment asserts that the two projects are similar to the development challenged in *Arviv Enterprises, Inc. v. South Valley Area Planning Commission* (2002) 101 Cal.4th 1333, 1336. In *Arviv Enterprises*, a housing developer of 21 homes obtained permits for a series of homes with limited environmental review by proposing a few projects at a time rather than a proposal for the full development. Each of the proposals were reviewed separately by the Lead Agency. Unlike the facts in *Arviv Enterprises, Inc.*, the applicant has not chopped up a single project into multiple projects to avoid full analysis of the proposed project's impacts. The proposed project's impacts, including cumulative impacts that account for the adjacent proposed Senior East County Lakes Project, have been disclosed in a full EIR that has been distributed to the public and responsible agencies for review and comment. The Senior East County Lakes Project may be subject to its own environmental review under CEQA (as opposed to a mitigated negative declaration or categorical exemption) (as was case in *Arviv Enterprises)*, which will begin following any submission of a formal planning application for the project. It is also reasonably foreseeable to conclude that the County, when preparing an environmental analysis for the Senior East County Lakes Project, will consider the proposed project in considering "baseline conditions" and/or cumulative impacts associated with the Senior East County Lakes Project. Therefore, the County has not engaged in piecemealed analysis under CEQA. To the contrary, the Draft EIR's Project Description accurately describes the proposed project and properly excludes the Senior East County Lakes Project. It would be speculative and misleading to consider a separate and distinct project outside of the Draft EIR's cumulative impacts analysis.

The comment asserts that substantial evidence in the record demonstrates that the projects are "part of a single overarching development" and must be analyzed in a "single EIR." The comment asserts that construction of the projects will have public health impacts and that the density of the projects will increase air quality, transportation, greenhouse gas emissions, noise and other impacts. The comment asserts that the projects must be analyzed together to ensure adequate mitigation measures "reduce the combined local and regional effects of the projects to the greatest extent possible." The comment does not reference specific evidence in the expert analysis that demonstrates the projects are "part of a single overarching development." The Draft EIR includes analysis of the proposed project's cumulative impacts on air quality, transportation, greenhouse gas emissions, noise and other impacts. As the Senior East County Lakes Project is included in the cumulative analysis, the projects have been analyzed together and mitigation is applied as required to reduce the combined effects.

Please refer to Master Response 7, The Project Considers the Whole of the Action and Does Not Improperly Piecemeal, in Section 2, Master Responses, of this document. Master Response 7 explains why the proposed project considers the "whole of the action" and does not improperly piecemeal environmental analysis, especially with regard to the Senior East County Lakes Project. No further response is required.

*Response to EBRRD-12*
The comment is noted. As explained, APN 946-4634-0002 is approximately 118.4 acres. The Senior East County Lakes Project is proposed for the southern portion of the parcel. The Draft EIR analyzed two options for the location of the off-site improvements, as well as an alternative in which the proposed project is annexed into the City of Pleasanton and the proposed project would be served by the City's utility providers and public service providers and the off-site improvements would not be developed. Please see Chapter 6, Alternatives, of the Draft EIR.

The location, design, feasibility and capacity of the proposed project's off-site improvements (including the proposed WWTP) are not subject to further modifications at this time and are wholly unrelated to the Senior East County Lakes Project.

Please refer to Master Response 7, The Project Considers the Whole of the Action and Does Not Improperly Piecemeal, in Section 2, Master Responses, of this document. Master Response 7 explains why the proposed project considers the "whole of the action" and does not improperly piecemeal environmental analysis, especially with regard to the Senior East County Lakes Project. No further response is required.

*Response to EBRRD-13*
The comment is noted. Please refer to Master Response 10, Clarifying Information on Wastewater Treatment Plant Operation and Maintenance, in Section 2, Master Responses, of this document. Master Response 10 provides additional clarifying information on the operation and maintenance of the proposed WWTP, including who would operate it, what permits would be required, and details regarding odor, sizing, PFAS, and discharge of biosolids and byproducts. As discussed in this Master Response, the technology utilized for the proposed WWTP and the off haul schedule for the biosolids produced by the proposed WWTP would avoid odor.

Furthermore, the Draft EIR's air quality analysis analyzes whether the proposed project will result in objectionable odor exposure. As discussed on page 3.2-55 of the Draft EIR, the analysis of the proposed project's operations determined that any odors that may be produced from the proposed WWTP would be less than significant due to the small scale and the dominant west to east wind. Additionally, as discussed on page 3.2-56 of the Draft EIR, odors arising from the proposed WWTP can be resolved through implementation of BAAQMD Regulation 1 Rule 301 (odorous emissions). No further response is required.

*Response to EBRRD-14*
The comment is noted. Please refer to *Response to EBRRD-13.* Additionally, please refer to Master Response 7, The Project Considers the Whole of the Action and Does Not Improperly Piecemeal, in Section 2, Master Responses, of this document. Master Response 7 explains why the proposed project considers the "whole of the action" and does not improperly piecemeal environmental analysis, especially with regard to the Senior East County Lakes Project.

*Response to EBRRD-15*
The comment is noted. The comment states general CEQA requirements and legal standards and does not state a specific concern related to the adequacy of the Draft EIR. Therefore, the comment does not require a detailed response. The comment has been reviewed by the Lead Agency and will

be provided to County decision-makers for consideration of the merits of the proposed project. No further response is required.

*Response to EBRRD-16*
The comment is noted. CEQA requires "a description of the physical environmental conditions in the vicinity of the project." (CEQA Guidelines § 15125(a)). "[T]he baseline for an agency's primary environmental analysis under CEQA must ordinarily be the actually existing physical conditions rather than hypothetical conditions that could have existed under applicable permits or regulations." (*Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439, 448 (citing *Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 320–22) (emphasis original)). The County has discretion to determine "exactly how the existing physical conditions without the project can most realistically be measured…" (*Id.* at 499 citing *Communities for a Better Environment*, 48 Cal.4th at 328). "[E]xisting conditions is the normal baseline under CEQA, but . . . factual circumstances can justify an agency departing from that norm when necessary to prevent misinforming or misleading the public and decision-makers." (*Id.* at 448). "[I]n appropriate circumstances an existing conditions analysis may take account of environmental conditions that will exist when the project begins operations[.]" (*Id.* at 452).

The Draft EIR's noise analysis describes the characteristics of noise, noise descriptors, noise propagation, traffic noise, stationary noise, and noise from multiple sources, as well as the characteristics of vibration. An analysis of the existing noise environment in the vicinity of the project site was performed at the project site. Monitoring included short-term noise measurements at three locations on the project site and a long-term noise measurement. As discussed on page 3.12-9 of the Draft EIR, the noise measurement documented noise levels from all noise sources in the project vicinity, including any noise from the City of Pleasanton Operations Services Center, the Fire Department training facility, and the Police Department practice range.

As discussed on page 3.12-10 of the Draft EIR, the dominant noise sources in the project vicinity are vehicular traffic on Busch Road, the Fire Department training facility, trucks from industrial use to the south, and the Pleasanton Garbage Station. The description of the existing setting also disclosed existing traffic noise and location of noise-sensitive land uses on pages 3.2-10 and 3.2-11 of the Draft EIR. The County's decision not to measure existing noise levels at the Senior East County Lakes Project is supported by substantial evidence as the project is separate and distinct from the project and is at a preliminary stage and has not yet finalized a site plan or submitted a formal planning application, as described on page 3.12-26 of the Draft EIR. Please refer to Master Response 7, The Project Considers the Whole of the Action and Does Not Improperly Piecemeal, in Section 2, Master Responses, of this document. Master Response 7 explains why the proposed project considers the "whole of the action" and does not improperly piecemeal environmental analysis, especially with regard to the Senior East County Lakes Project.

As discussed in Master Response 7, the Senior East County Lakes Project is not likely to be constructed at the same time as the proposed project because as disclosed on page 3.12-26 of the Draft EIR, at the time the Draft EIR was prepared, the construction schedule was expected to begin after the proposed project is operational. The Draft EIR properly excludes the Senior East County Lakes Project from the noise baseline because it would be confusing, misleading and speculative to

conclude that the Senior East County Lake Project would exist at the time the proposed project begins operation. No further response is required.

*Response to EBRRD-17*
The comment is noted. The comment does not state a specific concern related to the adequacy of the Draft EIR. Therefore, the comment does not require a detailed response. The comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project. No further response is required.

*Response to EBRRD-18*
The comment is noted. The anticipated construction schedule, as shown in Table 3.2-4 of the Draft EIR, reflects the construction start date and construction phase durations assumed for the purposes of this environmental analysis. Based on applicant-provided information, construction would start in March 2025 and would conclude in August 2027. The construction schedule used in the analysis represents a conservative analysis scenario, since emission factors for construction equipment decrease as the analysis year increases due to improvements in technology and compliance with more stringent regulatory requirements. Therefore, construction emissions would decrease if the construction schedule moved to later years. The duration of construction activity and associated equipment represent a reasonable approximation of the expected construction fleet as required by the CEQA Guidelines. Off-site improvements included in the proposed project scenario were assumed to overlap with the main construction site activities, resulting in the same 903-day schedule for both scenarios. The comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project. No further response is required.

*Response to EBRRD-19*
The comment is noted. The Draft EIR conservatively assumed that proposed project construction would begin in March 2025 and would conclude in August 2027, as discussed on page 3.2-24 of the Draft EIR. Table 3.2-4 in the Draft EIR details the construction schedule and the overlapping construction activity that would take place. The analysis explains that the scenario is conservative because if the construction schedule extends past the assumed timeline, emissions factors for construction equipment would decrease due to improvements in technology and compliance with more stringent regulatory requirements in future years.

Moreover, the comment is conclusory and does not provide substantial evidence in support of the contention that the proposed project's construction phases are artificially elongated. Rather, Soil/Water/Air Protection Enterprise (SWAPE) argues that the proposed project's changes to construction phase inputs in the CalEEMod Model is unsubstantiated. Construction phase modeling for the proposed project is based on data provided by the project applicant as discussed on page 3.2-24 of the Draft EIR. The project applicant's provided construction schedule is estimated based on entitlement timeframe and professional experience in construction management. CalEEMod is a computer software program that is meant to "provide a uniform platform for government agencies, land use planners, and environmental professionals to estimate potential emissions associated with both construction and operation of land use projects. It is intended that these emission estimates are suitable for quantifying air quality and climate change impacts as part of the preparation of

California Environmental Quality Act (CEQA) documents."[2] The CalEEMod User's Guide expressly states that, "The user may override the defaults to input more accurate, project-specific information as appropriate."[3,4] The changes to the defaults in the CalEEMod for the project were done for just this reason.

The comment asserts that the Draft EIR's hauling, and truck trip emissions are inaccurate because the model is based on the Tier IV Final engine tier, but the proposed project's mitigation measures require Tier IV Interim, which has higher emissions. The analysis states that mitigation measure MM AIR -3 requires Tier IV or equivalent for all applicable construction equipment as stated on pages 3.2-52 and 3.2-54 of the Draft EIR. The commenter claims that use of Tier IV Interim engines (as required in MM AIR-3) would result in significantly higher emissions than what was analyzed in the Draft EIR, which modeled the use of Tier IV Final engines. The commenter claims that if Tier IV Interim engines were modeled, the project impacts would not be sufficiently mitigated.

While the Draft EIR's analysis inadvertently assigned Tier IV Final engines in the modeling, the commenter's claims and assumptions regarding the predicted outcome of Tier IV Interim impacts are incorrect. MM AIR-3 is needed to reduce health risk impacts from diesel particulate matter (DPM) by requiring the use of Tier IV Interim engines to reduce the release of particulate matter (PM) during construction. Compared to Tier III or older engines, Tier IV Interim engine represents a significantly stricter standard for particulate matter emissions, requiring a 90 percent reduction in PM emissions. As presented in Appendix B: Air Quality Supporting Information of this Final EIR, Tier IV Final engines would only marginally reduce PM emissions compared to Tier IV Interim due to the large portion of PM emissions already reduced by implementing Tier IV Interim engines.[5]

For informational purposes and to further support the requirement for use of Tier IV Interim engines in MM AIR-3, the proposed project's emissions and health risk modeling have been supplemented to reflect implementation of Tier IV Interim engines as specified in MM AIR-3. The additional modeling is included as Appendix B of this Final EIR. Implementation of Tier IV Interim engines would sufficiently reduce cancer risk impacts to 4.22 risks in a million, which is substantially below the BAAQMD risk threshold of 10 risks in a million and represents a slight (10 percent) increase compared to the cancer risk shown in Table 3.2-14 (3.83 risks in a million). The conclusions in the Draft EIR remain unchanged and the application of MM AIR-3 remains appropriate. No changes to the Draft EIR are required in response to the inclusion of the additional modeling information. This additional information provides clarification and/or amplification and does not constitute "significant new information" requiring recirculation. Please refer to Master Response 5, Recirculation Not Required, in Section 2, Master Responses, of this document. Master Response 5 explains why the Draft EIR will not require recirculation.

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2 California Air Pollution Control Officers Association (CAPCOA). 2017. California Emissions Estimator Model, User's Guide (Version 2016.3.2). November.

3 California Air Pollution Control Officers Association (CAPCOA). 2021. California Emissions Estimator Model, User's Guide (Version 2020.4.0). May.

4 California Air Pollution Control Officers Association (CAPCOA). 2017. California Emissions Estimator Model, User's Guide (Version 2016.3.2). November.

5 California Air Resources Board (ARB). Table 1 Off Road Compression – Ignition Diesel Engine Standards. Website: https://ww2.arb.ca.gov/resources/documents/non-road-diesel-engine-certification-tier-chart. Accessed January 6, 2025.

*Response to EBRRD-20*
The comment is noted and will be considered by County decision-makers. Disagreement among experts is not a sufficient reason to set aside an EIR or require subsequent environmental review of a previously-adopted EIR. (CEQA Guidelines § 15151). Under established CEQA precedent, the Lead Agency may properly accept the determinations and conclusions reached by the experts that prepared the EIR, even though other conclusions could also be reached. (*See Eureka Citizens for Responsible Government v. City of* Eureka, (2007) 147 Cal. App. 4th 357, 371-72 (accepting findings on noise impacts despite experts' disagreement over methodology); *Ctr. for Biological Diversity v. Dep't. of Fish & Wildlife*, (2014) 224 Cal. App. 4th 1105, 1179-80 (2014) *reversed on other grounds*, 62 Cal. 4th 204 (2015) (one scientist's disagreement with a conservation plan is "not pertinent to the issue of whether the environmental impact report's conclusions are supported by substantial evidence" (citations omitted)). Stated differently, since the function of review of the EIR is limited to determining whether the EIR is supported by substantial evidence, it is not an "abuse of discretion" for a public agency "to give more weight to one set of 'experts' than to another." (*Greenebaum v. City of Los Angeles* (1984) 153 Cal. App. 3d 391, 412). SWAPE's analysis does not demonstrate that County's analysis is not supported by substantial evidence. Expert opinion that differs from the expert opinion expressed in the Draft EIR does not undermine the fact that there is substantial evidence to support the Draft EIR's conclusions.

As demonstrated in *Responses to EBRRD-21 through EBRRD-28*, the project's air quality emissions and health risks are appropriately analyzed and disclosed in the Draft EIR, and additional clarifying and supplemental information is provided in the Final EIR. No further response is required.

*Response to EBRRD-21*
The comment is noted. See *Responses to EBRRD-19, EBRRD-20*, and *EBRRD-22 through EBRDD-28* which demonstrate that all project-specific parameters (i.e., deviation from CalEEMod defaults) and project impacts are appropriately analyzed and disclosed. No further response is required.

*Response to EBRRD-22*
The comment is noted. As discussed, the Draft EIR explains that the proposed project would be constructed in one phase, spanning 2.5 years, and that all site preparation and grading would be completed during this time. The commenter claims that soil import/export was not considered because the soil import/export tab was not filled out in the project's CalEEMod modeling. While it is true that CalEEMod can estimate the number of hauling trips associated with material transport activities based on the soil import/export entry,[6] this is not the only method to account for emissions related to the transport of soil in CalEEMod. The inclusion of soil hauling trips can also be achieved by adding the number of haul trips directly into the modeling, as discussed in detail below.

As discussed on page 3.2-26 of the Draft EIR, the proposed project's import and export of soil would be accomplished by using soil from a soil harvest site east of the residential project site. Project-specific parameters were added to the CalEEMod modeling and explained in Section 8–User Changes to Default Data, for both the main site modeling run and off-site improvement modeling run, in Appendix B, Air Quality, GHG, and Energy Supporting Information, of the Draft EIR. Section 8 explains

[6] California Air Pollution Control Officers Association (CAPCOA). 2022. CalEEMod User Guide, Page 36. April. Website: https://www.caleemod.com/documents/user-guide/01_User%20Guide.pdf. Accessed January 7, 2025.

that "on-site truck trips are added to grading phase to account for truck trips near the project site based on applicant-provided information." Accordingly, 10 daily truck trips traveling one mile per trip for the duration of the 120 days of mass grading phase were added to the CalEEMod as show on page 76 of Appendix B, Section 5.3 Construction Vehicles, of the Draft EIR. Similarly, 10 daily trucks traveling 2 miles per trip daily for the duration of the 28 days of grading phase of the off-site improvement area, which is slightly farther from the soil harvest site, is shown on page 116 of Appendix B, Section 5.3 Construction Vehicles, of the Draft EIR. Inclusion of these truck trips accounts for the emissions associated with the transport of soils from the soil harvest site. Therefore, import and export of material is properly accounted for in the air quality modeling.

The commenter also claims that the project's American Meteorological Society/United States Environmental Protection Agency (EPA) Regulatory Model (AERMOD) modeling is inaccurate because of the lack of import/export emissions in CalEEMod. AERMOD is an air dispersion model that uses emissions from CalEEMod and other data like meteorology and terrain to predict the area and level of pollutant concentration. As demonstrated above, the proposed project's CalEEMod modeling accurately captures the import/export emissions, which means it is also appropriately considered in AERMOD. The CalEEMod and health risk modeling results for construction are presented in Table 3.2-11 and Table 3.2-14 of the Draft EIR, respectively. As demonstrated in Table 3.2-11, the proposed project would not result in significant criteria pollutant emissions during construction. As demonstrated in Table 3.2-14, the proposed project would not result in significant health risk impacts with incorporation of MM AIR-3. Therefore, the proposed project's air quality impacts are appropriately analyzed and disclosed. No further analysis is needed, and no further response is required.

*Response to EBRRD-23*
The comment is noted. Please see *Responses to EBRRD-19 through EBRRD-22.* No further response is required.

*Response to EBRRD-24*
The comment is noted. As previously discussed, the proposed project's import and export of material would be accomplished by using soil from an adjacent site, which would not generate long haul trips, as discussed on page 3.2-26 of the Draft EIR. Disturbance of the adjacent site was accounted for in the localized air quality impact analysis completed for the project by including the adjacent site as part of the AERMOD modeling conducted for the construction HRA.

Subsequent to the Draft EIR publication, a new soil harvest site was identified as a more feasible soil import location. For informational purposes and in support of the response to this comment, additional emission modeling was prepared to analyze truck emissions from the transport of 160,000 cubic yards of soil from a harvest site approximately 30 miles south of the project site. This is a conservative analysis because these emissions are in addition to the construction emissions disclosed in the Draft EIR. As shown in Chapter 5, Errata, of this Final EIR, the additional emissions from the updated soil import data, combined with the construction emissions as analyzed in the Draft EIR, would not exceed BAAQMD's significance thresholds. Thus, whether the proposed project utilizes soil from the adjacent site or any soil harvest sites within 30 miles of the project site, no significant impact would occur. Supporting information for the haul trips from the new soil harvest

site is included in Appendix B, Air Quality Supporting Information, of this Final EIR. This additional information provides clarification and/or amplification of the Draft EIR's analysis and does not constitute "significant new information" requiring recirculation. Please also refer to Master Response 5, Recirculation Not Required, in Section 2, Master Responses, of this document. Master Response 5 explains why the Draft EIR will not require recirculation.

Further, the Draft EIR notes that projects under BAAQMD jurisdiction must comply with BAAQMD Regulation 6 and Fugitive Dust Best Management Practices (BMPs) to reduce emissions of fugitive dust. As shown in Appendix B of the Draft EIR, the BMPs are accounted for in CalEEMod through selection of the appropriate measures in CalEEMod ("water unpaved roads twice daily" and "limit vehicle speeds on unpaved roads to 25 miles per hour [mph]"). As discussed on page 3.2-27 of the Draft EIR, development of the proposed project would include design features that would reduce fugitive dust compared to default values.

The BAAQMD requires that a project implement construction BMPs to lead to a less than significant impact regarding construction fugitive dust. Therefore, MM AIR-1 requires the incorporation of BAAQMD BMPs in the project design and implementation of construction activities as discussed on pages 3.2-43 and 3.2-44 of the Draft EIR. Implementation of all appropriate emissions control measures as recommended by BAAQMD, and required by MM AIR-1, would reduce the proposed project's fugitive dust construction emissions to less than significant levels. With the incorporation of this mitigation, the Draft EIR concludes that short-term construction impacts associated with violating an air quality standard or contributing substantially to an existing or projected air quality violation would be less than significant for fugitive dust. No further response is required.

*Response to EBRRD-25*
The comment is noted. Please see *Response to EBRRD-24*. No further response is required.

*Response to EBRRD-26*
The comment is noted. Please see *Response to EBRRD-19.* No further response is required.

*Response to EBRRD-27*
The comment is noted. The comment asserts that air quality and greenhouse gas "emissions associated with excavators, welders, and rollers will be more significant than analyzed in the Draft EIR" because MM AIR-3 requires Tier IV Interim equipment for off-road equipment with engines greater than 50 horsepower, but the model utilized Tier IV Final assumptions for equipment with engines less than 50 horsepower. Please see Response to Comment to *Response to EBRRD-19.*

As shown in the Draft EIR, of the four air quality impact thresholds (Impacts AIR-1 through -4), MM AIR-3 applies only to Impact AIR-3–construction health risks. Specifically, MM AIR-3 is needed to reduce DPM emissions ($PM_{10}$) and its associated cancer risk impacts during project construction. In addition, as shown in the CalEEMod modeling in Appendix B of the Draft EIR (page 16 and 17), use of advanced engine tiers would not have bearing on GHG emissions during construction. Therefore, this issue is pertinent only to DPM/$PM_{10}$ emissions and its associated health risk impacts.

As noted above, the modeling inadvertently assigned Tier IV Interim tier engines to three pieces of equipment below 50 horsepower. This minor omission does not materially change the proposed

project's findings. An updated CalEEMod modeling has been prepared which removes assignment of Tier IV Interim tier from off-road equipment with engines below 50 horsepower, and is included in Appendix B of the Final EIR. The revised mitigated health risks (from implementation of Tier IV Interim engines for off-road equipment with engines greater than 50 horsepower as required by MM AIR-3) would sufficiently reduce cancer risk impacts to 4.22 in a million, which is substantially below the BAAQMD risk threshold of 10 risks in a million and represents a slight (10 percent) increase compared to the cancer risk shown in Table 3.2-14 (3.83 risks in a million). Therefore, this additional information provides clarification and/or amplification and does not constitute "significant new information" requiring recirculation. Please refer to Master Response 5, Recirculation Not Required, in Section 2, Master Responses, of this document. Master Response 5 explains why the Draft EIR does not require recirculation.

*Response to EBRRD-28*

The comment is noted. Please refer to Master Response 10, Clarifying Information on Wastewater Treatment Plant Operation and Maintenance, in Section 2, Master Responses, of this document. Master Response 10 provides additional clarifying information on the operation and maintenance of the proposed WWTP, including who would operate it, what permits would be required, and details regarding odor, sizing, PFAS, and discharge of biosolids and byproducts. The Master Response specifically addresses all the emissions of concern identified by this comment. As such, no further response is required.

*Response to EBRRD-29*

As discussed in Section 3.9, Hazards and Hazardous Materials, of the Draft PEIR, PFAS was raised as a potential area of concern in written and verbal comments provided on the NOP for the Draft EIR. Therefore, the Draft EIR included a thorough analysis and disclosure of existing PFAS conditions and potential impacts from the proposed project.

The Draft EIR explains what PFAS are, how water can become contaminated with PFAS, that the State Water Board is investigating Zone 7 and the Livermore District for incidents of PFAS in drinking water sources, and that Cal Water proactively tested active sources in Cal Water's system for PFAS prior to issuance of the EPA's proposed NPDWR for certain PFAS. Cal Water found that none of their active water sources have levels of the six PFAS compounds over current California response levels, which are set with a margin of protection for all people (including sensitive populations) over a lifetime of exposure. On April 10, 2024, the EPA announced the final NPDWR for six PFAS, including individual Maximum Contaminant Levels (MCLs) for perfluorooctanoic acid (PFOA) and perfluorooctanesulphonic acid (PFOS) at 4 parts per trillion (ppt), individual MCLs for PFHxS, PFNA, and GenX Chemicals at 10 ppt, and an MCL for a mixture of 4 PFAS (PFHxS, PFNA, GenX Chemicals, and perfluorobutanesulfonic acid [PFBS]) at no greater than a Hazard Index of 1.0, as discussed on pages 3.8-4, 3.9-7, and 3.17-5 of the Draft EIR. The Draft EIR explains that Zone 7 has begun implementing voluntary changes to meet the EPA's newly finalized health-based, non-enforceable Maximum Contaminant Level Goals, which specify timelines for development of State, agency, and public water system solutions and standards.

Impact HAZ-1 and Impact HYD-1 analyze PFAS in determining whether the proposed project would create a significant hazard to the public through routine transport, use, or disposal of hazardous

materials or whether the proposed project would violate any water quality standards, as discussed on pages 3.8-17 and 3.9-24 of the Draft EIR. Analysis of the proposed project's operation determined that the proposed project would not exacerbate or contribute to PFAS levels in its water source as residential uses are not uses associated with the production of PFAS. Cal Water, the provider of water to the proposed project, has already proactively tested active sources in their systems for all six PFAS and took the affected sources out of service until treatment was installed. Thus, none of their active water sources have levels of the six PFAS compounds over current California response levels.

The proposed water storage and booster pump facility and proposed WWTP included in the proposed project's off-site improvements would be constructed and operated consistent with federal and State regulations related to PFAS. To the extent new PFAS-related regulations or water quality standards are adopted by the State Water Board or San Francisco Bay Regional Water Quality Control Board (San Francisco Bay RWQCB), those agencies and/or the County, as the Lead Agency, would ensure that the proposed project adheres to all applicable regulations and standards through the standard permitting and oversight processes.

Under CEQA, an EIR is not required to evaluate the impacts of existing conditions on the proposed project, and the project proponent is not required to mitigate the presence of PFAS already present in groundwater. It should be noted that PFAS is endemically found in the groundwater throughout the Main Basin. The technology chosen by Zone 7 and Pleasanton is to treat extracted groundwater to remove PFAS rather than any in situ remediation.

Additional clarifying information related to PFAS within the City of Pleasanton has been included in Section 5, Errata, of this document.

Please refer to both Master Response 10, Clarifying Information on Wastewater Treatment Plant Operation and Maintenance, and Master Response 11, Clarifying Information on Wastewater Effluent, in Section 2, Master Responses, of this document. Both Master Responses specifically discusses the proposed WWTP with respect to PFAS.

Recirculation is not warranted based on the comment. Please refer to Master Response 5, Recirculation Not Required, in Section 2, Master Responses, of this document. Master Response 5 explains why the Draft EIR will not require recirculation. No further response is required.

*Response to EBRRD-30*

The comment is noted. The County has reviewed and considered SWAPE's proposed mitigation measures, which include mitigation measures recommended by the BAAQMD and the California Air Pollution Control Officers Association, the California Air Resources Board 2022 Scoping Plan, and the Southern California Association of Governments 2020 RTP/SCS Program EIR. The viability of the proposed measures, which are recommended by agencies without jurisdiction over the proposed project, would not quantifiably reduce greenhouse gas emissions below the levels analyzed in the Draft EIR and, therefore, do not constitute feasible mitigation.

As explained in Section 3.7 of the Draft EIR, the proposed project was analyzed against the design elements in Criterion A of BAAQMD's 2022 GHG Significance thresholds. The Draft EIR concludes that the proposed project would only satisfy one of the four design elements outlined in the BAAQMD GHG Threshold Criterion A. The proposed project would not meet the all-electric design element because the proposed project proposes natural gas plumbing.

Additionally, the proposed project is expected to generate 29.9 VMT per capita daily, which is greater than the threshold of 25.9 VMT per capita, or 15 percent below the average VMT per capita for the Alameda County East Planning Area. Therefore, the proposed project cannot achieve the 15 percent VMT reduction as required by the BAAQMD threshold. The proposed project does not meet the Tier 2 electric vehicle (EV) charging infrastructure threshold because the proposed project would meet the CALGreen mandatory level of EV charging requirements only, but not CALGreen Tier 2 EV parking levels. The proposed project is consistent with the fourth design element regarding energy efficiency because the proposed project would not result in any wasteful, inefficient, or unnecessary energy usage. Therefore, because the proposed project does not demonstrate a 15 percent reduction in resident VMT as required by BAAQMD thresholds and it is not consistent with other BAAQMD design elements, the proposed project's GHG emission impact is significant and unavoidable.

To reduce the proposed project's emissions, the Draft EIR implements mitigation measures. MM GHG-1 requires the applicant to demonstrate that design for the residential units would include pre-wiring so that each building is ready for a future retrofit to all-electric (e.g., such that electric space heating, water heating, drying, and cooking appliances could be installed). MM GHG-2 requires the applicant to purchase carbon offsets to reduce GHG emissions from natural gas use. Offsets must exhibit "permanence" and the ability to counterbalance GHG emissions over the lifespan of the project or "in perpetuity." Mitigation measures to reduce VMT are also incorporated. MM TRANS-2, as noted in Chapter 5, Errata, of this Final EIR, requires the proposed project to implement traffic calming elements on all of the proposed project's street improvements. MM TRANS-2b, which required approximately 1,000 feet of off-site sidewalk and bicycle lane improvements along Busch Road, has been removed as a mitigation measure and instead remains in Chapter 2, Project Description, of the Draft EIR. However, removal of this mitigation measure does not change any of the significance findings in the document as it will be implemented as part of the proposed project regardless. Impacts to VMT would remain significant and unavoidable. Related revisions are identified in Chapter 5, Errata, of this Final EIR. These mitigations and design features have a clear connection (i.e., nexus) with the specific impacts related to natural gas plumbing and VMT, which are elements set forth in BAAQMD GHG Threshold Criterion A.

SWAPE's proposed mitigation measures would not quantifiably reduce the proposed project's operational and cumulative greenhouse gas emissions. The proposed project includes installation of Americans with Disabilities Act compliant sidewalks and bicycle improvements to fill existing gaps in pedestrian facilities, which will encourage active transportation. As described, MM TRANS-2 requires traffic calming features for all project streets. The proposed project's Transportation Demand Management (TDM) measures are summarized in Table 3.16-8 on page 3.16-23 of the Draft EIR. Because the proposed project is inconsistent with the BAAQMD GHG Threshold Criterion A elements, there are no other feasible mitigation measures to reduce the proposed project's significant operational impact. Additionally, the Draft EIR concluded that with incorporation of the

proposed project's TDM measures, pedestrian and bicycle facilities, and traffic calming features the proposed project's greenhouse gas emissions would be cumulatively significant.

No revisions to the Draft EIR are required and recirculation is not warranted because no further mitigation is available to reduce the proposed project's greenhouse gas emissions. Please refer to Master Response 5, Recirculation Not Required, in Section 2, Master Responses, of this document. Master Response 5 explains why the Draft EIR does not require recirculation.

*Response to EBRRD-31*
Please see Response to EBRRD-30.

*Response to EBRRD-32*
The comment is noted. In response to this comment, MM TRANS-2b has been removed as a mitigation measure and instead remains in Chapter 2, Project Description, of the Draft EIR. However, removal of this mitigation measure does not change any of the significance findings in the document as it will be implemented as part of the proposed project regardless. Impacts to VMT would remain significant and unavoidable. Related revisions are identified in Chapter 5, Errata, of this Final EIR. Mischaracterization of a mitigation measure as a project component amounts to a material error *only if it obstructs or obscures analysis of the project's environmental impacts and potential mitigation measures*. (*Mission Bay Alliance v. Office of Community Inv. & Infrastructure* (2016) 6 Cal.App.5th 160, 185). No further response is required.

*Response to EBRRD-33*
The comment is noted. As previously explained, the Draft EIR's cumulative analysis accounts for the Senior East County Lakes Project. No revisions to the Draft EIR are required and recirculation is not warranted. Please refer to Master Response 6, Clarifying Information on Cumulative Projects, in Section 2, Master Responses, of this document. Master Response 6 provides additional information on the cumulative projects, including the Senior East County Lakes Project, which is identified in Table 3-1, Cumulative Projects, and is analyzed within the Draft EIR.

Please also refer to Master Response 7, The Project Considers the Whole of the Action and Does Not Improperly Piecemeal, in Section 2, Master Responses, of this document. Master Response 7 explains why the proposed project considers the "whole of the action" and does not improperly piecemeal environmental analysis, especially with regard to the Senior East County Lakes Project. No further response is required.

*Response to EBRRD-34*
The comment is noted. The Draft EIR analyzed the proposed project's operational and construction noise impacts. The Draft EIR determined that the proposed project would not have significant operational noise impacts from mechanical equipment because the project would not exceed the County's most restrictive noise performance standard for even the most sensitive land use category, as discussed on page 3.12-22 of the Draft EIR. Mitigation measures are incorporated to reduce construction impacts to less than significant levels. MM NOI-1 requires the proposed project's contractor to implement specific noise-reducing measures to mitigate noise from construction activities. The Draft EIR's cumulative analysis accounts for the Senior East Count Lakes project and

concludes that the proposed project would not have cumulative construction or operational noise impacts as discussed on pages 3.12-26 and 3.12-27 of the Draft EIR. No further response is required.

*Response to EBRRD-35*

The comment is noted. The Draft EIR analyzes whether the proposed project would have operational noise impacts from mobile and stationary sources. The Draft EIR explains the methodology for analyzing traffic noise levels, which utilizes the FHWA highway traffic noise prediction model (FHWA-RD-77-108). Because the County has not adopted construction-related noise thresholds of significance for CEQA consideration, the Draft EIR utilized the FTA's "Detailed Analysis Construction Noise Criteria" as thresholds of significance to assess the effect of the proposed project's construction-related noise impacts at nearby sensitive receptors as discussed on page 3.12-18 of the Draft EIR. Operational noise impacts were assessed based on the County's applicable noise performance threshold provided in Section 6.60.040 of the Code of Ordinances, as discussed on pages 3.12-17 and 3.12-21 of the Draft EIR.

As discussed in *Response to EBRRD-20*, CEQA allows a Lead Agency to select and explain the manner for assessing impacts and does not direct any specific methodology for determining noise impacts. The Draft EIR clearly identifies and explains the methodology used and concludes based on substantial evidence that the proposed project would not have significant operational noise impacts. Please see Appendix H, Noise Supporting Information, of the Draft EIR.

Expert opinion that differs from the expert opinion expressed in the Draft EIR does not undermine the fact that there is substantial evidence to support the Draft EIR's conclusions. As the Lead Agency for the proposed project, the County may accept the determinations and conclusions reached by the experts that prepared the EIR, even though other conclusions could also be reached. There is no requirement for the County to use a different threshold suggested by commenter on the Draft EIR. No further response is required.

*Response to EBRRD-36*

The comment is noted. As explained in the Draft EIR, the proposed project's operational noise impacts would not be significant because the only new stationary noise source associated with implementation of the proposed project would be new mechanical ventilation system equipment operations. The Draft EIR's conservative analysis, which assumes a reference noise level for typical residential mechanical ventilation systems and minimal shielding from an existing 6-foot-high sound wall, concludes that the worst-case stationary noise source impacts would be approximately 44 dBA Leq at the nearest residential property as discussed on page 3.12-22 of the Draft EIR. Since the resulting noise levels would range up to 44 dBA Leq outside of the nearest residential land uses, the resulting noise levels would not exceed the County's most restrictive noise performance standard for even the most sensitive land use category, the nighttime noise performance standard of 45 dBA Leq.

Therefore, project mechanical equipment operational noise levels would result in a less than significant impact. As the Lead Agency for the proposed project, the County may accept the determinations and conclusions reached by the experts that prepared the EIR, even though other conclusions could also be reached. Expert opinion that differs from the expert opinion expressed in

the Draft EIR does not undermine the fact that there is substantial evidence to support the Draft EIR's conclusions. Please see *Response to EBRRD-20.* No further response is required.

*Response to EBRRD-37*
As explained on page 3.12-9 of the Draft EIR, the existing noise environment in the vicinity of the project site was documented through a noise monitoring effort performed at the project site. Noise monitoring measurement data sheets are contained in Appendix H, Noise Supporting Information, of the Draft EIR. A total of three short-term noise measurements (15 minutes each) were taken on Thursday, February 23, 2023, starting at 1:04 p.m. and ending at 3:33 p.m., during the midday peak noise hour. One long-term ambient noise measurement (48 hours) was also conducted on the project site, starting at 4:15 p.m. on Thursday, February 12, 2023, and ending at 5:10 p.m. on Friday, February 13, 2023. The noise measurement documented noise levels from all noise sources in the project vicinity, including any noise from the City of Pleasanton Operations Services Center, the Fire Department training facility, and the Police Department practice range.

The technician monitoring the noise measurement observed that the dominant noise sources in the project vicinity are vehicular traffic on Busch Road, the Fire Department training facility, trucks from the industrial use to the south, and the Pleasanton Garbage Station as noted on page 3.12-10 of the Draft EIR. Therefore, the proposed project's noise impacts account for the noise impacts associated with proximity to City of Pleasanton Operations Services Center, Police Department practice range, and Fire Training Facility. No further analysis or response is required.

*Response to EBRRD-38*
The comment is noted. As explained in *Response EBRRD-16*, the County has discretion to determine "exactly how the existing physical conditions without the project can most realistically be measured." (*Neighbors for Smart Rail,* 57 Cal.4$^{th}$ at 449 (citations omitted)). "[E]xisting conditions is the normal baseline under CEQA, but . . . factual circumstances can justify an agency departing from that norm when necessary to prevent misinforming or misleading the public and decision-makers." (*Id.* at 448).

The County's decision not to measure existing noise levels at the Senior East County Lakes Project is supported by substantial evidence as the project is separate and distinct from the proposed project and is at a preliminary stage and has not yet finalized a site plan or submitted a formal planning application. The Senior East County Lakes Project is not likely to be constructed at the same time as the proposed project because as of the time the Draft EIR was prepared, the construction schedule for the Senior East County Lakes Project was expected to begin after the proposed project is operational. The Draft EIR properly excludes the Senior East County Lakes Project from the noise baseline because it would be confusing, misleading and speculative to conclude that the Senior East County Lake Project would exist at the time the proposed project begins operation. Please refer to Master Response 7, The Project Considers the Whole of the Action and Does Not Improperly Piecemeal, in Section 2, Master Responses, of this document. Master Response 7 explains why the proposed project considers the "whole of the action" and does not improperly piecemeal environmental analysis, especially with regard to the Senior East County Lakes Project.

*Response to EBRRD-39*
The comment is noted. As discussed above, the Draft EIR's cumulative noise analysis explains that the analysis considers the projects listed in Table 3-1 of the Draft EIR, which include foreseeable development projects in unincorporated Alameda County and the surrounding areas, including the Senior East County Lakes Project. Specifically, the analysis explains that the Senior East County Lakes Project is within 1,000 feet of the project site and determines that the Senior East County Lakes Project is likely to be constructed after the proposed project is operational. Because the Senior East County Lakes Project is an identified project in the Draft EIR list of cumulative projects, the Draft EIR's analysis of operational traffic noise, operational station noise, and operational vibration considers the Senior East County Lakes Project in the Draft EIR's determination that the proposed project's cumulative operational noise impacts would be less than significant. No revisions to the Draft EIR are required and recirculation is not warranted. Please refer to pages 3.12-25 through 3.12-27 of the Draft EIR.

Please also refer to Master Response 6, Clarifying Information on Cumulative Projects, in Section 2, Master Responses, of this document. Master Response 6 provides additional information on the cumulative projects, including the Senior East County Lakes Project, identified and analyzed within the Draft EIR. Additionally, please refer to Master Response 5, Recirculation Not Required, in Section 2, Master Responses, of this document. Master Response 5 explains why the Draft EIR does not require recirculation. No further response is required.

*Response to EBRRD-40*
The comment is noted. Please refer to *Response EBRRD-16.* The Draft EIR discloses that construction noise impacts are analyzed at a programmatic level. A reasonable worst-case scenario was analyzed assuming each piece of modeled equipment would operate simultaneously on an individual development site. Noise emission levels recommended by FHWA's Highway Construction Noise Handbook were used to ascertain the noise generated by specific types of construction equipment. The construction noise impact was evaluated in terms of maximum levels (Lmax). Analysis requirements were based on the sensitivity of nearby receptors and compliance with the construction noise requirements in Section 6.60.070 of the Noise Ordinance.

CEQA allows lead agencies to use their own thresholds of significance in their environmental documents. There is no requirement for the County to use a different threshold suggested by commenter. CEQA also allows a Lead Agency to select and explain the manner for assessing impacts and does not direct any specific methodology for determining noise impacts. The Draft EIR clearly identifies and explains the methodology used and concludes based on substantial evidence that the proposed project would not result in a significant impact due to construction noise.

The Draft EIR does not state that construction noise levels were predicted 35 feet from the acoustic center of construction activity. The Draft EIR explains that the "acoustic center refers to a point equidistant from multiple pieces of equipment operating simultaneously which would produce the worst-case maximum noise level," and that this point would be located approximately 35 feet from the nearest residence. The Draft EIR's construction noise modeling assumed a scenario in which four construction vehicles (e.g., a grader, excavator, front end loader, and backhoe) are clustered at and around this point. The loudest vehicle, a grader, was conservatively assumed to operate at the

nearest 35-foot receptor distance. The excavator, front end loader, and backhoe were assumed to operate within 50 feet of the grader, yielding the 85-foot receptor distances for these vehicles. The additional 50-foot setback is appropriate because it would be impossible for all four vehicles to operate at the exact acoustic center point simultaneously; the vehicles would maintain some setback from each other throughout the course of a workday. Overall, the Draft EIR's construction noise modeling scenario is conservative because clusters of vehicle activity would be spread across much greater distances over any given construction day, not merely between 35 and 85 feet of receptors. The proposed project site is approximately 26.6 acres, and the daily activities of grading and site preparation vehicles would likely be spread across a minimum of one acre. Therefore, the Draft EIR's construction noise modeling represents a conservative scenario. Wilson Ihrig's analysis is based on an erroneous interpretation of the Draft EIR's methodology and represents an impossible scenario, because a grader, excavator, front end loader, and backhoe would not simultaneously operate exactly 35 feet from a receptor for an entire workday.

The existing wall along the proposed project's western boundary separating it from neighboring residential uses is solid masonry and would break the line of sight between construction vehicles operating on the proposed project site and the residential backyards and windows facing the proposed project site. This understanding supports the conclusion that the wall would provide 8 dBA of shielding. Wilson Ihrig's suggestion that "construction levels may be higher" amounts to pure speculation. No further response is required.

*Response to EBRRD-41*

The comment is noted. The comment incorrectly conflates assumptions in the noise analysis that incorporates an existing 6-foot-high sound wall with a good neighbor wall discussed in the analysis of the proposed project's aesthetic impacts. Please refer to 3.1-14 and 3.12-19 of the Draft EIR. As explained in the Draft EIR, the purpose of the good neighbor wall is to minimize impacts relating to existing visual characteristics of the site. Separately, the analysis of construction equipment operational noise assumed minimal shielding from an existing 6-foot-high sound wall located at the proposed project's western boundary adjoining the residential land uses, as noted on page 3.12-19 of the Draft EIR. The analysis conservatively calculated the construction noise levels at the exterior façade of the nearest residential home when multiple pieces of heavy construction equipment are operated simultaneously. The Draft EIR incorporates MM NOI-1 to ensure that temporary construction noise impacts would be reduced to less than significant. MM NOI-1 does not rely on a sound wall to mitigate construction noise. Therefore, no change to the Draft EIR is required and no further response is required.

*Response to EBRRD-42*

The comment is noted. As previously discussed, the Senior East County Lakes Project is properly included in the list of cumulative projects assumed for purposes of the proposed project's cumulative impact analysis for each of the topic areas identified in the comment. As explained in Chapter 6, Alternatives, of the Draft EIR, CEQA requires an EIR to describe a reasonable range of alternatives to the proposed project, or to its location, which would feasibly attain most of the proposed project's basic objectives while reducing or avoiding "any" of its significant effects (CEQA Guidelines § 15126.6(a)).

The Draft EIR considered a reasonable range of alternatives to address the proposed project's significant and unavoidable impacts, including cumulative greenhouse gas emissions impacts, cumulative VMT impacts, and cumulative roadway hazard impacts. The Draft EIR considered and rejected an Alternative Location Alternative because the project site is designated for residential use, the proposed project is consistent with the ECAP land use designation and regional land use policies, and the project applicant does not have plans to acquire an alternative property that would sufficiently accommodate the proposed project as discussed on page 6-39 of the Draft EIR. Based on the Draft EIR's analysis, including analysis of the proposed project's cumulative analysis, no other alternatives were identified. No further response is required.

*Response to EBRRD-43*
The comment is noted. As explained on page 3.17-22 of the Draft EIR, EKI prepared a WSE that evaluated water supply impacts consistent with the requirements for a WSA per California Water Code Section 10910. The WSE is included in Appendix J, Utilities and Service System Supporting Information, of the Draft EIR. The WSE concluded that Cal Water would have sufficient water supplies to provide adequate water services to the proposed project and the rest of the projects within its service area during normal, dry, and multiple dry years.

Furthermore, the Draft EIR observed that the proposed project has the potential to reduce on-site groundwater recharge through additional impervious surfaces; however, much of the project site would remain pervious and on-site stormwater management infrastructure, such as bioretention basins, would allow for groundwater recharge. Jurisdictional water features in adjacent areas would remain undisturbed, further allowing groundwater recharge to continue. No further response is required.

*Response to EBRRD-44*
The comment is noted. Please see *Response to EBRRD-43*. As the commenter noted, CEQA requires a water supply assessment for residential developments of more than 500 dwelling units, and the proposed project has fewer than the required threshold of 500 residential units. Consequently, an SB 610 Water Supply Assessment is not required per the California Water Code Section 10912. Nevertheless, a WSE was prepared for the proposed project and reviewed by Cal Water. That WSE incorporates all prescribed elements of an SB 610 Water Supply Assessment and was used to support the Draft EIR's analysis of potential impacts associated with the proposed project's water demand and supply as discussed in Chapter 3.17, Utilities and Service Systems, of the Draft EIR.

An independent peer review of the EKI WSE conducted by Woodward Curran concluded that ". . . a formal WSA would not provide additional information to aid in determining whether Cal Water has sufficient supply to serve Arroyo Lago."

Additionally, please refer to Master Response 7, The Project Considers the Whole of the Action and Does Not Improperly Piecemeal, in Section 2, Master Responses, of this document. Master Response 7 explains why the proposed project considers the "whole of the action" and does not improperly piecemeal environmental analysis, especially with regard to the Senior East County Lakes Project. No further response is required.

*Response to EBRRD-45*
The comment is noted. Please see *Responses to EBRRD-43 and EBRRD-44.* The comment references an October 2023 letter from Cal Water, which has been superseded by Cal Water's April 2024 letter to the project applicant. Cal Water's April 2024 letter states that *"{Cal Water} reviewed the WSE and confirmed the Table 8 findings that the 47 acre-feet per year demands for this development are additive to the projected 2020 Cal Water Urban Water Management Plan demands, and that there is sufficient Cal Water supply from Zone 7 to support the development."* Thus, the position expressed by Cal Water in the October 2023 letter related to the California Public Utilities Code (CPUC), Zone 7 and DDW are outdated.

Regarding the CPUC, Cal Water has advised that they are preparing the application for the CPUC approval but that the CPUC, as a responsible agency, will not act on the application until the Draft EIR is certified. Regarding Zone 7, Cal Water has advised that they are working on entering into an agreement with Zone 7 for the design of "Turnouts" (facilities to deliver and meter water sold by Zone 7 to Cal Water for the proposed project). Cal Water has advised that their Water Supply Agreement with Zone 7 requires Zone 7 to provide service if the CPUC adds the proposed project to the Cal Water service area.

Regarding DDW, Cal Water has prepared the necessary PTR, which is the first step in obtaining a permit to operate the new water system that will serve the proposed project. That PTR has been reviewed by DDW and returned to Cal Water as incomplete because certain information was missing. Cal Water is revising the PTR for resubmittal as discussed in *Response to STATE WATER BOARD-1.* Please refer to Master Response 10, Clarifying Information on Wastewater Treatment Plant Operation and Maintenance, in Section 2, Master Responses, of this document. Master Response 10 provides additional clarifying information on the operation and maintenance of the proposed WWTP, including who would operate it, what permits would be required, and details regarding odor, sizing, PFAS, and discharge of biosolids and byproducts.

Additionally, please refer to Master Response 7, The Project Considers the Whole of the Action and Does Not Improperly Piecemeal, in Section 2, Master Responses, of this document. Master Response 7 explains why the proposed project considers the "whole of the action" and does not improperly piecemeal environmental analysis, especially with regard to the Senior East County Lakes Project. No further response is required.

*Response to EBRRD-46*
The comment is noted. Please see *Responses to EBRRD-22 and EBRRD-24*. As explained in the Draft EIR, the Alameda County Department of Environmental Health (ACDEH) has considered the proposed project and has provided clearance contingent on implementation of conditions of approval included on pages 3.8-7 and page 3.11-7 of the Draft EIR. Impact HAZ-4 analyzes ongoing remediation of the site and soil importation and explains how the required conditions of approval provide for ongoing ACDEH oversight. No further response is required.

*Response to EBRRD-47*
The comment is noted. Please refer to *Response to EBRRD-46*. As explained in the Draft EIR, conditions of approval provided by ACDEH for clearance of the proposed project are incorporated

and the proposed project would be required to obtain any necessary permits, including permitting from the State Water Board for the construction and operation of the proposed wastewater treatment facilities as explained on pages 3.8-7 and 3.11-7 of the Draft EIR.

Please also refer to Master Response 10, Clarifying Information on Wastewater Treatment Plant Operation and Maintenance, in Section 2, Master Responses, of this document. Master Response 10 provides additional clarifying information on the operation and maintenance of the proposed WWTP, including who would operate it, what permits would be required, and details regarding odor, sizing, PFAS, and discharge of biosolids and byproducts. This Master Response provides a complete overview of the permitting process for the proposed WWTP. No further response is required.

*Response to EBRRD-48*
The comment is noted. The comment does not state a specific concern related to the adequacy of the Draft EIR and does not require a detailed response. The comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project. No further response is required.

*Response to EBRRD-49*
The comment is noted. As explained on page 3.8-21 the Draft EIR, compliance with all applicable, mandatory existing regulations would ensure that the proposed project would not result in impacts during operations related to being within 0.25 mile of the Montessori School in the City of Pleasanton. The Senior East County Lakes Project is included in the Draft EIR's cumulative analysis of noise and air pollution impacts. The Draft EIR concluded that cumulative operational stationary noise and vibration impacts would be less than significant, as stated on page 3.12-26 of the Draft EIR.

Any proposed new stationary source of toxic air contaminant (TAC) emissions would be subject to BAAQMD permit requirements, which involve New Source Review for air toxics and an evaluation of health risk, as stated on pages 3.2-57 and 3.2-58 of the Draft EIR. The Senior East County Lakes Project's CEQA process will consider current BAAQMD thresholds for community risk. This would ensure that there would be no significant impacts to these sensitive receptors and risks would be less than significant. The Draft EIR concludes that the proposed project's impacts from the generation of TACs were found to be less than significant after the incorporation of MM AIR-3. With incorporation of MM AIR-3, cumulative impacts would be considered less than significant.

Please refer to Master Response 7, The Project Considers the Whole of the Action and Does Not Improperly Piecemeal, in Section 2, Master Responses, of this document. Master Response 7 explains why the proposed project considers the "whole of the action" and does not improperly piecemeal environmental analysis, especially with regard to the Senior East County Lakes Project. No further response is required.

*Response to EBRRD-50*
The comment is noted. The comment does not state a specific concern related to the adequacy of the Draft EIR and does not require a detailed response. The comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project. No further response is required.

*Response to EBRRD-51*
The comment is noted. The comment does not state a specific concern related to the adequacy of the Draft EIR and does not require a detailed response. The comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project. No further response is required.

*Response to EBRRD-52*
The comment is noted. The noise analysis contained in the Draft EIR is based on an existing 6-foot-high sound wall. As the wall already exists, it would not be constructed as part of the proposed project either as a design feature or a mitigation measure. Therefore, no change to the Draft EIR is required. Please refer to pages 3.12-19 and 3.12-22 of the Draft EIR. No further response is required.

*Response to EBRRD-53*
As explained on page 3.8-16 of the Draft EIR, ECAP Policy 302 requires buffer zones within new residential and sensitive receptor site plans to separate those uses away from freeways, arterials, point sources, and hazardous materials locations. The Draft EIR analyzed two off-site locations for the bioretention area, and the proposed WWTP and recycled water storage facility are proposed over 1,180 feet from any residential use.

As discussed, the Senior East County Lakes Project would be subject to regulatory requirements. Therefore, the proposed project complies with the ECAP, and revision and recirculation of the Draft EIR is not required.

Please refer to Master Response 7, The Project Considers the Whole of the Action and Does Not Improperly Piecemeal, in Section 2, Master Responses, of this document. Master Response 7 explains why the proposed project considers the "whole of the action" and does not improperly piecemeal environmental analysis, especially with regard to the Senior East County Lakes Project. Please also refer to Master Response 5, Recirculation Not Required, in Section 2, Master Responses, of this document. Master Response 5 explains why the Draft EIR will not require recirculation.

*Response to EBRRD-54*
The comment is noted. Please refer to Master Response 5, Recirculation Not Required, in Section 2, Master Responses, of this document. Master Response 5 explains why the Draft EIR will not require recirculation.

The comment is correct that Municipal Code Section 17.54.250 authorizes the County Planning Director to require additional study if a project causes the emission of dangerous or objectionable noise, odors, lights, dust, smoke or vibration. The Draft EIR considered all of these things and determined that the proposed project would not result in significant impacts on noise in Section 3.12, Noise; odors in Section 3.2, Air Quality; lights in Section 3.1, Aesthetics, Light, and Glare; dust in Section 2.3, Air Quality; or vibrations in Section 3.12, Noise, of the Draft EIR. It naturally follows that the proposed project will not result in dangerous conditions of any of the above environmental media. The Draft EIR was prepared by technical consultants who arguably satisfied this requirement already. Therefore, the commenter has not demonstrated any evidence that the County has somehow violated Municipal Code Section 17.54.250. No further response is required.

*Response to EBRRD-55*
The comment is noted. The comment does not state a specific concern related to the adequacy of the Draft EIR and does not require a detailed response. The comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project. No further response is required.

*Response to EBRRD-56*
The comment is noted. This summary conclusion does not present new information and does not require a detailed response. As discussed in *Responses EBRRD-1 through EBRRD-56,* the Draft EIR, its methodologies, and impact determinations are supported by substantial evidence and the circumstances under which recirculation is required are not present. Therefore, recirculation is not warranted. Please refer to Master Response 5, Recirculation Not Required, in Section 2, Master Responses, of this document. Master Response 5 explains why the Draft EIR does not require recirculation. No further response is required.

*Response to EBRRD-57*
The information provided in the Exhibits attached to the EBRRD comment letter is noted and has been addressed through *Responses to EBRRD-1 through EBRRD-56*. Please refer to these responses. The exhibits will be provided to County decision-makers for consideration. No further response is required.

September 26, 2024

Aubrey Rose
County of Alameda
224 W Winton Ave, Room 111
Hayward, CA 94544

Ref: Gas and Electric Transmission and Distribution

Dear Aubrey Rose,

Thank you for submitting the Arroyo Lago Residential Project plans for our review. PG&E will review the submitted plans in relationship to any existing Gas and Electric facilities within the project area. If the proposed project is adjacent/or within PG&E owned property and/or easements, we will be working with you to ensure compatible uses and activities near our facilities.

Attached you will find information and requirements as it relates to Gas facilities (Attachment 1) and Electric facilities (Attachment 2). Please review these in detail, as it is critical to ensure your safety and to protect PG&E's facilities and its existing rights.

Below is additional information for your review:

1. This plan review process does not replace the application process for PG&E gas or electric service your project may require. For these requests, please continue to work with PG&E Service Planning: https://www.pge.com/en/account/service-requests/building-and-renovation.html.

2. If the project being submitted is part of a larger project, please include the entire scope of your project, and not just a portion of it. PG&E's facilities are to be incorporated within any CEQA document. PG&E needs to verify that the CEQA document will identify any required future PG&E services. 1

3. An engineering deposit may be required to review plans for a project depending on the size, scope, and location of the project and as it relates to any rearrangement or new installation of PG&E facilities.

Any proposed uses within the PG&E fee strip and/or easement, may include a California Public Utility Commission (CPUC) Section 851 filing. This requires the CPUC to render approval for a conveyance of rights for specific uses on PG&E's fee strip or easement. PG&E will advise if the necessity to incorporate a CPUC Section 851filing is required.

This letter does not constitute PG&E's consent to use any portion of its easement for any purpose not previously conveyed. PG&E will provide a project specific response as required.

Sincerely,

Plan Review Team
Land Management

**Attachment 1 – Gas Facilities**

There could be gas transmission pipelines in this area which would be considered critical facilities for PG&E and a high priority subsurface installation under California law. Care must be taken to ensure safety and accessibility. So, please ensure that if PG&E approves work near gas transmission pipelines it is done in adherence with the below stipulations. Additionally, the following link provides additional information regarding legal requirements under California excavation laws: https://www.usanorth811.org/images/pdfs/CA-LAW-2018.pdf

1. Standby Inspection: A PG&E Gas Transmission Standby Inspector must be present during any demolition or construction activity that comes within 10 feet of the gas pipeline. This includes all grading, trenching, substructure depth verifications (potholes), asphalt or concrete demolition/removal, removal of trees, signs, light poles, etc. This inspection can be coordinated through the Underground Service Alert (USA) service at 811. A minimum notice of 48 hours is required. Ensure the USA markings and notifications are maintained throughout the duration of your work.

2. Access: At any time, PG&E may need to access, excavate, and perform work on the gas pipeline. Any construction equipment, materials, or spoils may need to be removed upon notice. Any temporary construction fencing installed within PG&E's easement would also need to be capable of being removed at any time upon notice. Any plans to cut temporary slopes exceeding a 1:4 grade within 10 feet of a gas transmission pipeline need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.

3. Wheel Loads: To prevent damage to the buried gas pipeline, there are weight limits that must be enforced whenever any equipment gets within 10 feet of traversing the pipe. 2

Ensure a list of the axle weights of all equipment being used is available for PG&E's Standby Inspector. To confirm the depth of cover, the pipeline may need to be potholed by hand in a few areas.

Due to the complex variability of tracked equipment, vibratory compaction equipment, and cranes, PG&E must evaluate those items on a case-by-case basis prior to use over the gas pipeline (provide a list of any proposed equipment of this type noting model numbers and specific attachments).

No equipment may be set up over the gas pipeline while operating. Ensure crane outriggers are at least 10 feet from the centerline of the gas pipeline. Transport trucks must not be parked over the gas pipeline while being loaded or unloaded.

4. Grading: PG&E requires a minimum of 36 inches of cover over gas pipelines (or existing grade if less) and a maximum of 7 feet of cover at all locations. The graded surface cannot exceed a cross slope of 1:4.

5. Excavating: Any digging within 2 feet of a gas pipeline must be dug by hand. Note that while the minimum clearance is only 24 inches, any excavation work within 24 inches of the edge of a pipeline must be done with hand tools. So to avoid having to dig a trench entirely with hand tools, the edge of the trench must be over 24 inches away. (Doing the math for a 24 inch

wide trench being dug along a 36 inch pipeline, the centerline of the trench would need to be at least 54 inches [24/2 + 24 + 36/2 = 54] away, or be entirely dug by hand.)

Water jetting to assist vacuum excavating must be limited to 1000 psig and directed at a 40° angle to the pipe. All pile driving must be kept a minimum of 3 feet away.

Any plans to expose and support a PG&E gas transmission pipeline across an open excavation need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.

6. Boring/Trenchless Installations: PG&E Pipeline Services must review and approve all plans to bore across or parallel to (within 10 feet) a gas transmission pipeline. There are stringent criteria to pothole the gas transmission facility at regular intervals for all parallel bore installations.

For bore paths that cross gas transmission pipelines perpendicularly, the pipeline must be potholed a minimum of 2 feet in the horizontal direction of the bore path and a minimum of 24 inches in the vertical direction from the bottom of the pipe with minimum clearances measured from the edge of the pipe in both directions. Standby personnel must watch the locator trace (and every ream pass) the path of the bore as it approaches the pipeline and visually monitor the pothole (with the exposed transmission pipe) as the bore traverses the pipeline to ensure adequate clearance with the pipeline. The pothole width must account for the inaccuracy of the locating equipment.

7. Substructures: All utility crossings of a gas pipeline should be made as close to perpendicular as feasible (90° +/- 15°). All utility lines crossing the gas pipeline must have a minimum of 24 inches of separation from the gas pipeline. Parallel utilities, pole bases, water line 'kicker blocks', storm drain inlets, water meters, valves, back pressure devices or other utility substructures are not allowed in the PG&E gas pipeline easement. 2 CONT

If previously retired PG&E facilities are in conflict with proposed substructures, PG&E must verify they are safe prior to removal. This includes verification testing of the contents of the facilities, as well as environmental testing of the coating and internal surfaces. Timelines for PG&E completion of this verification will vary depending on the type and location of facilities in conflict.

8. Structures: No structures are to be built within the PG&E gas pipeline easement. This includes buildings, retaining walls, fences, decks, patios, carports, septic tanks, storage sheds, tanks, loading ramps, or any structure that could limit PG&E's ability to access its facilities.

9. Fencing: Permanent fencing is not allowed within PG&E easements except for perpendicular crossings which must include a 16 foot wide gate for vehicular access. Gates will be secured with PG&E corporation locks.

10. Landscaping: Landscaping must be designed to allow PG&E to access the pipeline for maintenance and not interfere with pipeline coatings or other cathodic protection systems. No trees, shrubs, brush, vines, and other vegetation may be planted within the easement area. Only those plants, ground covers, grasses, flowers, and low-growing plants that grow unsupported to a maximum of four feet (4') in height at maturity may be planted within the easement area.

11. Cathodic Protection: PG&E pipelines are protected from corrosion with an "Impressed Current" cathodic protection system. Any proposed facilities, such as metal conduit, pipes, service lines, ground rods, anodes, wires, etc. that might affect the pipeline cathodic protection system must be reviewed and approved by PG&E Corrosion Engineering.

12. Pipeline Marker Signs: PG&E needs to maintain pipeline marker signs for gas transmission pipelines in order to ensure public awareness of the presence of the pipelines. With prior written approval from PG&E Pipeline Services, an existing PG&E pipeline marker sign that is in direct conflict with proposed developments may be temporarily relocated to accommodate construction work. The pipeline marker must be moved back once construction is complete.

2 CONT

13. PG&E is also the provider of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E's facilities must be reviewed and approved by PG&E to ensure that no impact occurs which may endanger the safe operation of its facilities.

**Attachment 2 – Electric Facilities**

It is PG&E's policy to permit certain uses on a case by case basis within its electric transmission fee strip(s) and/or easement(s) provided such uses and manner in which they are exercised, will not interfere with PG&E's rights or endanger its facilities. Some examples/restrictions are as follows:

1. Buildings and Other Structures: No buildings or other structures including the foot print and eave of any buildings, swimming pools, wells or similar structures will be permitted within fee strip(s) and/or easement(s) areas. PG&E's transmission easement shall be designated on subdivision/parcel maps as "**RESTRICTED USE AREA – NO BUILDING."**

2. Grading: Cuts, trenches or excavations may not be made within 25 feet of our towers. Developers must submit grading plans and site development plans (including geotechnical reports if applicable), signed and dated, for PG&E's review. PG&E engineers must review grade changes in the vicinity of our towers. No fills will be allowed which would impair ground-to-conductor clearances. Towers shall not be left on mounds without adequate road access to base of tower or structure.

3. Fences: Walls, fences, and other structures must be installed at locations that do not affect the safe operation of PG&'s facilities. Heavy equipment access to our facilities must be maintained at all times. Metal fences are to be grounded to PG&E specifications. No wall, fence or other like structure is to be installed within 10 feet of tower footings and unrestricted access must be maintained from a tower structure to the nearest street. Walls, fences and other structures proposed along or within the fee strip(s) and/or easement(s) will require PG&E review; submit plans to PG&E Centralized Review Team for review and comment. 3

4. Landscaping: Vegetation may be allowed; subject to review of plans. On overhead electric transmission fee strip(s) and/or easement(s), trees and shrubs are limited to those varieties that do not exceed 10 feet in height at maturity. PG&E must have access to its facilities at all times, including access by heavy equipment. No planting is to occur within the footprint of the tower legs. Greenbelts are encouraged.

5. Reservoirs, Sumps, Drainage Basins, and Ponds: Prohibited within PG&E's fee strip(s) and/or easement(s) for electric transmission lines.

6. Automobile Parking: Short term parking of movable passenger vehicles and light trucks (pickups, vans, etc.) is allowed. The lighting within these parking areas will need to be reviewed by PG&E; approval will be on a case by case basis. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications. Blocked-up vehicles are not allowed. Carports, canopies, or awnings are not allowed.

7. Storage of Flammable, Explosive or Corrosive Materials: There shall be no storage of fuel or combustibles and no fueling of vehicles within PG&E's easement. No trash bins or incinerators are allowed.

8. Streets and Roads: Access to facilities must be maintained at all times. Street lights may be allowed in the fee strip(s) and/or easement(s) but in all cases must be reviewed by PG&E for proper clearance. Roads and utilities should cross the transmission easement as nearly at right angles as possible. Road intersections will not be allowed within the transmission easement.

9. Pipelines: Pipelines may be allowed provided crossings are held to a minimum and to be as nearly perpendicular as possible. Pipelines within 25 feet of PG&E structures require review by PG&E. Sprinklers systems may be allowed; subject to review. Leach fields and septic tanks are not allowed. Construction plans must be submitted to PG&E for review and approval prior to the commencement of any construction.

10. Signs: Signs are not allowed except in rare cases subject to individual review by PG&E.

11. Recreation Areas: Playgrounds, parks, tennis courts, basketball courts, barbecue and light trucks (pickups, vans, etc.) may be allowed; subject to review of plans. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications.

3
CONT

12. Construction Activity: Since construction activity will take place near PG&E's overhead electric lines, please be advised it is the contractor's responsibility to be aware of, and observe the minimum clearances for both workers and equipment operating near high voltage electric lines set out in the High-Voltage Electrical Safety Orders of the California Division of Industrial Safety (https://www.dir.ca.gov/Title8/sb5g2.html), as well as any other safety regulations. Contractors shall comply with California Public Utilities Commission General Order 95 (http://www.cpuc.ca.gov/gos/GO95/go_95_startup_page.html) and all other safety rules. No construction may occur within 25 feet of PG&E's towers. All excavation activities may only commence after 811 protocols has been followed.

Contractor shall ensure the protection of PG&E's towers and poles from vehicular damage by (installing protective barriers) Plans for protection barriers must be approved by PG&E prior to construction.

13. PG&E is also the owner of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E's facilities must be reviewed and approved by PG&E to ensure that no impact occurs that may endanger the safe and reliable operation of its facilities.

## *Pacific Gas and Electric Company (First Letter) (PG&E 1)*

*Response to PG&E 1-1*

The comment is noted. No environmental issues are raised, and no response is required. However, this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

*Response to PG&E 1-2*

The comment is noted. No environmental issues are raised, and no response is required. However, this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

*Response to PG&E 1-3*

The comment is noted. No environmental issues are raised, and no response is required. However, this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

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October 22, 2024

Aubrey Rose
County of Alameda
224 W Winton Ave, Room 111
Hayward, CA 94544

Re: Arroyo Lago Residential Project

Dear Aubrey Rose,

Thank you for giving us the opportunity to review the subject plans. The proposed Arroyo Lago Residential Project is within the same vicinity of PG&E's existing facilities that impact this property.

PG&E operates electric distribution facilities within the project areas as identified in the project documents. Attached you will find information and requirements as it relates to Electric facilities (Attachment 1). Please review these in detail, as it is critical to ensure your safety and to protect PG&E's facilities and its existing rights.

Please contact the Building and Renovation Center (BRSC) for facility map requests by calling 1-877-743-7782 and PG&E's Service Planning department at www.pge.com/cco for any modification or relocation requests, or for any additional services you may require. 1

As a reminder, before any digging or excavation occurs, please contact Underground Service Alert (USA) by dialing 811 a minimum of 2 working days prior to commencing any work. This free and independent service will ensure that all existing underground utilities are identified and marked on-site.

If you have any questions regarding our response, please contact me at paul.takemoto@pge.com.

Sincerely,

Paul Takemoto
Land Management

**Attachment 1 – Electric Facilities**

It is PG&E's policy to permit certain uses on a case by case basis within its electric transmission fee strip(s) and/or easement(s) provided such uses and manner in which they are exercised, will not interfere with PG&E's rights or endanger its facilities. Some examples/restrictions are as follows:

1. Buildings and Other Structures: No buildings or other structures including the foot print and eave of any buildings, swimming pools, wells or similar structures will be permitted within fee strip(s) and/or easement(s) areas. PG&E's transmission easement shall be designated on subdivision/parcel maps as "**RESTRICTED USE AREA – NO BUILDING."**

2. Grading: Cuts, trenches or excavations may not be made within 25 feet of our towers. Developers must submit grading plans and site development plans (including geotechnical reports if applicable), signed and dated, for PG&E's review. PG&E engineers must review grade changes in the vicinity of our towers. No fills will be allowed which would impair ground-to-conductor clearances. Towers shall not be left on mounds without adequate road access to base of tower or structure.

3. Fences: Walls, fences, and other structures must be installed at locations that do not affect the safe operation of PG&'s facilities. Heavy equipment access to our facilities must be maintained at all times. Metal fences are to be grounded to PG&E specifications. No wall, fence or other like structure is to be installed within 10 feet of tower footings and unrestricted access must be maintained from a tower structure to the nearest street. Walls, fences and other structures proposed along or within the fee strip(s) and/or easement(s) will require PG&E review; submit plans to PG&E Centralized Review Team for review and comment.

2

4. Landscaping: Vegetation may be allowed; subject to review of plans. On overhead electric transmission fee strip(s) and/or easement(s), trees and shrubs are limited to those varieties that do not exceed 10 feet in height at maturity. PG&E must have access to its facilities at all times, including access by heavy equipment. No planting is to occur within the footprint of the tower legs. Greenbelts are encouraged.

5. Reservoirs, Sumps, Drainage Basins, and Ponds: Prohibited within PG&E's fee strip(s) and/or easement(s) for electric transmission lines.

6. Automobile Parking: Short term parking of movable passenger vehicles and light trucks (pickups, vans, etc.) is allowed. The lighting within these parking areas will need to be reviewed by PG&E; approval will be on a case by case basis. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications. Blocked-up vehicles are not allowed. Carports, canopies, or awnings are not allowed.

7. Storage of Flammable, Explosive or Corrosive Materials: There shall be no storage of fuel or combustibles and no fueling of vehicles within PG&E's easement. No trash bins or incinerators are allowed.

8. Streets and Roads: Access to facilities must be maintained at all times. Street lights may be allowed in the fee strip(s) and/or easement(s) but in all cases must be reviewed by PG&E for proper clearance. Roads and utilities should cross the transmission easement as nearly at right angles as possible. Road intersections will not be allowed within the transmission easement.

9. Pipelines: Pipelines may be allowed provided crossings are held to a minimum and to be as nearly perpendicular as possible. Pipelines within 25 feet of PG&E structures require review by PG&E. Sprinklers systems may be allowed; subject to review. Leach fields and septic tanks are not allowed. Construction plans must be submitted to PG&E for review and approval prior to the commencement of any construction.

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12. Construction Activity: Since construction activity will take place near PG&E's overhead electric lines, please be advised it is the contractor's responsibility to be aware of, and observe the minimum clearances for both workers and equipment operating near high voltage electric lines set out in the High-Voltage Electrical Safety Orders of the California Division of Industrial Safety (https://www.dir.ca.gov/Title8/sb5g2.html), as well as any other safety regulations. Contractors shall comply with California Public Utilities Commission General Order 95 (http://www.cpuc.ca.gov/gos/GO95/go_95_startup_page.html) and all other safety rules. No construction may occur within 25 feet of PG&E's towers. All excavation activities may only commence after 811 protocols has been followed.

Contractor shall ensure the protection of PG&E's towers and poles from vehicular damage by (installing protective barriers) Plans for protection barriers must be approved by PG&E prior to construction.

13. PG&E is also the owner of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E's facilities must be reviewed and approved by PG&E to ensure that no impact occurs that may endanger the safe and reliable operation of its facilities.

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## *Pacific Gas and Electric Company (Second Letter) (PG&E 2)*

*Response to PG&E 2-1*

The comment is noted. No environmental issues are raised, and no response is required. However, this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

*Response to PG&E 2-2*

The comment is noted. No environmental issues are raised, and no response is required. However, this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

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November 8, 2024

Aubrey Rose, AICP, Planner III Alameda County Community Development Agency Planning Department 224 West Winton Avenue, Room 111 Hayward, CA 94544

Phone: 510-670-5322, Email: Aubrey.rose@acgov.org

Cc: Supervisor David Haubert (bosdist1@acgov.org)

Supervisor Nate Miley (bosdist4@acgov.org)

Gerry Beaudin, Pleasanton City Manager

Ellen Clark, Pleasanton Dir. of Community Development

**Subject:** Kaiser Sand & Gravel Company Application For Surface Mining Permit and Approval of Reclamation Plan

Aubrey:

The subject application dated March 14, 1990, refers to an open Drainage Pond located at the southwest corner of the property upon which the Arroyo Lago development is to be located. As part of the application a 1990 map of the area shows the Pond located on Busch Road and next to the Pleasanton public facilities yard and near Pleasanton's water well #8. Shown emptying into the pond is a drainage pipe from Pleasanton Garbage Company. Kaiser's reclamation plan also included maps looking forward to 1995 and 2000. The 1995 map shows the open Pond and drainage pipe continuing to exist. The 2000 map shows the open Pond filled in and the drainage pipe no longer there. We don't know when the open Pond was filled in, but we know it existed for several years. We also know the closely located Pleasanton well #8 has tested a higher than acceptable level of PFOS contamination. 1

For years there was a sign posted on Busch Road near the location of the open Drainage Pond warning the sight contained hazardous chemicals. This was indicated a year ago in a scoping memo in preparation of the EIR but is rendered N/A in the draft EIR. The draft EIR is insufficient in evaluating the soil at the south end of the Arroyo Lago development and whether it is safe for human inhabitants. Additional test holes must be bored in the area to a depth of ten feet to determine if the area is conducive to people's health and safety.

Arne Olson, Former Pleasanton Planning Commissioner, City Councilmember

1350 Chatham Court Pleasanton, CA 94566

Cell 925 200-8579

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## Individuals

### *Arne Olson (First Letter) (A.OLSON 1)*

*Response to A.OLSON 1-1*

The comment is noted. As identified in Section 3.8, Hazards and Hazardous Materials, of the Draft EIR and the Phase I Environmental Site Assessment (Phase I ESA) prepared for the proposed project, information related to the project site's inclusion on the Cortese List was obtained from the State Water Board's GeoTracker database. The GeoTracker database states that the cleanup status of the project site is "Open – Long Term Management as of 7/18/2017." A detailed description of the Cleanup Status History is available on GeoTracker's website, but there have been no updates to the Cleanup Status History since July 18, 2017.[7] The GeoTracker database also lists arsenic, chromium, copper, diesel, lead, nickel, other metal, waste oil/motor/hydraulic/lubricating, and zinc as potential contaminants of concern. The Draft EIR also provides a brief description of the site history, cleanup actions overseen by the ACDEH, and the conditions of approval for subsequent entitlement, permitting, grading, and development of a land use other than Water Management, Agriculture, or Open Space. Additionally, information is provided in the project-specific Phase I ESA contained within Appendix F of the Draft EIR and public records are available from ACDEH on GeoTracker's website.

Moreover, the Draft EIR explains that a Final Soil Report was submitted to ACDEH on March 23, 2020, and that the ACDEH determined that the Final Soil Report met the first condition of approval on July 19, 2023. The remaining conditions (which pertain to corrective actions and soil management protocols *during* site redevelopment, schedule, and soil import and export) are included as HAZ COA-4a through HAZ COA-4e. As required by ACDEH, these requirements shall be met prior to site grading, soil import, or soil export, respectively. Therefore, impacts related to potentially hazardous soil would be less than significant. No further response is required.

[7] California State Water Resources Control Board (State Water Board). GeoTracker. Cleanup Status History. Website: https://geotracker.waterboards.ca.gov/profile_report_include?global_id=T10000009398&tabname=regulatoryhistory. Accessed December 18, 2024.

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November 8, 2024

Aubrey Rose, AICP, Planner III
Alameda County Community Development Agency Planning Department 224 West Winton Avenue, Room 111
Hayward, CA 94544
Phone: 510-670-5322, Email: Aubrey.rose@acgov.org

Cc: Supervisor David Haubert (bosdist1@acgov.org) Supervisor Nate Miley (bosdist4@acgov.org)
Gerry Beaudin, Pleasanton City Manager
Ellen Clark, Pleasanton Dir. of Community Development

**Subject**: Draft EIR Arroyo Lago Under estimated impact on Quality of Life, Health and Safety and Hazards to our neighboring community

Aubrey:

I live in a 55+ community at The Village at Ironwood. However, at least half of the residents are 65-75 years old.

The details of the reduced quality of life for existing Ironwood residents and the overall impacts will be outlined in the following. All of these issues, while important on an individual basis, will have a measurable impact on the Health and Safety of the existing residents.

**Such impact will undoubtedly include the impact on physical and mental health; both of which are real concerns for real people. These could seriously impact our lives as elderly citizens of California. Such impact are likely contrary to existing California laws on Elderly abuse, Healthy and safety needs, and Encroachment on California residents' environment.** 1

Specific areas of concern, not seriously discussed in the Draft EIR in my opinion, include the following:

1) This is a landfill area which has had and probably still has contaminants from external fill, having heavy metal and semiconductor production process history of imported soil per published history, and likely harmful latent soil instability. 2

2) Intentionally the development will create a critically harmful environment for their own and for neighboring communities which will obviously resent this encroachment on their health and wellbeing at advanced ages. 3

3) Arroyo Lago will provide likely contaminant sources of pollution for Pleasanton drinking water through the proposed sewer water treatment facility which could contaminate nearby water storage for its neighbors. 4

4) The addition of added traffic including cars, motorcycles, trucks etc. will become a source for enormous traffic congestion, not only for the proposed development, but for all normal traffic and intersections leading to and from Arroyo Lago. 5

5) Arroyo Lago will likely be joined by other prospective developments in the nearby East Pleasanton area for even more of the above which will include this Arroyo Lago development as victims, and reduced quality of life, 6

The above are general issues to be considered and were not discussed seriously in the Draft EIR. They are real and affect the health and safety of all existing residents of the Village at Ironwood as well as neighboring Ironwood communities who currently have access on the same Busch Road entry / exit routes. 7

Sincerely,

Arne Olson, Former Pleasanton Planning Commissioner, Pleasanton Councilmember
1350 Chatham Court Pleasanton, CA 94566

Cell: 925 200-8579

## *Arne Olson (Second Letter) (A.OLSON 2)*

*Response to A.OLSON 2-1*
The comment is noted. Please refer to Master Response 3, Health and Safety Issues Not Addressed in the Final EIR, in Section 2, Master Responses, of this document. Master Response 3 provides additional information related to health and safety issues that are not further discussed in the Final EIR. No further response is required.

*Response to A.OLSON 2-2*
The comment is noted, and this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

As identified in Section 3.8, Hazards and Hazardous Materials, of the Draft EIR and the Phase I ESA prepared for the proposed project, information related to the project site's inclusion on the Cortese List was obtained from the State Water Board's GeoTracker database. The GeoTracker database states that the cleanup status of the project site is "Open – Long Term Management as of 7/18/2017." A detailed description of the Cleanup Status History is available on GeoTracker's website, but there have been no updates to the Cleanup Status History since July 18, 2017.[8] The GeoTracker database also lists arsenic, chromium, copper, diesel, lead, nickel, other metal, waste oil/motor/hydraulic/lubricating, and zinc as potential contaminants of concern. The Draft EIR also provides a brief description of the site history, cleanup actions overseen by the ACDEH, and the conditions of approval for subsequent entitlement, permitting, grading, and development of a land use other than Water Management, Agriculture, or Open Space. Additionally, information is provided in the project-specific Phase I ESA contained within Appendix F of the Draft EIR and public records are available from ACDEH on GeoTracker's website.

Moreover, the Draft EIR explains that a Final Soil Report was submitted to ACDEH on March 23, 2020, and that the ACDEH determined that the Final Soil Report met the first condition of approval on July 19, 2023. The remaining conditions (which pertain to corrective actions and soil management protocols *during* site redevelopment, schedule, and soil import and export) are included as HAZ COA-4a through HAZ COA-4e. As required by ACDEH, these requirements shall be met prior to site grading, soil import, or soil export, respectively. Therefore, impacts related to potentially hazardous soil would be less than significant.

Additionally, Section 3.6, Geology and Soils, of the Draft EIR thoroughly discusses and analyzes potential impacts related to unstable geological units, including, but not limited to, expansive soils, landslides, earthquakes, and liquefaction. No further response is required.

*Response to A.OLSON 2-3*
The comment is noted. Please refer to Master Response 3, Health and Safety Issues Not Addressed in the Final EIR, in Section 2, Master Responses, of this document. Master Response 3 provides additional information related to health and safety issues that are not further discussed in the Final EIR. There is no specific requirement in the Public Resources Code, CEQA Guidelines, or case law

[8] California State Water Resources Control Board (State Water Board). GeoTracker. Cleanup Status History. Website: https://geotracker.waterboards.ca.gov/profile_report_include?global_id=T10000009398&tabname=regulatoryhistory. Accessed December 18, 2024.

related to additional analysis required for projects that may affect nearby elderly populations. No further response is required.

*Response to A.OLSON 2-4*
The comment is noted. As discussed in the Draft EIR, the proposed project would not have a significant impact on water quality or an impact on drinking water. Please refer to Master Response 10, Clarifying Information on Wastewater Treatment Plant Operation and Maintenance, in Section 2, Master Responses, of this document. Master Response 10 provides additional clarifying information on the operation and maintenance of the proposed, including who would operate it, what permits would be required, and details regarding odor, sizing, PFAS, and discharge of biosolids and byproducts.

Additionally, please refer to Master Response 11, Clarifying Information on Wastewater Effluent, in Section 2, Master Responses, of this document. Master Response 11 provides additional clarifying information regarding the potential for runoff from the proposed WWTP and agricultural irrigation spray fields to impact downstream surface water quality, groundwater quality, and the adjacent lakes. No further response is required.

*Response to A.OLSON 2-5*
The comment is noted. Impact TRANS-2 in Section 3.16, Transportation, of the Draft EIR explained that the VMT associated with a project is the basis for determining traffic impacts under CEQA. The proposed project would result in significant and unavoidable impacts related to VMT, even with the implementation of all feasible mitigation measures. Feasible mitigation measures identified in the Draft EIR would be required as MM TRANS-2, as noted in Chapter 5, Errata, of this Final EIR, which requires the implementation of traffic calming elements. MM TRANS-2b, which required approximately 1,000 feet of off-site sidewalk and bicycle lane improvements along Busch Road, has been removed as a mitigation measure and instead remains in Chapter 2, Project Description, of the Draft EIR. However, removal of this mitigation measure does not change any of the significance findings in the document as it will be implemented as part of the proposed project regardless. Impacts to VMT would remain significant and unavoidable. Related revisions are identified in Chapter 5, Errata, of this Final EIR. Therefore, the Draft EIR sufficiently analyzed transportation impacts, and no changes to the Draft EIR are required. Please refer to Master Response 12, Clarifying Information on Transportation Analysis, in Section 2, Master Responses, of this document. Master Response 12 provides additional clarifying information on the methodology used to evaluate traffic impacts as it relates to VMT. No further response is required.

*Response to A.OLSON 2-6*
The comment is noted. As detailed in Section 3.16, Transportation, of the Draft EIR, and the project-specific transportation impact analyses, the Draft EIR's cumulative transportation analysis takes into account all reasonably foreseeable cumulative projects as noted in Chapter 3, Environmental Impact Analysis, Table 3-1, Cumulative Projects. Additionally, cumulative projects and potential cumulative impacts are analyzed in each topical section of the Draft EIR, and no changes to the Draft EIR are required.

Under CEQA, lead agencies generally are not required to analyze the impact of existing environmental conditions on a project's future residents or users (i.e., "CEQA-in-reverse") but, instead are legally required to focus on potential adverse impacts the project may have on the environment. This requirement was upheld in *Ballona Wetlands Land Trust et al. v. City of Los Angeles* (2001) 201 Cal.App.4th 455, which holds that CEQA is concerned with the impact of the project on the environment, not vice-versa.

Public Resources Code Sections 21100 and 21151 require an EIR for projects that "may have a significant effect on the environment." The statute and caselaw clearly define "significant effect on the environment" as limited to substantial, or potentially substantial, adverse changes in physical conditions (PRC § 21060.5). In Public Resources Code Section 21060.5, "environment" is defined as "the physical conditions which exist within the area which will be affected by a proposed project including land, air, water, minerals, flora, fauna, noise, [or] objects of historic or aesthetic significance." (*See also* CEQA Guidelines Section 15360).

As such, future development projects in the project vicinity would be required to evaluate environmental impacts resulting from the future development projects. As explained above, the proposed project has included a sufficient cumulative analysis in the Draft EIR. Additionally, please refer to Master Response 6, Clarifying Information on Cumulative Projects, in Section 2, Master Responses, of this document. Master Response 6 provides additional information on the cumulative projects, including the Senior East County Lakes Project, identified and analyzed within the Draft EIR. No further response is required.

*Response to A.OLSON 2-7*
The comment is noted. Please refer to *Response to A.OLSON 2-1* through *Response to A.OLSON 2-6*. As discussed in Section 3.16, Transportation, of the Draft EIR, both the Lead Agency and the Transportation Impact Analysis (TIA) prepared for the proposed project found that project access is adequate and would not result in significant impacts.

Additionally, please refer to Master Response 3, Health and Safety Issues Not Addressed in the Final EIR, in Section 2, Master Responses, of this document. Master Response 3 provides additional information related to health and safety issues that are not further discussed in the Final EIR. No further response is required.

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## Rachel Krusenoski

**From:** Rose, Aubrey, CDA <Aubrey.Rose@acgov.org>
**Sent:** Monday, September 23, 2024 4:03 PM
**To:** Rachel Krusenoski
**Subject:** FW: FW: Arroyo Lago Residential Project - PLN2022-00193 - Vesting Tentative Tract Map (TR-8423), 3030 Mohr Avenue, Pleasanton; Assessor's Parcel Number: 946-4634-1

**Caution:** This is an external email and may contain suspicious subject or content. Please take care when clicking links or opening attachments. When in doubt, please contact your IT Department

FYI

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**From:** Pamela Hardy Alpert <phardy94566@gmail.com>
**Sent:** Monday, September 23, 2024 4:00 PM
**To:** Rose, Aubrey, CDA <Aubrey.Rose@acgov.org>
**Subject:** Re: FW: Arroyo Lago Residential Project - PLN2022-00193 - Vesting Tentative Tract Map (TR-8423), 3030 Mohr Avenue, Pleasanton; Assessor's Parcel Number: 946-4634-1

One more minor thing. The project is identified as 3030 Mohr Avenue no doubt per very old County maps when old Mohr extended east. For the past 20 years, Mohr has been terminated at Irongate Drive. Perhaps addressing the project as fronting on Busch Road (ie. 3360) makes sense and will avoid confusion to residents in the area. 1

PONDEROSA HOMES II,INC

Pamela Hardy, Sr.Manager
Land Planning

(925) 570-1210 mobile
(925) 460-8981 office

Tuesday & Wednesday

On Fri, Sep 20, 2024 at 12:51 AM Pamela Hardy Alpert <phardy94566@gmail.com> wrote:

> Hi Aubrey, We talked a long time ago about this development.
> I support and appreciate the change to a 60 day review and the public meeting being moved to October 29. The Ironwood Community ( approx 500 homes and apartments) needs the additional time to review the DEIR. Has the City committed separately to a date by which their comments will be submitted? Ideally the public will have benefit of their comments before the Oct 29 meeting. Just my thinking. 2
>
> Thank you, Pam Alpert
> (925) 570-1210 mobile

On Thu, Sep 19, 2024 at 4:43 PM Rose, Aubrey, CDA <Aubrey.Rose@acgov.org> wrote:

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## *Pamela Hardy Alpert (First Letter) (ALPERT 1)*

*Response to ALPERT 1-1*

The comment is noted. No environmental issues are raised, and no response is required. However, this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project. No further response is required.

*Response to ALPERT 1-2*

The comment is noted. Please refer to Master Response 1, Request for Extension of Comment Period, in Section 2, Master Responses, of this document. Master Response 1 discusses how the County voluntarily extended the public review period from 45 days to 60 days. No further response is required.

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**PAMELA HARDY ALPERT**
**1115 DONAHUE DRIVE**
**PLEASANTON, CA 94566**

November 5, 2024

Mr. Aubrey Rose, AICP, Planner III

Alameda County Planning Department

224 West Winston Avenue, Room 111

Hayward, CA 94544

Re: SCH No. 2023050339; Arroyo Lago Residential Project

Dear Mr. Rose,

In reviewing the Draft Environmental Impact Report (DEIR) I have the following comments and/or questions regarding the analyses, level of impact and/or mitigation.

Traffic:

1. Does the peak AM and PM consider the cumulative traffic impacts from three nearby schools which all have the approximate same or similar drop-off and pick up times at Alisal Elementary, Harvest Park Middle School and Amador High School enrollment areas which use Valley Avenue, Busch Road and Santa Rita/Valley intersections. It appears the distribution of the WB LT Santa Rita is low 1
2. Has the pedestrian crosswalk delay been included at Valley/Kolln intersection in addition to analyzing potential safety hazards to children crossing to attend Alisal Elementary School. 2
3. Has the cumulative traffic impacts from the adjacent Kiewitt residential project currently filed with the Pleasanton Planning Department. 3
4. Although not yet filed, does the Project Alternatives also include in one of the scenarios the future potential residential development of the remainder of the Steel Wave property contiguous to and east of the Proposed Project. This concept plan currently within the unincorporated Alameda County has been publicly discussed by the Applicant. 4
5. Does the traffic analysis consider the fact that a substantial number of 16-wheel industrial trucks (gravel, refuse, industrial equipment or supplies) regularly travel on Busch Road to Valley SB and NB traveling through to the Santa Rita and Stanley Avenue intersections at both AM and PM peak and non-peak periods. This also includes street sweepers and maintenance trucks stored at the City's corporation yard. The large trucks use considerable queue space in the turn lanes affecting backups into the designated through travel lanes impeding traffic flow and safety. 5

6. Will the additional traffic (Project plus Existing) stack at the Valley/Santa Rita intersection blocking the "free right" WB RT to Santa Rita? Currently approximately seven cars backed up in the AM and PM on Valley completely blocks the free right turning moving causing additional congestion. 6
7. Has the traffic analysis evaluated the periodic-to-regular back ups into the Pleasanton Garage Service facility often extending to the City's corporation yard. 7
8. Work force vehicles arriving and leaving from the Pleasanton operation services facility should be included in the traffic analysis. 8
9. Adjusting the signal timing at the NB Valley/Busch intersection to allow additional time for the Project Plus Cumulative turning movements to access Valley will cause potential safety hazards as vehicles on Valley NB and SB increase speeds to avoid the signal wait time. Several accidents have occurred at this intersection including two full sized trees and the Montessori school monument sign to be completed destroyed along the NB Valley curved street configuration. The number of traffic accidents listed in the DEIR do not include unreported accidents often resulting when drivers want to avoid insurance claims. 9

Overview Comments:

10. Most notable is the fact that 251 homes, 172 senior apartments and a pre-school relay exclusively on Busch to provide ingress/egress to Valley. Therefore, unless the Project and the City of Pleasanton undertake substantial street improvements on the most heavily traveled street segment on Valley between Stanley and Santa Rita, Project Plus Cumulative Plus future traffic volumes will impact the Ironwood Community in terms of mobility and emergency services. Please consider the merits of requiring the Boulder Avenue extension to Busch prior to Project Completion and make Boulder the primary access to the 4-way intersection with Valley. The Busch at Valley intersection, being a 3-way intersection, should be subordinated by the Boulder extension. 10
11. Please consider lengthening the free right queuing lane at Valley and Santa Rita as well. 11

I appreciate having an opportunity to provide these comments and questions for consideration and inclusion into the DEIR responses. 12

Very truly yours,



Pamela Hardy Alpert
1115 Donahue Drive
Pleasanton, CA 94566

## *Pamela Hardy Alpert (Second Letter) (ALPERT 2)*

*Response to ALPERT 2-1*

The comment is noted. As detailed in Section 3.16, Transportation, of the Draft EIR, the scope of the Transportation Impact Study for the Arroyo Lago Residential Project (TIS) and Traffic Operations Study for the Arroyo Lago Residential Project (TOS), including study intersections and road segments, were developed through coordination with the County and the City of Pleasanton. Section 3.16, Transportation, of the Draft EIR and the project-specific transportation impact analyses utilized the Alameda CTC travel demand model to model TAZ 1080 under "no project" and "with project" conditions. Therefore, the Draft EIR considered existing land uses in the project vicinity, as well as predicted vehicle trips to schools and work destinations. The Draft EIR's cumulative transportation analysis also takes into account all reasonably foreseeable cumulative projects as noted in Chapter 3, Environmental Impact Analysis, Table 3-1, Cumulative Projects.

Impact TRANS-2 in Section 3.16, Transportation, of the Draft EIR explained that the VMT associated with a project is the basis for determining traffic impacts under CEQA. The proposed project would result in significant and unavoidable impacts related to VMT, even with the implementation of all feasible mitigation measures. Feasible mitigation measures would be required as MM TRANS-2, as noted in Chapter 5, Errata, of this Final EIR, which requires the implementation of traffic calming elements. MM TRANS-2b, which required approximately 1,000 feet of off-site sidewalk and bicycle lane improvements along Busch Road, has been removed as a mitigation measure and instead remains in Chapter 2, Project Description, of the Draft EIR. However, removal of this mitigation measure does not change any of the significance findings in the document as it will be implemented as part of the proposed project regardless. Impacts to VMT would remain significant and unavoidable. Related revisions are identified in Chapter 5, Errata, of this Final EIR. As further explained in the Cumulative Impacts section of the Transportation section, the proposed project would result in significant and unavoidable cumulative impacts related to VMT by contributing to an increase in VMT, even though all cumulative projects would be required to comply with County and local ordinances, to comply with General Plan policies that address VMT, and to mitigate their fair share of impacts related to VMT. Please refer to Master Response 12, Clarifying Information on Transportation Analysis, in Section 2, Master Responses, of this document. Master Response 12 provides additional clarifying information on the methodology used to evaluate traffic impacts as it relates to VMT.

The potential for the proposed project to impact safety was evaluated in terms of the adequacy of sight distance and need for turn lanes at the project access points as well as the adequacy of dedicated turn lanes at the study intersections to accommodate additional queueing due to adding project-generated trips and need for additional right-of-way controls. The Draft EIR determined that there is adequate corner sight distance at the project access points on Busch Road for the posted speed limit of 35 miles per hour (mph). However, the Draft EIR determined that impacts related to queueing would be significant and unavoidable, as the mitigation measure which requires adjustments to signal timing has been deemed unenforceable because the City of Pleasanton is not the Lead Agency for the proposed project, and thus the County cannot ensure that the required adjustments to signal timing will be made. Similarly, the Draft EIR also identifies a significant and unavoidable cumulative impact with respect to roadway hazards.

The County has the discretion under CEQA to weigh the evidence relating to the accuracy and sufficiency of the information in the EIR and to decide whether to accept it. The County may adopt the environmental conclusions reached by the experts that prepared the EIR even though others may disagree with the underlying data, analysis, or conclusions. (*Laurel Heights*, *supra*, 6 Cal.4th at 1120; *State Water Resources Control Bd. Cases* (2006) 136 Cal.App.4th 674, 795). The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure. (CEQA Guidelines Section 15151). Differing opinions is not a basis for finding the EIR to be inadequate; the County has the discretion to resolve a dispute among experts about the accuracy of the EIR's environmental forecasts. (*Laurel Heights*, *supra*, 6 Cal.4th at 1120; *Association of Irritated Residents v. County of Madera* (2003) 107 Cal.App.4th 1383, 1397).

A lead agency may also reject lay or non-expert criticism on an issue as long as its determination is supported by substantial evidence. (*East Sacramento Partnership for a Livable City v. City of Sacramento* (2016) 5 Cal.App.5th 281, 297). "[I]n the absence of a specific factual foundation in the record, dire predictions by nonexperts regarding the consequences of a project do not constitute substantial evidence." (Gentry v. City of Murrieta (1995) 36 Cal.App.4th 1359, 1417). "Unsubstantiated opinions, concerns, and suspicions about a project, though sincere and deeply felt, do not rise to the level of substantial evidence . . . .' [Citation.] Thus, 'project opponents must produce . . . evidence, other than their unsubstantiated opinions, that a project will produce a particular adverse effect." (*Banker's Hill, Hillcrest, Park West Community Preservation Group v. City of San Diego* (2006) 139 Cal.App.4th 249, 274 (internal citations omitted)). No further response is required.

*Response to ALPERT 2-2*
The comment is noted. Please refer to *Response to ALPERT 2-1.* Additionally, the intersection of Valley Avenue and Kolin Street is not one of the study intersections included in the transportation analysis in the Draft EIR.

Furthermore, the Draft EIR discloses that the proposed project is located within the jurisdiction of the PUSD and would be served by Alisal Elementary School, Harvest Park Middle School, and Amador Valley High School. Note that PUSD was consulted during the preparation of the Draft EIR. According to consultation with the PUSD, Harvest Park Middle School and Amador Valley High School would not be significantly impacted by the proposed project. PUSD indicated that an increase in students at Alisal Elementary School could require enhancements to the pick-up and drop-off area at the school, but no substantial physical upgrades. This impact would be mitigated by the payment of the statutorily required impact mitigation fee or "developer" fee at rates implemented and applicable to the proposed project at the time of building permit issuance. As such, impacts to school facilities would be less than significant. Please refer to Master Response 9, Clarifying Information on Public Services EIR Section, in Section 2, Master Responses, of this document. Master Response 9 provides additional clarifying information on the analysis contained within the Draft EIR's section on Public Services, including details related to fire protection, police protection, schools, parks, and libraries. No further response is required.

*Response to ALPERT 2-3*
The comment is noted. As identified on Page 3-7 of the Draft EIR, the Kiewit Property at 3300 Busch Road was considered in the Draft EIR as Cumulative Project No. 6, 3300 Busch Road—Square Miles Pleasanton, LLC Property. Cumulative impacts are considered in each topical section of the Draft EIR, including Section 3.16, Transportation. Additionally, the number of units has been updated in Section 5, Errata, of this document. The additional units would not result in new or more significant impacts, and none of the significance conclusions for the cumulative analysis would change. No further response is required.

*Response to ALPERT 2-4*
The comment is noted. The Draft EIR properly analyzes the impacts of the Senior East County Lakes Project as a cumulative project in Section 3 of the Draft EIR. please refer to Master Response 6, Clarifying Information on Cumulative Projects, in Section 2, Master Responses, of this document. Master Response 6 provides additional information on the cumulative projects, including the Senior East County Lakes Project, identified and analyzed within the Draft EIR.

Additionally, please refer to Master Response 7, The Project Considers the Whole of the Action and Does Not Improperly Piecemeal, in Section 2, Master Responses, of this document. Master Response 7 explains why the proposed project considers the "whole of the action" and does not improperly piecemeal environmental analysis, especially with regard to the Senior East County Lakes Project. No further response is required.

*Response to ALPERT 2-5*
The comment is noted. Please refer to *Response to ALPERT 2-1*. As discussed in the Draft EIR, the potential for the proposed project to impact safety was evaluated in terms of the adequacy of sight distance and need for turn lanes at the project access points as well as the adequacy of dedicated turn lanes at the study intersections to accommodate additional queueing due to adding project-generated trips and need for additional right-of-way controls. The Draft EIR determined that there is adequate corner sight distance at the project access points on Busch Road for the posted speed limit of 35 mph. However, the Draft EIR determined that impacts related to queueing would be significant and unavoidable, as the mitigation measure which requires adjustments to signal timing, has been deemed unenforceable because the City of Pleasanton is not the Lead Agency for the proposed project, and thus the County cannot ensure that the required adjustments to signal timing will be made. Similarly, the Draft EIR also identifies a significant and unavoidable cumulative impact with respect to roadway hazards. No further response is required.

*Response to ALPERT 2-6*
The comment is noted. Please refer to *Response to ALPERT 2-1* and *ALPERT 2-5*. No further response is required.

*Response to ALPERT 2-7*
The comment is noted. Please refer to *Response to ALPERT 2-1* and *ALPERT 2-5*. No further response is required.

*Response to ALPERT 2-8*
The comment is noted. Please refer to *Response to ALPERT 2-1* and *ALPERT 2-5*. No further response is required.

*Response to ALPERT 2-9*
The comment is noted. Please refer to *Response to ALPERT 2-1* and *ALPERT 2-5*. As discussed in the Draft EIR, Section 3.16, Transportation, the collision history for the study area was reviewed to determine any trends or patterns that may indicate safety issues. Collision rates were calculated based on records available from the California Highway Patrol (CHP) as published in their SWITRS reports and were reviewed for the most current 5-year period available, which was January 1, 2018, through December 31, 2022, at the time of the analysis. To account for unreported accidents would be speculative and is not a reasonable expectation for the analysis included in the Draft EIR. The collision rates analyzed in the transportation analysis are disclosed in Table 3.16-5, Collision Rates for the Study Intersections, in the Draft EIR. No further response is required.

*Response to ALPERT 2-10*
The comment is noted. This comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project. No further response is required.

*Response to ALPERT 2-11*
The comment is noted. This comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project. No further response is required.

*Response to ALPERT 2-12*
The comment is noted. No environmental issues are raised, and no response is required. However, this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

## Rachel Krusenoski

**From:** Rose, Aubrey, CDA <Aubrey.Rose@acgov.org>
**Sent:** Monday, September 16, 2024 9:08 AM
**To:** Rachel Krusenoski
**Subject:** FW: Arroyo Lago Residential Project proposal

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FYI

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**From:** Mimi Basu <mbasu4@comcast.net>
**Sent:** Friday, September 13, 2024 7:40 PM
**To:** Rose, Aubrey, CDA <Aubrey.Rose@acgov.org>
**Subject:** Re: Arroyo Lago Residential Project proposal

Dear Mr. Rose,

I am beyond disgusted with your lack of regard for me as long time tax payer and owner of the property at 1516 Chatham Pl, Pleasanton. Yesterday I received a document from your office addressed to the previous owner, Michael Gilbert, who no longer owns title to this property as of July 2019. Further I understand from my neighbors that you have communicated updated plans for the Arroyo Lago project with barely two weeks to respond. It is clear that you care very little for the well-being of tax payers in your county. I need more time than a hearsay message to respond to the various ways in which this new development will affect my property values and health and safety concerns. Clearly after years of non-action you would rather haphazardly proceed ignoring valid concerns of our residents and neighborhood. 1 2

I'm not sure if yours in an elected office, but as you can see from my communications a year ago, I sent my comments, attended the meetings and can only assume that your team is selective in your communication practices.

Regards,

Mimi Basu
(510) 589-4839
Sent from my iPad

> On Jun 5, 2023, at 5:00 PM, Rose, Aubrey, CDA <Aubrey.Rose@acgov.org> wrote:
>
> Hello Mimi,
>
> Thank you for your email -- please consider it received and added to the file to be considered under the Environmental Impact Report

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## *Mimi Basu (First Letter) (BASU 1)*

*Response to BASU 1-1*

The comment is noted. No environmental issues are raised, and no response is required. However, this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

*Response to BASU 1-2*

The comment is noted. Please refer to Master Response 1, Request for Extension of Comment Period, in Section 2, Master Responses, of this document. Master Response 1 discusses how the County voluntarily extended the public review period from 45 days to 60 days. No further response is required.

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Mimi Basu
1516 Chatham Pl
Pleasanton, CA 94566
Mbasu4@comcast.net

November 5, 2024

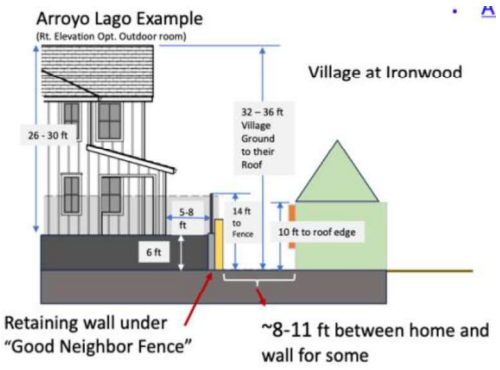
Count of Alameda
Rodrigo Orduna, Assistant Planning Director
Audrey Rose, Planner III
224 West Winton Avenue, Suite 111
Hayward, CA 94544

Re: Arroyo Lago Residential Project Comment on Draft Environmental Impact Report: Section 3.1- Aesthetics, Light, and Glare

Gentlemen,

The report dismisses the impact of the proposed development as not significant with regards to Aesthetics, Light, and Glare. However, it fails to accurately depict the impact on those of us who live along the wall. The EIR does everything possible to obfuscate with the intent to dismiss concerns.

Along the fence line between the proposed Arroyo Lago project and the Village at Ironwood is a 7 ft wall. On the Arroyo Lago side, the landscape was raised from 3 to 6 ft in some places to address flooding. Meaning the housing pads on the Arroyo Lago side will be 6ft higher than on the Village side. This will require a fence or perhaps 5 to 6 ft which will not only protrude over our wall but complete eclipse our roof line. The 2-story house on the other side will not be 30 ft high, but 36ft high. How is this in line with Policy 114 and 115 of the East County Area Plan? Since visuals are always more helpful, here's a depiction: 1



Our houses were designed for most of our living space at the back of the house, so our only views are through our back windows. All we will see is 5 ft of fence and 36 ft of house. No amount of "landscaping" will change what we see and experience. And given that the new houses are barely 5 ft from our wall and in an un-restricted neighborhood, we will encounter noise, visual distraction, lack of privacy and possibly reduced security. Most of us chose to move to a gated 55-plus community as the last property in our retirement years. We expected some development on the other side of the wall, but not this. The development will seriously impact our property values and our peace of mind. As retirees we are in our homes 90% of the day, we don't just come home to sleep. The constant stress on the Ironwood neighbors from neighbors peering down on us in our small patios, the noise from backyard barbeques and children playing, possibly sending projectiles over the wall will impact our mental and physical health. With the average age of those along the wall in their mid 70s and some residents suffering from a variety of chronic illnesses the development will have serious deleterious effect.

1 CONT

2

We are not against development, but we are absolutely against irresponsible development in the interest of expediency and profit.

3

Sincerely,

Mimi Basu
Mbasu4@comcast.net
(510)589-4839

## *Mimi Basu (Second Letter) (BASU 2)*

*Response to BASU 2-1*

The comment is noted, and this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project. Please refer to Master Response 8, Clarifying Information on the Aesthetics, Light, and Glare EIR Section and the Shadow Study, in Section 2, Master Responses, of this document. Master Response 8 provides additional clarifying information on the analysis contained within the Draft EIR's section on Aesthetics, Light, and Glare and the Shadow Study.

As discussed in Chapter 2, Project Description, the proposed park included in the proposed project and other open space areas on the project site would be landscaped with various grasses and shrubs of non-native and native origin. Paving across the park, streets, and other open space landscaped areas would consist of concrete and decomposed granite, with accent paving being used to demarcate crossings. Ornamental fencing would be used to separate residences and public spaces. Other amenities, such as benches, tables, and chairs, would be installed in the park. Internal streets on the project site would be lined with street trees, and the park would contain trees as well. Trees would also be installed along the north side of the project site boundary along Lake I. As such, the proposed project is consistent with ECAP Policy 114. The County has no jurisdiction over what individuals living in the residential uses west of the project site may plant or landscape on their private property to screen the existing wall or proposed good neighbor wall included in the proposed project.

Additionally, as discussed in Section 3.1, Aesthetics, Light, and Glare, of the Draft EIR, there are no scenic resources, as defined by the General Plan and ECAP, located on the project site. The nearest designated scenic resource to the project site is Lake I from the Zone 7 Chain of Lakes community separator, adjacent to the northern boundary of the project site. While Lake I is in close proximity to the project site, there is no public access to the designated scenic resource. As such, the resource can only be viewed from adjacent properties. The proposed project would not construct development that would obstruct views of Lake I from adjacent development because the proposed project would have a maximum height of approximately 30 feet. Additionally, the proposed project would be located approximately 295 feet from Lake I. As such, the proposed project would not have a substantial adverse effect on the scenic vistas associated with the Zone 7 Chain of Lakes scenic resource. There are no officially designated State Scenic Highways or County scenic roadways in or adjacent to the project site.

Furthermore, the exteriors of the buildings would be composed of standard home construction materials, such as vinyl, metal, glass, and cement, with exterior color palettes ranging between whites, grays, and browns; blues, grays, yellows, stone, and terracotta; and brighter greens, blues, and reds. Existing residential development in the area consists of single-family residences with similar construction and color palettes. Therefore, the proposed project would be consistent with the character of the surrounding area as it continues to transition toward higher-density multi-family residential uses. The proposed project would result in the development of residential uses and off-site improvements that would include nighttime security lighting consistent with surrounding uses. Exterior lighting would be located around and within the project site and off-site components. Potential sources of light associated with the proposed project would consist of typical sources of

lighting associated with a residential development and from vehicles traveling to and from the project site as well as minimal security lighting on the proposed water pump and booster station and sewer treatment plan and no lighting associated with the bioretention areas and recycled water storage facility. Lampposts would be evenly dispersed within the residential component of the proposed project, with safety lighting as needed throughout the site. In accordance with Policy 115 of the ECAP, all exterior lighting would be designed, located, and shielded to confine direct rays of light to the project site. Furthermore, the proposed project would comply with the California Building Code, which regulates lighting characteristics, such as maximum power, brightness, and shielding. Therefore, lighting impacts would be less than significant. As such, the proposed project is consistent with ECAP policies identified by the commenter. No further response is required.

*Response to BASU 2-2*
The comment is noted. Please refer to Master Response 2, Non-CEQA Issues Not Addressed in Final EIR, in Section 2, Master Responses, of this document. Master Response 2 provides additional information on the scope of CEQA and any non-CEQA issues are not further discussed in the Final EIR. Additionally, please also refer to Master Response 3, Health and Safety Issues Not Addressed in the Final EIR, in Section 2, Master Responses, of this document. Master Response 3 provides additional information related to health and safety issues that are not further discussed in the Final EIR. These Master Responses indicate why privacy, mental health, and economic impacts are not specifically discussed in the Draft EIR.

Furthermore, there is no indication that any children would send "projectiles over the wall" or that any adverse impact to the physical environment would be caused by the retaining wall. Such an unlikely situation is highly speculative. Speculation and fears about a project's impacts do not rise to the level of substantial evidence and have no evidentiary value. (*Friends of Riverside's Hills.*26 Cal.App.5th at 1152*).* No further response is required.

*Response to BASU 2-3*
The comment is noted. No environmental issues are raised, and no response is required. However, this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project. No further response is required.

Mimi Basu
1516 Chatham Pl
Pleasanton, CA 94566
Mbasu4@comcast.net

October 26, 2024

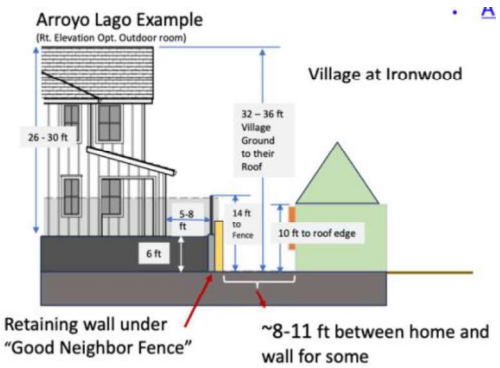
Count of Alameda
Rodrigo Orduna, Assistant Planning Director
Audrey Rose, Planner III
224 West Winton Avenue, Suite 111
Hayward, CA 94544

Re: Arroyo Lago Residential Project Comment on Draft Environmental Impact Report: Section 3.1- Shadow Report, Light & Glare

Gentlemen,

The report dismisses the impact of the proposed development as not significant with regards to shadowing. Your shadowing analysis only covers a limited segment of Chatham Pl. It is not clear that the report has appropriately accounted for the significant elevation differences between Arroyo Lago and the Village at Ironwood.

The proposed development will start on housing pads that are up to 6ft higher than those on the Village side because of grading work that has been done on the vacant property. I very much doubt the computer models incorporated this information, because this grading information is buried deep in the report. Even if the raised pads were incorporated, we need to see the impact on all houses, not just 4. Here's a depiction of the elevation differences proposed:




1

I'm not an expert of solar laws, but I do know that the shadow reports clearly show that all our sunlight into the main living spaces of the house (where most of our windows are), will

be shadowed. The EIR doesn't attempt to discuss any regulations regarding the adverse impacts of development on existing communities in terms of blocking of sunlight. We should have a more comprehensive modeling of the amount solar generation we can expect to lose and for that we need to see analysis from a recognized solar expert. We will experience more shadows from sunrise through noon, than we have today. 1 CONT

In terms of lighting and glare, with the raised landscape we can fully expect lights from the adjoining houses and landscape lighting to affect those of us along the wall. While street lighting is unlikely to impact us, the lighting from the houses will. We are a quiet community of seniors, we don't party in the backyard in the evenings, however the EIR doesn't consider the different resident profile of the adjoining neighborhood and the impact it will have on our privacy and quality of life. We will have lights shining into our bedrooms, glare from the windows, etc. It's unavoidable. What the developer and Alameda County is proposing is that we keep our blinds closed and effectively be imprisoned by these imposing structures looming over our back yards. This is an irresponsible imposition on our health and safety. 2

The solution is simply to move the project back from the wall, re-grade the property and if necessary, re-zone the land. 3

Sincerely,

Mimi Basu
Mbasu4@comcast.net
(510)589-4839

## *Mimi Basu (Third Letter) (BASU 3)*

*Response to BASU 3-1*

The comment is noted. Please refer to Master Response 8, Clarifying Information on the Aesthetics, Light, and Glare EIR Section and the Shadow Study, in Section 2, Master Responses, of this document. Master Response 8 provides additional clarifying information on the analysis contained within the Draft EIR's section on Aesthetics, Light, and Glare and the Shadow Study. This Master Response indicates the purpose of the Shadow Study and how light and glare is analyzed under CEQA and in the Draft EIR.

Furthermore, as discussed in Section 3.1.3, Regulatory Framework, in Section 3.1, Aesthetics, Light, and Glare, of the Draft EIR, the Solar Shade Control Act (Public Resources Code, Chapter 12) describes specific and limited controls on trees and shrubs. It prohibits the owner of another property to allow a tree or shrub to be placed or to grow to the extent that it casts shadow greater than 10 percent of the collector absorption area upon a solar collector's surface at any one time between the hours of 10:00 a.m. and 2:00 p.m. However, the Solar Shade Control Act applies specifically to trees and shrubs and would not apply to buildings being created pursuant to the proposed project.

Furthermore, please refer to Master Response 3, Health and Safety Issues Not Addressed in the Final EIR, in Section 2, Master Responses, of this document. Master Response 3 provides additional information related to health and safety issues that are not further discussed in the Final EIR. No further response is required.

*Response to BASU 3-2*

The comment is noted. Please refer to Master Response 8, Clarifying Information on the Aesthetics, Light, and Glare EIR Section and the Shadow Study, in Section 2, Master Responses, of this document. Master Response 8 provides additional clarifying information on the analysis contained within the Draft EIR's section on Aesthetics, Light, and Glare and the Shadow Study. No further response is required.

As discussed in Section 3.1, Aesthetics, Light, and Glare, of the Draft EIR, the proposed project would result in the development of residential uses and off-site improvements that would include nighttime security lighting consistent with surrounding uses. Exterior lighting would be located around and within the project site and off-site components. Potential sources of light associated with the proposed project would consist of typical sources of lighting associated with a residential development and from vehicles traveling to and from the project site as well as minimal security lighting on the proposed water pump and booster station and WWTP and no lighting associated with the bioretention areas and recycled water storage facility. Lampposts would be evenly dispersed within the residential component of the proposed project, with safety lighting as needed throughout the site. In accordance with Policy 115 of the ECAP, all exterior lighting would be designed, located, and shielded to confine direct rays of light to the project site. Furthermore, the proposed project would comply with the California Building Code, which regulates lighting characteristics, such as maximum power, brightness, and shielding. Therefore, lighting impacts would be less than significant.

Furthermore, there is no specific requirement in the Public Resources Code, CEQA Guidelines, or case law related to additional analysis required for projects that may affect nearby elderly populations. No further response is required.

*Response to BASU 3-3*
The comment is noted. As discussed in Section 6.7, Alternatives Rejected from Further Consideration, of the Draft EIR, a single-story alternative was initially considered but rejected from further consideration because this alternative would not reduce any of the significant impacts of the proposed project. A Shadow Study was performed for the proposed project, as detailed in Section 3.1, Aesthetics, Light, and Glare, of the Draft EIR. The Shadow Study determined that the proposed project would not have a significant impact on solar energy systems on adjacent homes. As such, this alternative would not reduce any significant impacts of the proposed project and was rejected from further consideration. Furthermore, a single-story alternative would reduce the density of the project, and therefore, would not meet the project objectives related to the development of additional housing opportunities in the County to the same degree that the proposed project would.

Similarly, increased setbacks from the existing residential neighborhood would not reduce any of the significant impacts of the proposed project and would not meet the project objectives related to the development of additional housing opportunities in the County to the same degree that the proposed project would. No further response is required.

Mimi Basu
1516 Chatham Pl
Pleasanton, CA 94566
Mbasu4@comcast.net

October 26, 2024

Count of Alameda
Rodrigo Orduna, Assistant Planning Director
Audrey Rose, Planner III
224 West Winton Avenue, Suite 111
Hayward, CA 94544

Re: Arroyo Lago Residential Project Comment on Draft Environmental Impact Report: Section 3.2 Air Quality. Section 3.12 Noise

Gentlemen,

The EIR report lists impact on Air Quality as “less than significant”. The residents who live along the wall at the Village of Ironwood might disagree with this assessment. We have lived through a months-long grading project that produced excessive dust, noise and intrusion. 1

The construction phase of the project will significantly impact me and my neighbors along the wall at the Village. We will endure construction noise from heavy machinery, construction workers who will play loud music, and be visible to us because of the raised housing pads. We’ve experienced this already during the grading projects. From 7am to 7pm every day for as long as construction is taking place, a neighborhood of retired seniors can expect daily intrusion. We can expect to see construction workers and heavy machinery from our kitchens, living rooms and bedrooms all day, every day. Even our weekends will be inundated. We can also expect debris from the construction such as flying wood, nails, and other building material, simply because we are so close to the construction with the houses along our wall being just 5 feet way and rising 36 feet above us. 2 3 4

In terms of Air Quality, likewise, we can expect thick layers of dust covering our properties. We’ve lived through this during grading and now the proposal is months of the same. Furthermore, since potentially contaminated soil will be moved around, what will be the health impacts to the existing residents during construction? Are we expected to leave our houses every day to reduce health concerns? Many of our residents have lung and heart issues. Exposure of excessive dust, noise, pollutants will impact our health greatly because we are home every day, all day. Even going out for a walk will be challenging with the noise 5

and dust generated. This is a huge health and safety concern even if the developer hoses down the site in the evening, because the Ironwood residents are home during the day. 5 CONT

Will the developer compensate the Village residents for additional power washing of homes, increasing the frequency of window washing and increasing the frequency of house cleaning services? 6 How will the developer compensate the residents if we develop chronic lung disease due to the construction process? A lung once damaged, can't be "fixed". 7 How will the developer compensate the residents if construction materials damage our property, injure our pets or ourselves. 8 This development is a health and safety concern for the Village at Ironwood. Please consider how just two actions: re-grading the land so it's almost level and moving the house 25ft from the wall might change the impact significantly. 9

Sincerely,

Mimi Basu
Mbasu4@comcast.net
(510)589-4839

## *Mimi Basu (Fourth Letter) (BASU 4)*

*Response to BASU 4-1*

The comment is noted, and this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project. The Draft EIR fully analyzed potential impacts related to air quality, fugitive dust, and noise during construction of the proposed project. The Draft EIR determined that impacts related to air quality and noise would be less than significant with mitigation incorporated. Mitigation would include the implementation of BAAQMD BMPs and specific equipment and construction schedule requirements for noise. Please refer to *Response to Alpert 2-1* and *Response to EBRRD-20*. No further response is required.

*Response to BASU 4-2*

The comment is noted. Please refer to *Response to BASU 4-1*, which explains that noise impacts would be less than significant with mitigation incorporated. As discussed in Section 3.13, Noise, of the Draft EIR, the proposed project would be required to implement MM NOI-1 to ensure adherence to the permissible construction hours and ensure implementation of best management noise reduction techniques and practices. Implementation of MM NOI-1 would ensure that construction noise levels would not result in a substantial temporary increase in ambient noise levels in excess of the FTA's thresholds for construction noise impacts. With implementation of MM NOI-1, temporary construction noise impacts would be reduced to less than significant. No further response is required.

*Response to BASU 4-3*

The comment is noted. Please refer to Master Response 4, General Opposition Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. Master Response 4 provides a response to comments that express general opposition or disapproval of the proposed project.

Additionally, Section 3.1, Aesthetics, Light, and Glare, of the Draft EIR determined that impacts related to construction equipment being present on the project site would be less than significant because the project site does not contain any designated scenic resources and is not visible from the nearest designated scenic routes, Interstate 580 (I-580) and State Route (SR) 84. Furthermore, the temporary effect of construction of the proposed project would be similar in visual character to the existing industrial operations of the Pleasanton Garbage Transfer Station and private industrial uses south of the project site and to the public utility uses from the Pleasanton Water Services and the Livermore-Pleasanton Fire Department (LPFD) west of the project site. No further response is required.

*Response to BASU 4-4*

The comment is noted. Please refer to *Responses to BASU 4-2 and BASU 4-3*. There is no indication that any construction activities would send "flying wood, nails, and other building materials" over the existing retaining wall or that any adverse impact to the physical environment would be caused by the standard construction activities. Such an unlikely situation is highly speculative. Speculation and fears about a project's impacts do not rise to the level of substantial evidence and have no

evidentiary value. (*Friends of Riverside's Hills* 26 Cal.App.5th at 1152). No further response is required.

*Response to BASU 4-5*
The comment is noted, and this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

**Fugitive Dust**

As discussed in Section 3.3, Air Quality, of the Draft EIR, the proposed project would require the implementation of MM AIR-1, which requires implementing BAAQMD BMPs to control dust during construction, including watering exposed surfaces, covering haul trucks transporting loose material, cleaning mud and dirt on adjacent public roads, limiting vehicle speeds, and several other measures. Consequently, implementation of MM AIR-1 would sufficiently maintain project construction emissions and fugitive dust to less than significant levels.

**Hazards and Hazardous Materials**

As identified in Section 3.8, Hazards and Hazardous Materials, of the Draft EIR and the Phase I ESA prepared for the proposed project, information related to the project site's inclusion on the Cortese List was obtained from the State Water Board's GeoTracker database. The GeoTracker database states that the cleanup status of the project site is "Open – Long Term Management as of 7/18/2017." A detailed description of the Cleanup Status History is available on GeoTracker's website, but there have been no updates to the Cleanup Status History since July 18, 2017.[9] The GeoTracker database also lists arsenic, chromium, copper, diesel, lead, nickel, other metal, waste oil/motor/hydraulic/lubricating, and zinc as potential contaminants of concern. The Draft EIR provides a brief description of the site history, cleanup actions overseen by the ACDEH, and the conditions of approval for subsequent entitlement, permitting, grading, and development of a land use other than Water Management, Agriculture, or Open Space. Additionally, information is provided in the project-specific Phase I ESA contained within Appendix F of the Draft EIR and public records are available from ACDEH on GeoTracker's website.

Moreover, the Draft EIR explains that a Final Soil Report was submitted to ACDEH on March 23, 2020, and the ACDEH determined that the Final Soil Report met the first condition of approval on July 19, 2023. The remaining conditions (which pertain to corrective actions and soil management protocols *during* site redevelopment, schedule, and soil import and export) are included as HAZ COA-4a through HAZ COA-4e. As required by ACDEH, these requirements shall be met prior to site grading, soil import, or soil export, respectively. Therefore, impacts related to potentially hazardous soil would be less than significant.

**Noise**

Please refer to *Response to BASU 4-1*, which explains that noise impacts would be less than significant with mitigation incorporated.

[9] California State Water Resources Control Board (State Water Board). GeoTracker. Cleanup Status History. Website: https://geotracker.waterboards.ca.gov/profile_report_include?global_id=T10000009398&tabname=regulatoryhistory. Accessed December 18, 2024.

Please also refer to Master Response 3, Health and Safety Issues Not Addressed in the Final EIR, in Section 2, Master Responses, of this document. Master Response 3 provides additional information related to health and safety issues that are not further discussed in the Final EIR. No further response is required.

*Response to BASU 4-6*
The comment is noted. Please refer to Master Response 2, Non-CEQA Issues Not Addressed in Final EIR, in Section 2, Master Responses, of this document. Master Response 2 provides additional information on the scope of CEQA and any non-CEQA issues are not further discussed in the Final EIR. No further response is required.

*Response to BASU 4-7*
The comment is noted. Please refer to *Response to BASU 4-5*, which explains the potential impacts of the proposed project related to hazardous soils and fugitive dust. No further response is required.

*Response to BASU 4-8*
The comment is noted. Please refer to *Response to BASU 4-4*. Please also refer to Master Response 2, Non-CEQA Issues Not Addressed in Final EIR, in Section 2, Master Responses, of this document. Master Response 2 provides additional information on the scope of CEQA and any non-CEQA issues are not further discussed in the Final EIR. No further response is required.

*Response to BASU 4-9*
The comment is noted. This comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

As discussed in Section 6.7, Alternatives Rejected from Further Consideration, of the Draft EIR, a single-story alternative was initially considered but rejected from further consideration because this alternative would not reduce any of the significant impacts of the proposed project. A Shadow Study was performed for the proposed project, as detailed in Section 3.1, Aesthetics, Light, and Glare, of the Draft EIR. The Shadow Study determined that the proposed project would not have a significant impact on solar energy systems on adjacent homes. As such, this alternative would not reduce any significant impacts of the proposed project and was rejected from further consideration. Furthermore, a single-story alternative would reduce the density of the project, and therefore, would not meet the project objectives related to the development of additional housing opportunities in the County to the same degree that the proposed project would.

Similarly, increased setbacks from the existing residential neighborhood would not reduce any of the significant impacts of the proposed project and would not meet the project objectives related to the development of additional housing opportunities in the County to the same degree that the proposed project would. No further response is required.

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Aubrey Rose AICP
Alemeda County Community
Development Agency Planning Dept.
224 West Winston Ave, RM 111
Hayward, CA 94544

Pamela Chan
1171 Wenig Ct
Pleasanton, CA
94566

October 29,2024

RE: Arroyo Lago Resedential Project

Who I am I:

Pamela Chan, resident of Ironwood Classics. I am here to protect my neighborhood, Ironwood Classic's which the average families have 1-2 children per household, with both parents working and evening
academic or sports activities. In addition, the Montessori school, parent's and their Children that play and learn in the courtyard need protection. Lastly, The Ironwood Garden's Apartments, affordable housing, need protection. 1

Is it easy for our families to review the new home project plan?

No: Both working families,
evening academic or sports activities. 2

The majority of us were not initially notified about the new homes development, only some of us were notified by word of mouth in May of 2023.
Lauguage barrier 3

The New Home development will affect our Health and Safety due to Air popultion. Construction, Noise pollution, increased rodents, traffic and emergency safety during the development of 243 homes and dwellings being developed over 2 years. 4

**Montessori School of Pleasanton**:

For the Preschool, during the New Home development it will affect the morning and evening drop off. Sometimes drivers make illegal U-Turns on Busch Rd to enter the school as well instead of entering on Cornerstone. Therefore the traffic may affect their safety. 5

Lastly, Air pollution during construction and high traffic, noise pollution may affect the children during outside play and learning. 6

Lastly, On Behalf of The Gardens at Ironwood Senior Apartments which is 172 units on Cornerstone and Valley Ave is Affordable housing.

These individuals are at a disadvantage due to age. Although to qualify they need to be 62+ but the average age is 70-80+. Considering they are in affordable housing do you think they are even aware of the new housing development? Maybe only a few residents by word of mouth.

Management may have received the new development flier but then needs to retype it out and print it in big font and physically post any announcements on their doors. 7

Management says that they are at a disadvantage due to the following:

Sight
Physical Chanllenges
Hearing loss
Language Barriers
Digital Divide: Lack of internet access

Emergency vehicles are called at the very least 3x a week. Not only does a Fire truck and ambulance come but two fire trucks. 8

Lastly, for some of the affordable housing residents there only transportation is ewheels or walkers. During peak times, they are challenged to get to the grocery store, medical offices and Hospital on Santa Rita Rd. The side walk on Valley can accommodate two occupancy but after Quarry Ln the side walk starts to narrow to fit a single individual. 9

Therefore The Gardens residents Health and Safety will be affected due to higher street and sidewalk traffic. Also, they will be affected by the increased air popultion.

Not only will the new development affect the Health and Safety of all the residents and schools, the city will have to accommodate the increased flow of traffic and space on the sidewalks on Valley Avenue and Santa Rita Rd. 10

Lastly, there are no public or school buses for students to get to school and therefore, there will be increased cars on the road. 11

Sincerely,
Pamela Chan
Montessori School of Pleasanton,
The Gardens of Ironwood

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## *Pamela Chan (CHAN)*

*Response to CHAN-1*
The comment is noted. No environmental issues are raised, and no response is required. However, this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

*Response to CHAN-2*
The comment is noted. No environmental issues are raised, and no response is required. However, this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

*Response to CHAN-3*
The comment is noted. The Notice of Availability (NOA) of the Draft EIR was sent to all property owners within 1,000 feet of the project site, as well as anyone who commented during the Draft EIR NOP scoping period. The notification radius of 1,000 feet is a standard practice utilized by the Lead Agency on all of their environmental projects which require public notifications. All project documents and information has been updated on both CEQAnet and the County's website. Further, all documents posted online are compliant with the Americans with Disabilities Act (ADA), which allows for computer software that assists those with disabilities or those who speak languages other than English to read and understand the documents. Similarly, the NOA indicated that special accommodations for attendance at the public meeting were available, however no such request was made. Thus, this project has been consistent with all noticing requirements under CEQA. Additionally, please refer to Master Response 1, Request for Extension of Comment Period, in Section 2, Master Responses, of this document. Master Response 1 discusses how the County voluntarily extended the public review period from 45 days to 60 days.

*Response to CHAN-4*
The comment is noted. The comment does not identify any specific concern with the adequacy of the Draft EIR. Impacts related to air quality, construction noise, traffic, and safety are all discussed within the Draft EIR. Please refer to Master Response 3, Health and Safety Issues Not Addressed in the Final EIR, in Section 2, Master Responses, of this document. Master Response 3 provides additional information related to health and safety issues that are not further discussed in the Final EIR.

Please also refer to Master Response 4, General Opposition Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. Master Response 4 provides a response to comments that express general opposition or disapproval of the proposed project. No further response is required**.**

*Response to CHAN-5*
The comment is noted. Section 3.16, Transportation, of the Draft EIR provides a detailed analysis of transportation and traffic impacts, including those related to safety, emergency access, and geometric design hazards.

The potential for the proposed project to impact safety was evaluated in terms of the adequacy of sight distance and need for turn lanes at the project access points as well as the adequacy of

dedicated turn lanes at the study intersections to accommodate additional queueing due to adding project-generated trips and need for additional right-of-way controls. The Draft EIR determined that there is adequate corner sight distance at the project access points on Busch Road for the posted speed limit of 35 miles per hour (mph). However, the Draft EIR determined that impacts related to queueing would be significant and unavoidable, as the mitigation measure which requires adjustments to signal timing has been deemed unenforceable because the City of Pleasanton is not the Lead Agency for the proposed project, and thus the County cannot ensure that the required adjustments to signal timing will be made.

The purpose of a traffic operation study is to provide City and County staff and policy makers with data that they can use to make an informed decision regarding the project's adherence to City and County policies. It is provided for informational purposes. The use of LOS to analyze impacts under CEQA was replaced with the evaluation of VMT in 2013. SB 743, which was signed into law by former Governor Brown and codified in Public Resources Code Section 21099, tasked OPR with establishing new criteria for determining the significance of transportation impacts under CEQA. SB 743 requires the new criteria to "promote the reduction of GHG emissions, the development of multimodal transportation networks, and a diversity of land uses." SB 743 changes the way that public agencies evaluate the transportation impacts of projects under CEQA, recognizing that roadway congestion, while an inconvenience to drivers, is not itself an environmental impact (see PRC § 21099(b)(2)). In December 2018, OPR circulated its most recent Technical Advisory on Evaluating Transportation Impacts in CEQA, which provides recommendations and describes various options for assessing VMT for transportation analysis purposes. VMT refers to the amount and distance of automobile travel attributable to a project. Other relevant considerations may include the effects of the project on transit or non-motorized travel. The proposed project would result in significant and unavoidable impacts related to VMT, even with the implementation of all feasible mitigation measures. Feasible mitigation measures would be required as MM TRANS-2, as noted in Chapter 5, Errata, of this Final EIR, which requires the implementation of traffic calming elements. MM TRANS-2b, which required approximately 1,000 feet of off-site sidewalk and bicycle lane improvements along Busch Road, has been removed as a mitigation measure and instead remains in Chapter 2, Project Description, of the Draft EIR. However, removal of this mitigation measure does not change any of the significance findings in the document as it will be implemented as part of the proposed project regardless. Impacts to VMT would remain significant and unavoidable. Related revisions are identified in Chapter 5, Errata, of this Final EIR.

Additionally, please refer to Master Response 12, Clarifying Information on Transportation Analysis, in Section 2, Master Responses, of this document. Master Response 12 provides additional clarifying information on the methodology used to evaluate traffic impacts as it related to VMT. No further response is required.

*Response to CHAN-6*
The comment is noted. The comment does not identify any specific concern with the adequacy of the Draft EIR. Impacts related to air quality, construction noise, traffic, and safety are all discussed within the Draft EIR. Please refer to Master Response 4, General Opposition Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. Master Response 4

provides a response to comments that express general opposition or disapproval of the proposed project.

Additionally, please refer to Impact HAZ-3 in Section 3.8, Hazards and Hazardous Materials, of the Draft EIR for a discussion of hazardous emissions and materials within 0.25 mile of a school. No further response is required.

*Response to CHAN-7*
The comment is noted. Please refer to *Response to CHAN-3*. No further response is required.

*Response to CHAN-8*
The comment is noted. No environmental issues are raised, and no response is required. However, this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

*Response to CHAN-9*
The comment is noted. Please refer to *Response to CHAN-5.*

Furthermore, as detailed in Section 3.2, Air Quality, of the Draft EIR, the proposed project would be required to implement MM AIR-1, which requires the implementation of construction BMPs recommended by the BAAQMD. With the implementation of MM AIR-1, project construction emissions would be less than significant.

Additionally, the implementation of MM AIR-3, which requires that all applicable construction equipment utilized in mass grading, paving, and building construction phases to be Tier IV or Tier IV equivalent, would ensure that the cancer risk resulting from project construction would be below the BAAQMD health risk threshold and therefore less than significant.

As such, the Draft EIR sufficiently analyzes and discloses potential impacts related to air pollution and construction pollution related to the implementation of the proposed project. No changes to the Draft EIR are required.

Additionally, please refer to Master Response 3, Health and Safety Issues Not Addressed in the Final EIR, in Section 2, Master Responses, of this document. Master Response 3 provides additional information related to health and safety issues that are not further discussed in the Final EIR. No further response is required.

*Response to CHAN-10*
The comment is noted, and this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project. Please refer to *Response to CHAN-5.*

Please refer to Master Response 3, Health and Safety Issues Not Addressed in the Final EIR, in Section 2, Master Responses, of this document. Master Response 3 provides additional information related to health and safety issues that are not further discussed in the Final EIR. No further response is required.

*Response to CHAN-11*

The comment is noted, and this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project. Please see *Response to CHAN-5*, which explains that roadway congestion is not itself an environmental impact. No further response is required.

**Rachel Krusenoski**

**From:** Rose, Aubrey, CDA <Aubrey.Rose@acgov.org>
**Sent:** Monday, September 16, 2024 9:07 AM
**To:** Rachel Krusenoski
**Subject:** FW: September 26 Public meeting

**Caution:** This is an external email and may contain suspicious subject or content. Please take care when clicking links or opening attachments. When in doubt, please contact your IT Department

FYI

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**From:** Dennis Romatz <dennisromatz5@gmail.com>
**Sent:** Friday, September 13, 2024 5:04 PM
**To:** Rose, Aubrey, CDA <Aubrey.Rose@acgov.org>
**Subject:** September 26 Public meeting

Hello Aubrey,

I received a copy of the EIR Arroyo Lago proposed project that is to be reviewed in a Public Meeting on September 26th. This meeting is about two weeks away, which does not allow enough time for review and develop comments for such a large document.

The residents of the Village at Ironwood will need more time than the date given for public comment and also more for the final review. We are suggesting about 2 - 3 months for comments and 4 - 5 months for final review. 1

Thank you for your consideration.

Dennis Romatz
Resident of the Village at Ironwood
1564 Chatham Place, Pleasanton, CA 94566
925 223 8682

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### *Dennis Romatz (First Letter) (D.ROMATZ 1)*

*Response to D.ROMATZ 1-1*

The comment is noted. Please refer to Master Response 1, Request for Extension of Comment Period, in Section 2, Master Responses, of this document. Master Response 1 discusses how the County voluntarily extended the public review period from 45 days to 60 days. No further response is required.

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## Laura Campion

**Subject:** FW: Arroyo Lago EIA
**Attachments:** Arroyo Lago Project.zip

**From:** Dennis Romatz <dennisromatz5@gmail.com>
**Sent:** Thursday, October 10, 2024 4:37 PM
**To:** Rose, Aubrey, CDA <Aubrey.rose@acgov.org>
**Cc:** tgrudkowski@gmail.com
**Subject:** Arroyo Lago EIA

Aubrey Rose,

I reviewed the Arroyo Lago EIR and have a concern about the Shadow Analysis Exhibits 3.1-1 and 3.1-10.
There is no data supplied with these exhibits as far as actual dates and dimensions. The 6 foot increase in grading may not have been considered and single story houses may have been used. Another possibility for concern is that the solstice
was not correct.

**Definition of solstic:**

A solstice is the time when the sun reaches its most northerly or southerly excursion relative to the celestial sphere. Two solstice occur annually around 20-22 June and 20-22 December.

I completed a few SunCalc analysis diagrams that show the time, month, and dimensions. They do not agree with the Shadow Analysis Exhibits listed above. 1

The solar diagram of October 31 for 1558 Chatham shows the shading going across the entire top of the roof of 1564. The black line is originating from the house (proposed new construction) in back of 1558 Chatham is based on the low angle of the sun in October.
This black line needs to be widened based on the width of the the new house East of the wall.

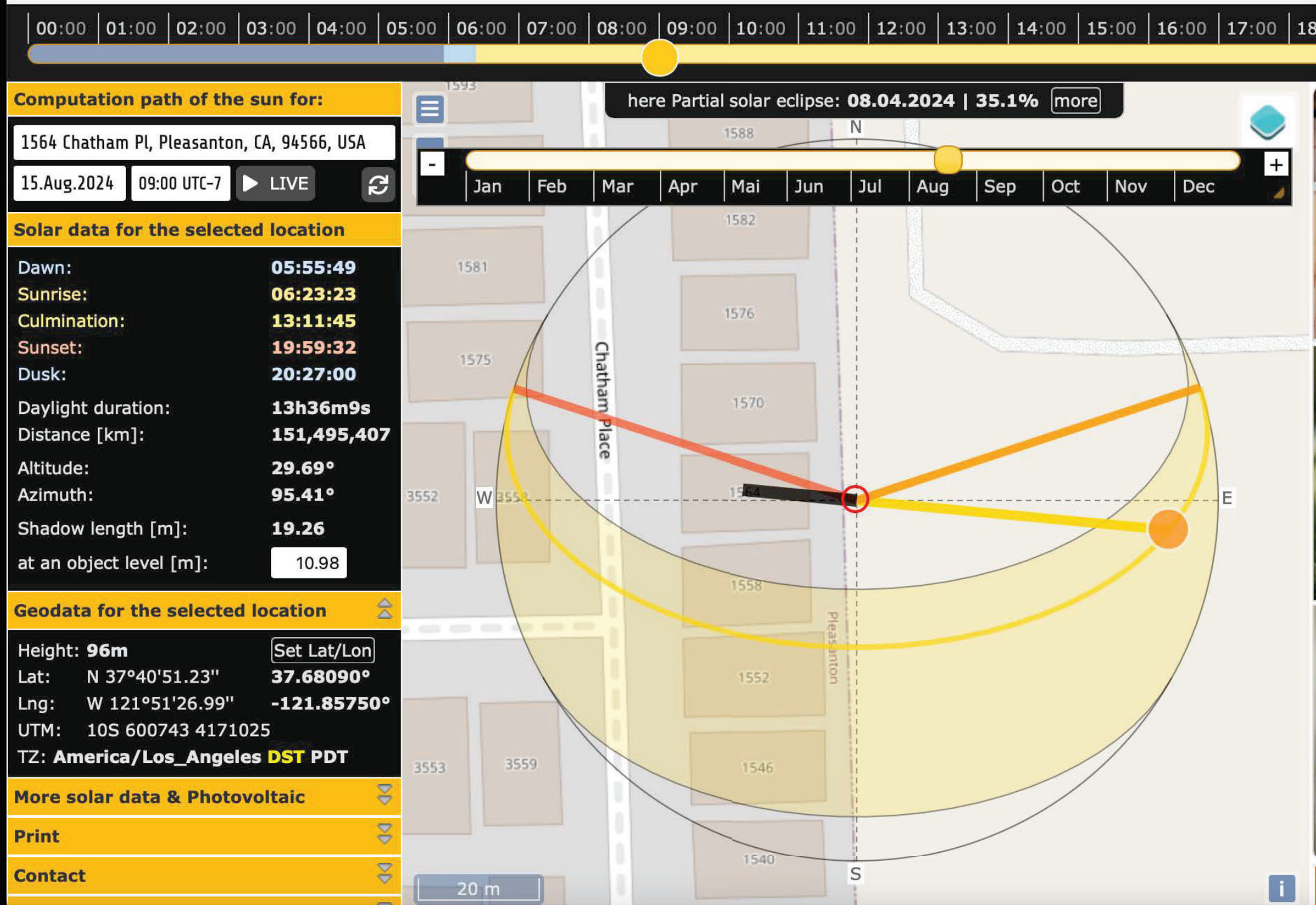
The solar diagram of August 15 for 1564 Chatham shows a similar shade but for August 15.

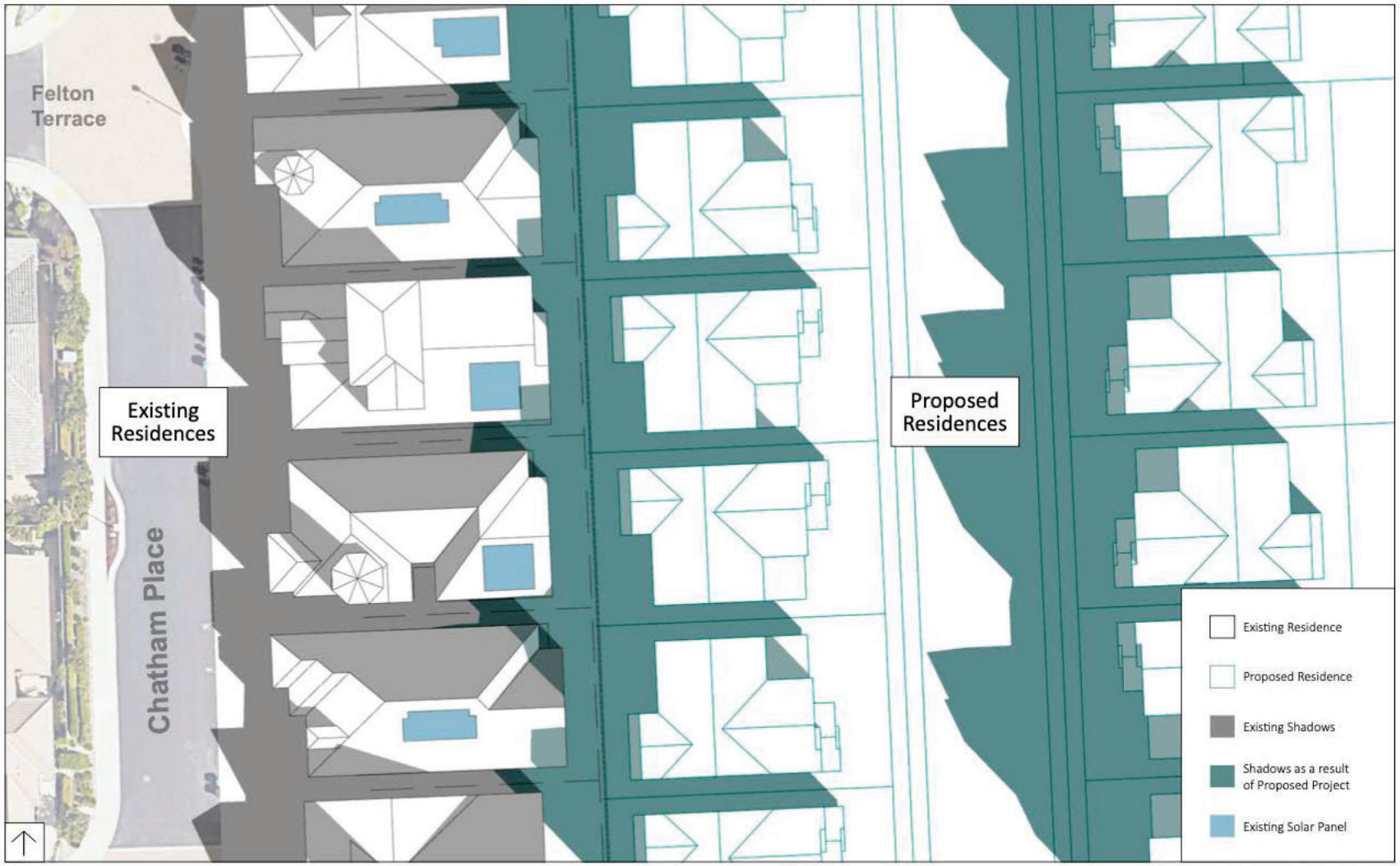
Please review this issue. The mitigation column in the EIR shows “N/A” Shadow Analysis Exhibits 3.1-1 and 3.1-10.
I do not agree with the EIR’s shadow analysis.

Dennis Romatz
1564 Chatham Pl.
Pleasanton, CA 94566

925 223-8682

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00:00 01:00 02:00 03:00 04:00 05:00 06:00 07:00 08:00 09:00 10:00 11:00 12:00 13:00 14:00 15:00 16:00 17:00
Computation path of the sun for:
1564 Chatham Pl, Pleasanton, CA, 94566, USA
15.Aug.2024
09:00 UTC-7
LIVE
Solar data for the selected location
Dawn: 05:55:49
Sunrise: 06:23:23
Culmination: 13:11:45
Sunset: 19:59:32
Dusk: 20:27:00
Daylight duration: 13h36m9s
Distance [km]: 151,495,407
Altitude: 29.69°
Azimuth: 95.41°
Shadow length [m]: 19.26
at an object level [m]: 10.98
Geodata for the selected location
Height: 96m
Set Lat/Lon
Lat: N 37°40'51.23" 37.68090°
Lng: W 121°51'26.99" -121.85750°
UTM: 10S 600743 4171025
TZ: America/Los_Angeles DST PDT
More solar data & Photovoltaic
Print
Contact
here Partial solar eclipse: 08.04.2024 | 35.1% more
Jan Feb Mar Apr Mai Jun Jul Aug Sep Oct Nov Dec
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Chatham Place
Pleasanton
20 m




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Exhibit 3.1-10
Shadow Analysis - Winter Solstice Morning (9am)

homes during the morning hours, shadows created by the proposed project would not significantly cover the roofs of adjacent houses or partially/fully obscure their associated solar energy systems. Therefore, shadows created by the proposed project would not impact nearby solar energy systems.

*Summer Solstice*

The existing shadows and shadows from the proposed project during the summer solstice are demonstrated on Exhibits 3.1-7 through 3.1-9. As shown in these exhibits, simulated shadows from the proposed project would result in no shadow at all on adjacent roofs during the morning, noon, or afternoon during the summer solstice. Therefore, shadows created by the proposed project would not impact nearby solar energy systems.

*Winter Solstice*

The existing shadows and shadows from the proposed project during the winter solstice are demonstrated on Exhibits 3.1-10 through 3.1-12. As shown in these exhibits, simulated shadows from the proposed project would not create any significant net new shadow on the roofs of adjacent homes in the morning and would result in no shadow at all on adjacent properties by noon and 3:00 p.m. during the winter solstice. Additionally, the proposed project would result in no shadow on the roofs of adjacent houses or their associated solar systems by approximately 9:45 a.m. during the winter solstice. In many cases, potential new shadows overlap with existing shadows cast by other parts of roofs of the adjacent properties. Although shadows would minimally obscure the small portions of roofs of adjacent homes during the morning hours, shadows created by the proposed project would not significantly cover the roofs of adjacent houses or partially/fully obscure their associated solar energy systems. Therefore, shadows created by the proposed project would not impact nearby solar energy systems.

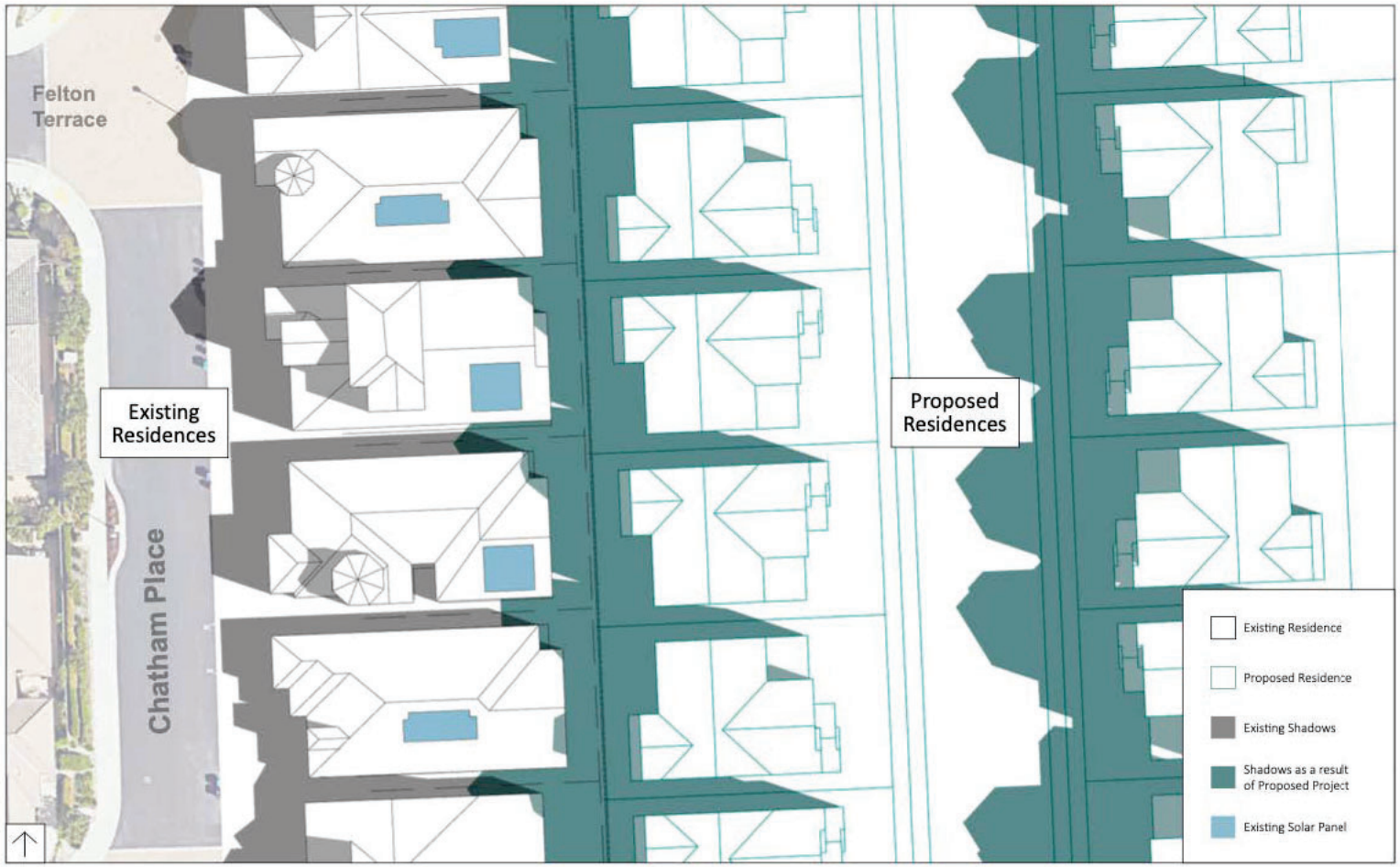
In summary, the shadow study concluded that the proposed project would not have a significant impact on solar energy systems on adjacent homes. The off-site components of the proposed project are not located adjacent to any existing development, with the exception of the Zone 7 maintenance facility located east of the proposed water storage and booster pump facility, which does not include any residential or commercial uses. As previously discussed, lighting on the off-site improvements would be limited to minimal security lighting. Building materials utilized on the off-site improvements do not have the potential to produce any substantial daytime glare. Therefore, the proposed off-site improvements are not expected to produce any substantial impact related to light and glare. Furthermore, as the proposed off-site improvements are not located near any of the existing residences west of the project site, they do not have the potential to impact solar energy systems. Therefore, impacts related to light and glare, including shadow, are less than significant.

***Level of Significance Before Mitigation***

Less than significant impact.

***Mitigation Measures***

None required.

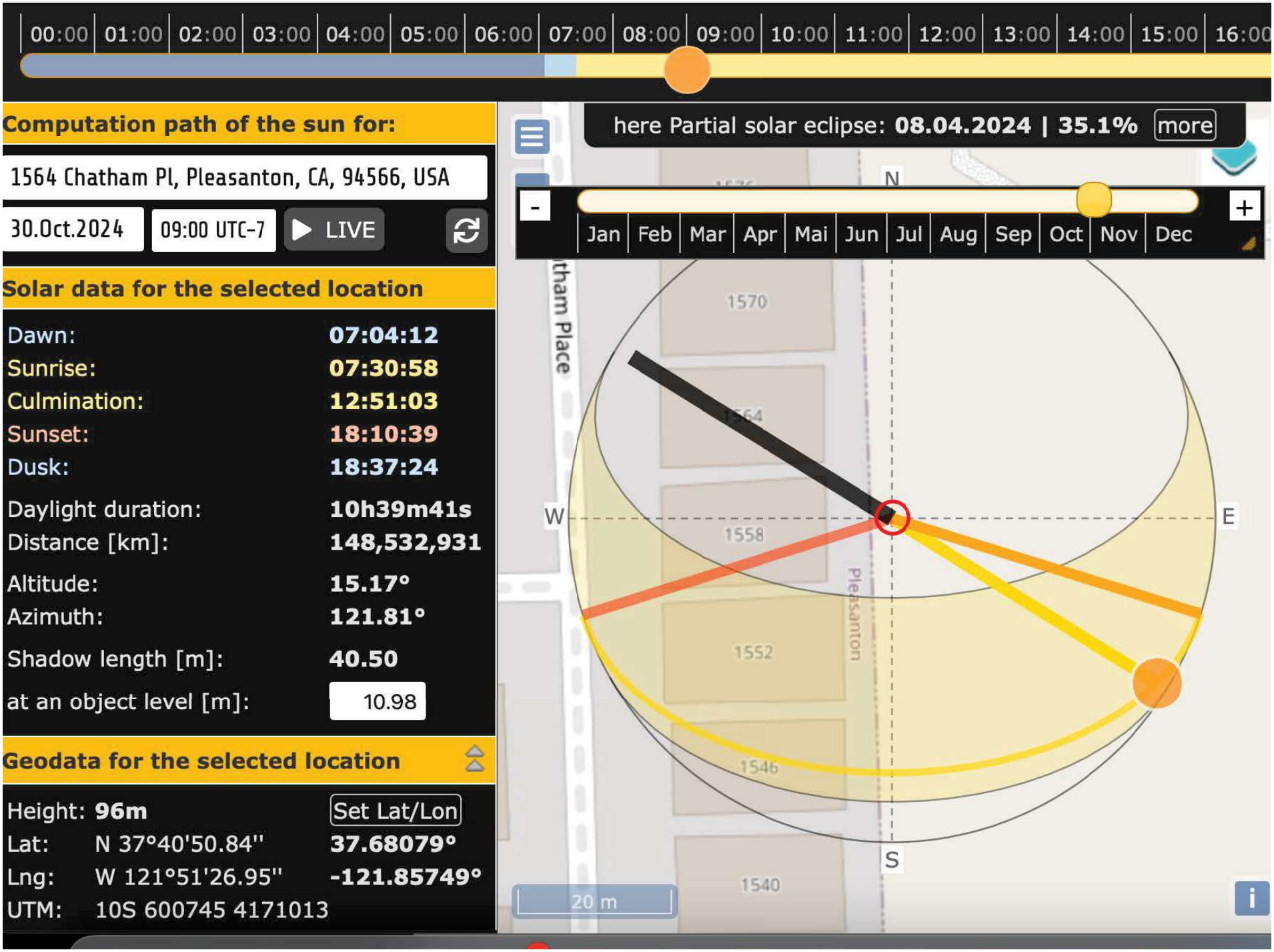



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58240001 • 12/2023

**Exhibit 3.1-1**
**Shadow Analysis - Fall Equinox Morning (9am)**

COUNTY OF ALAMEDA
ARROYO LAGO RESIDENTIAL PROJECT
ENVIRONMENTAL IMPACT REPORT


00:00 01:00 02:00 03:00 04:00 05:00 06:00 07:00 08:00 09:00 10:00 11:00 12:00 13:00 14:00 15:00 16:00
Computation path of the sun for:
1564 Chatham Pl, Pleasanton, CA, 94566, USA
30.Oct.2024
09:00 UTC-7
LIVE
Solar data for the selected location
Dawn: 07:04:12
Sunrise: 07:30:58
Culmination: 12:51:03
Sunset: 18:10:39
Dusk: 18:37:24
Daylight duration: 10h39m41s
Distance [km]: 148,532,931
Altitude: 15.17°
Azimuth: 121.81°
Shadow length [m]: 40.50
at an object level [m]: 10.98
Geodata for the selected location
Height: 96m
Set Lat/Lon
Lat: N 37°40'50.84" 37.68079°
Lng: W 121°51'26.95" -121.85749°
UTM: 10S 600745 4171013
here Partial solar eclipse: 08.04.2024 | 35.1% more
Jan Feb Mar Apr Mai Jun Jul Aug Sep Oct Nov Dec
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1558
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1546
1540
Pleasanton
20 m

## *Dennis Romatz (Second Letter) (D.ROMATZ 2)*

*Response to D.ROMATZ 2-1*

The comment is noted. Please refer to Master Response 8, Clarifying Information on the Aesthetics, Light, and Glare EIR Section and the Shadow Study, in Section 2, Master Responses, of this document. Master Response 8 provides additional clarifying information on the analysis contained within the Draft EIR's section on Aesthetics, Light, and Glare and the Shadow Study.

As discussed in Section 3.1.3, Regulatory Framework, in Section 3.1, Aesthetics, Light, and Glare, of the Draft EIR, the Solar Shade Control Act (Public Resources Code, Chapter 12) describes specific and limited controls on trees and shrubs. It prohibits the owner of another property to allow a tree or shrub to be placed or grow to the extent that it casts shadow greater than 10 percent of the collector absorption area upon a solar collector's surface at any one time between the hours of 10:00 a.m. and 2:00 p.m. However, the Solar Shade Control Act applies specifically to trees and shrubs and would not apply to buildings being created pursuant to the proposed project. No further response is required.

Additionally, the County has the discretion under CEQA to weigh the evidence relating to the accuracy and sufficiency of the information in the EIR and to decide whether to accept it. The County may adopt the environmental conclusions reached by the experts that prepared the EIR even though others may disagree with the underlying data, analysis, or conclusions. (*Laurel Heights* (1988) 47 C3d 376, 408; *State Water Resources Control Bd. Cases* (2006) 136 CA4th 674, 795). The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure. (CEQA Guidelines § 15151). Differing opinions is not a basis for finding the EIR to be inadequate; the County has the discretion to resolve a dispute among experts about the accuracy of the EIR's environmental forecasts. (*Laurel Heights*, *supra*, 6 Cal.4th at 1120; *Association of Irritated Residents v. County of Madera* (2003) 107 CA4th 1383, 1397).

A lead agency may also reject lay or non-expert criticism on an issue as long as its determination is supported by substantial evidence. (*East Sacramento Partnership for a Livable City v. City of Sacramento* (2016) 5 CA5th 281, 297). "[I]n the absence of a specific factual foundation in the record, dire predictions by nonexperts regarding the consequences of a project do not constitute substantial evidence." (*Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359, 1417). "Unsubstantiated opinions, concerns, and suspicions about a project, though sincere and deeply felt, do not rise to the level of substantial evidence . . . .' [Citation.] Thus, 'project opponents must produce . . . evidence, other than their unsubstantiated opinions, that a project will produce a particular adverse effect." (*Banker's Hill, Hillcrest, Park West Community Preservation Group v. City of San Diego* (2006) 139 Cal.App.4th 249, 274 (internal citations omitted)). No further response is required.

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## Laura Campion

**Subject:** FW: Arroyo Lago EIR Shadow Analysis

**From:** Dennis Romatz <dennisromatz5@gmail.com>
**Sent:** Thursday, November 7, 2024 7:21 PM
**To:** Rose, Aubrey, CDA <Aubrey.rose@acgov.org>
**Cc:** tgrudkowski@gmail.com
**Subject:** Arroyo Lago EIR Shadow Analysis

Aubrey Rose,

A further review of EIR Section 3.1-10 through 3.1-12 stated that:

"Additionally, the proposed project would result in no shadow on the roofs of adjacent houses or their associated solar systems by approximately 9:45 am. during the winter solstice."

So, there is a shadow on the solar panels blocking the sun until 9:45 a.m.

The EIR also states this is not significant and shows N/A in the mitigation column.

1

**This is wrong!**

Normally at 9:00 A.M. the solar panels are generating 1,000 watts. Therefore, there is 45 minutes on reduced solar power
at approximately 500 watts average. If you consider 20 single story homes next to the wall, this would be:

500 watts x 3/4 hour x 20 houses = 7500 watt hours

Also, 7 days a week x 52 weeks = 2,730,000 watt hours. This is significant. The N/A is NOT VALID.

Dennis Romatz
1564 Chatham Place

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## *Dennis Romatz (Third Letter) (D.ROMATZ 3)*

*Response to D.ROMATZ 3-1*

The comment is noted. Please refer to *Response to D.ROMATZ 2-1*. Additionally, please refer to Master Response 2, Non-CEQA Issues Not Addressed in Final EIR, in Section 2, Master Responses, of this document. Master Response 2 provides additional information on the scope of CEQA and any non-CEQA issues are not further discussed in the Final EIR. This Master Response explains why economic concerns are not addressed in the Draft EIR. No further response is required.

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**Laura Campion**

**Subject:** FW: Arroyo Lago Development

**From:** david a <davidwatwell@gmail.com>
**Sent:** Monday, October 7, 2024 8:27 PM
**To:** Rose, Aubrey, CDA <Aubrey.Rose@acgov.org>
**Subject:** Arroyo Lago Development

Dear Aubrey,

My Name is David Atwell and I live at 1510 Chatham Place in the Village of Ironwood Senior Community, in Pleasanton which is the community that backs up against the **Arroyo Lago Residential Project**, currently under environmental impact review. I live in one of the homes that backs directly against the subject development property.

I am writing to you regarding regarding the design of the project in relationship to the nearby active earthquake faults. In Appendix E of the Geology and soils supporting information at paragraph 2.2.3, the first sentence reads "The San Francisco Bay Area contains numerous active faults" and lists 3 nearby faults that can achieve a Moment Magnitude of 7.0 or higher. During an earthquake, seniors living at home face unique safety and health risks due to their age, mobility issues, and preexisting medical conditions. These vulnerabilities can increase the potential for injury or even death if precautions aren't taken. Key concerns include structural damage, fire hazards, and gas leaks, which can all pose serious threats during and after an earthquake. I believe this project development design will put me in physical danger in my nearby home during an earthquake.

## Walls and Landslides

For historical information, when I purchased my home and moved into my home 10 years ago, the dirt/soil was at the same level in my backyard as compared to the level beyond my backyard wall. About 6 years ago, the owner added dirt on their of the wall increasing the level above my dirt. Now the developer has additional plans to increase their dirt/soil level to 6 feet above mine, and then build up to 30 foot size homes, which puts the top of the newly built homes 36 feet above my dirt. These tall houses will start at a distance of 5 feet behind the wall, putting the houses a distance of 15 feet from my home. Also, the new buyer may plant trees that grow large over time, and these large trees may be as close as 11 feet from my home. The developer is showing in the plans that they are planning to build a 6 foot retaining wall, which I assume is to try to prevent a landslide onto my property. In Appendix E of the Geology and soils supporting information at paragraph 3.3.2, it states that "Conformance to the current building code does not constitute any kind of guarantee that significant structural damage would not occur in the event of maximum magnitude earthquake". I am sure the builder will build a well-designed and well-constructed retaining wall, but I do believe that I may face an additional risk: the failure of a retaining wall during an earthquake. These walls, which hold back soil or dirt, can become unstable due to seismic activity, potentially leading to landslides. While well-constructed walls are designed to be durable, **there is no guarantee they will not fail during an earthquake**. Soil movement increases the likelihood that a wall could crack or collapse, allowing a landslide. My home on Chatham Place was built using the Building Code requirements to resist damage from earthquakes, however there is no evidence that my home was built to resist damage from a neighbor home collapsing and crashing on it during a landslide. The proposed development will put homes as high as 36 feet above my soil, just 15 feet in distance behind my Chatham Place home, and just 5 feet behind the wall. During an earthquake, if the wall fails, and a landslide follows, it will create a dangerous situation for me in my home which stands just a few feet behind the wall. There is no guarantee that the 30 foot high home will not fall on my home during a major earthquake. I believe the 30 foot house will collapse on my home if the retaining wall fails and a landslide happens. 1

## 1. Fire Hazards and Gas Leaks

This is danger number 1 that I will face. One of the most immediate dangers during an earthquake is the risk of fire or gas leaks. Homes are at risk of electrical fires if wires become exposed or short-circuit due to shaking or cracking. Gas lines can rupture, leading to dangerous leaks that may cause explosions or fires. Seniors, particularly those with limited mobility or sensory impairments (such as diminished smell, which I currently suffer from), may not be able to detect or respond to gas leaks quickly. Evacuating during a fire or addressing a gas leak requires agility and speed, which I as an older adult lack. 2

## 2. Vulnerability Due to Limited Mobility and Health Conditions

This is danger number 2 that I will face. Many seniors have limited mobility which I expect to suffer from as I age, whether from arthritis, joint problems, or conditions like Parkinson's disease. In the chaos of an earthquake, moving quickly to 3

avoid falling objects or evacuating the house can be challenging. Additionally, seniors may rely on walkers, canes, or wheelchairs, which my family history has relied on as they aged, and which can become obstacles in cluttered or narrow spaces during an emergency. I will age and just like other older adults I may also have chronic conditions that can worsen under stress or due to injury. For instance, a senior with respiratory issues might find it difficult to breathe through smoke or dust after a quake. Heart conditions can be exacerbated by the physical and emotional stress caused by an earthquake. 3 CONT

## 3. Home Insurance Considerations

The financial burden to me from the proposed development is high. I need to update or add insurance of 3 types as discussed below. In addition, Earthquake insurance includes a large deductible. This will add thousands of dollars a year in insurance costs to me during a period that I am living on fixed income in retirement. To mitigate financial risks, it is important to have the right types of home insurance coverage. Here are the new insurance options I need to increase or add:

- **Earthquake Insurance**: Standard homeowners' insurance does not cover earthquake damage. Earthquake insurance is essential for covering damages caused by seismic activity, including structural damage, personal belongings, and, in some cases, masonry walls that may fail and cause additional harm. This comes with high deductibles.
- **Liability Insurance**: Seniors should ensure that their home insurance policy includes personal liability coverage. This can protect against legal claims if someone is injured on their property during or after an earthquake, whether due to falling debris, fire, or other hazards. 4
- **Umbrella Insurance**: Umbrella insurance provides an extra layer of liability coverage beyond the limits of standard home insurance. In case of an injury claim or lawsuit following an earthquake-related incident, umbrella insurance can help cover legal fees, medical costs, and other expenses.
- We have all seen the reporting of the current home insurance crisis in California. So I face the additional risks of annual skyrocketing insurance premiums, and also the stress that current California residents are having with insurance cancelled and no adequate replacement.

## Conclusion

Seniors face a number of challenges in staying safe during and after an earthquake, particularly if they have limited mobility or medical conditions. The physical environment, such as the presence of a retaining wall, poses additional risks if not properly reinforced or maintained. The builder won't be around in several years after the development to maintain the wall, and since the wall as proposed is not on my property I won't be able to maintain it. It is important to understand that no structural element, including walls, can be guaranteed to survive a significant earthquake without damage. I request and recommend the development not be allowed to go forward due to the concerns discussed and do to the danger of health and safety. 5

David Atwell
1510 Chatham Place
Pleasanton, CA 94566
davidwatwell@gmail.com
Cell/text (210) 364-0811

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## *David Atwell (First Letter) (DAVID ATWELL 1)*

*Response to DAVID ATWELL 1-1*

The comment is noted. As detailed in Section 3.6, Geology and Soils, of the Draft EIR, the proposed project would be required to implement MM GEO-1, which requires adherence to the implementation of site-specific engineering measures recommended by a Design-Level Geotechnical Report. With the implementation of MM GEO-1 and the County of Alameda overseeing the proposed project, impacts related to strong seismic ground shaking would be less than significant, including those related to the proposed retaining wall.

The Preliminary Geotechnical Report does not identify any landslide-related hazards at the project site. According to the California Earthquake Hazards Zone Application (EQ Zapp), the project site is not within a landslide zone, except for the areas adjacent to the Zone 7 Chain of Lakes and surrounding the Busch Pit area. Additionally, geologic mapping does not indicate the presence of current or historic landslides in proximity to the project site. Given the relatively flat topography at the project site and the available data, the proposed project would not result in landslides. Additionally, as discussed above, implementation of MM GEO-1 would require an updated design-level geotechnical assessment of geologic and geotechnical hazards. If landslide hazards are identified at the project site, recommendations for addressing such hazards would be provided in a Design-Level Geotechnical Report. Adherence to the design recommendations provided in a Design-Level Geotechnical Report, as reviewed and verified by the County as part of the grading and building permit process, would ensure that the proposed project would not result in impacts associated with landslides. The impact would be less than significant.

Under CEQA, the County may rely on future studies to devise the specific design of a mitigation measure when the results of later studies are used to tailor mitigation measures to fit on-the-ground environmental conditions. The details of mitigation measures may be left to later design or engineering work if mitigation that can meet a specified performance standard is known to be available. (*Oakland Heritage Alliance v. City of Oakland* (2011) 195 CA4th 884 (design of structure in conformance with seismic design codes coupled with review by engineers and building officials was sufficient to ensure mitigation of seismic impacts)).

The design and construction of the improvements at the project site would be subject to the mandatory requirements and standards of the California Building Standards Code (CBC), which identify site preparation and construction techniques to attenuate the effects of strong ground shaking and seismic-related ground failure. The CBC identifies seismic factors that must be considered in structural design. Further, MM GEO-1 requires the preparation of an updated design-level geotechnical exploration and the implementation of all recommendations included in that report, prior to issuance of building and grading permits to ensure impacts are less than significant. Building and grading permits shall not be issued prior to the completion of the updated design-level geotechnical exploration, including review and approval by the County as part of the grading and building permit process. No further response is required.

*Response to DAVID ATWELL 1-2*

The comment is noted. Please refer to *Response to DAVID ATWELL 1-1*, which explains that potential impacts related to seismic ground shaking would be less than significant.

Additionally, please refer to Impact WILD-2 in Section 3.18, Wildfire, of the Draft EIR. Risk of impacts related to fire on the project site would be further reduced by the proposed project through compliance with applicable State and local plans and regulations. Specifically, the ECAP contains Policy 299, which requires that Alameda County Fire Department (ACFD) review and approve the proposed project's site plan. Furthermore, the County Emergency Operation Plan (EOP) and LHMP incorporate further requirements into project design and address response to emergency incidents affecting the County. The proposed project would also be required to comply with the California Fire Code regarding emergency access and types of building materials. As discussed in Section 3.14, Public Services, of the Draft EIR, the proposed project would also be adequately served in terms of fire protection services by the ACFD. No further response is required.

*Response to DAVID ATWELL 1-3*

The comment is noted. Please refer to *Response to DAVID ATWELL 1-1*, which explains that potential impacts related to seismic ground shaking would be less than significant. No further response is required.

*Response to DAVID ATWELL 1-4*

The comment is noted. Comments related to economic concerns do not constitute physical impacts on the environment and are thus not addressed in the Final EIR. Please refer to Master Response 2, Non-CEQA Issues Not Addressed in Final EIR, in Section 2, Master Responses, of this document. Master Response 2 provides additional information on the scope of CEQA and any non-CEQA issues that are not discussed in the EIR. No further response is required.

*Response to DAVID ATWELL 1-5*

The comment is noted. Please refer to *Response to DAVID ATWELL 1-1*, which explains that potential impacts related to seismic ground shaking would be less than significant. No further response is required.

**Laura Campion**

**Subject:** FW: Arroyo Lago EIR

**From:** david a <davidwatwell@gmail.com>
**Sent:** Wednesday, October 30, 2024 6:53 AM
**To:** Rose, Aubrey, CDA <aubrey.rose@acgov.org>
**Subject:** Arroyo Lago EIR

Hi Aubrey,

Regarding Arroyo Lago EIR / October 30, 2024

I'd like to address concerns around fill dirt in the EIR. The Arroyo Lago property comes with a significant burden: a drainage issue that creates a water puddling problem, making development unfeasible in its current state.
Ideally, the developer could work with the local government to address this drainage problem before moving forward. Instead, the developer has proposed an alternative plan in the EIR—one that would transfer this drainage burden in the form of a new burden to the senior community next door. This approach involves using fill dirt and constructing homes directly on top of this fill, effectively shifting the burden and its risks to the neighboring seniors.
This setup is not only a new burden but also a serious health and safety hazard for the seniors living near this fill dirt. A wall, especially those supporting significant fill, are not always foolproof. Storms, which California frequently experiences, can erode the soil and increase water pressure against the wall, weakening its structural integrity. Additionally, even minor earthquakes can cause these walls to shift, crack, or, in the worst case, fail. In Appendix E of the EIR it lists 3 nearby faults that can achieve a Moment Magnitude of 7.0 or higher which is well above what could be considered minor. Compounding the risk, this wall would be buried, meaning it cannot be regularly inspected or maintained. If it fails, a landslide would inevitably follow, bringing down tons of fill and possibly homes and trees and placing the seniors below in harm's way. 1
This risk is personal. This threat renders my backyard unusable, as its no longer safe for grandchildren to play there, fearing a potential landslide. I can no longer sleep in the primary bedroom at the back of my house due to concerns about landslide dangers. This burden should not be placed on me or any of my neighbors, and the county should not support such a scheme. The developer should work with local authorities to fix the drainage issue on the property before moving forward, instead of shifting the risk to surrounding residents.
If the county chooses to support this to obtain numbers, it will directly impact my right to enjoy my property and my family's safety. Under the 5th Amendment's takings clause, one might expect just compensation for the loss of safe and reasonable use of private property. However, I have yet to receive any offer of this kind from the county, and hope the county doesn't align with the developer's scheme to transfer this burden to me. 2
Thank you for your time and consideration. I urge you to consider the negative impact of this EIR, not only for me but for all affected residents and not allow this to go forward. 3

David Atwell
1510 Chatham Place
Pleasanton, CA 94566
davidwatwell@gmail.com
Cell/text 210-364-0811

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## *David Atwell (Second Letter) (DAVID ATWELL 2)*

*Response to DAVID ATWELL 2-1*

The comment is noted, and this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project. Please refer to Master Response 3, Health and Safety Issues Not Addressed in the Final EIR, in Section 2, Master Responses, of this document. Master Response 3 provides additional information related to health and safety issues that are not further discussed in the Final EIR.

**Hydrology and Water Quality**

As discussed in Section 3.9, Hydrology and Water Quality, of the Draft EIR, the proposed project's drainage systems for the two drainage areas have sufficient capacity to convey the flow of stormwater from the proposed development and the off-site area east of the project site to the bioretention areas. Furthermore, the bioretention areas and retaining wall would be designed in accordance with all applicable standards and would have adequate capacity to accommodate stormwater flows from the project site during storm events to ensure that no flooding would result and that there would be no net increase in off-site flow of stormwaters.

**Geology and Soils**

As detailed in Section 3.6, Geology and Soils, of the Draft EIR, the proposed project would be required to implement MM GEO-1, which requires adherence to the implementation of site-specific engineering measures recommended by a Design-Level Geotechnical Report. With the implementation of MM GEO-1 and the County of Alameda overseeing the proposed project, impacts related to strong seismic ground shaking would be less than significant, including those related to the proposed retaining wall.

The Preliminary Geotechnical Report does not identify any landslide-related hazards at the project site. According to the California Earthquake Hazards Zone Application (EQ Zapp), the project site is not within a landslide zone, except for the areas adjacent to the Zone 7 Chain of Lakes and surrounding the Busch Pit area. Additionally, geologic mapping does not indicate the presence of current or historic landslides in proximity to the project site. Given the relatively flat topography at the project site and the available data, the proposed project would not result in landslides. Additionally, as discussed above, implementation of MM GEO-1 would require an updated design-level geotechnical assessment of geologic and geotechnical hazards. If landslide hazards are identified at the project site, recommendations for addressing such hazards would be provided in a Design-Level Geotechnical Report. Adherence to the design recommendations provided in a Design-Level Geotechnical Report, as reviewed and verified by the County as part of the grading and building permit process, would ensure that the proposed project would not result in impacts associated with landslides. The impact would be less than significant. Therefore, impacts related to geology and soils, including earthquakes and landslides, were sufficiently analyzed and disclosed in the Draft EIR. No further response is required.

*Response to DAVID ATWELL 2-2*

The comment is noted. This comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project. Economic and privacy concerns are not considered physical impacts on the environmental and thus are not further

addressed in the Final EIR. Please refer to Master Response 2, Non-CEQA Issues Not Addressed in Final EIR, in Section 2, Master Responses, of this document. Master Response 2 provides additional information on the scope of CEQA and any non-CEQA issues are not further discussed in the Final EIR. No further response is required.

*Response to DAVID ATWELL 2-3*

The comment is noted. No environmental issues are raised, and no response is required. However, this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

## Laura Campion

**Subject:** FW: Arroyo Lago Offering
**Attachments:** Arroy Lago Offering.pdf

**From:** david a <davidwatwell@gmail.com>
**Sent:** Sunday, November 3, 2024 1:30 PM
**To:** Rose, Aubrey, CDA <aubrey.rose@acgov.org>
**Subject:** Arroyo Lago Offering

Hi Aubrey,
Resending this email in an attached PDF. I mentioned during the public meeting yesterday that the project was in an offering on the developers website and as a follow up I attached screenshots of the offering
Thanks

1

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David Atwell
1510 Chatham Place
Pleasanton ca 94566
Davidwatwell@gmail.com
Cell/text 210-364-0811

8:22 97

From Diana >

Land Advisors ORGANIZATION
CALIFORNIA DIVISION

# Arroyo Lago
Unincorporated
Pleasanton, CA

Residential

Overview




landadvisors.com

1
CONT

## Project Size

+194 Lots

## Acres

± 27

## Product Type

SFD

## Description

Located adjacent to Eastern Pleasanton in unincorporated Alameda County, Arroyo Lago is poised to be the premier new home community in the Tri-Valley. The Property will be vested with an SB330 Application allowing for a streamlined entitlement process through Alameda County.

**This offering is for approximately 27 acres of residential land with an East County Area Plan Land Use designation of Medium Density Residential (4.1 - 8 units per acre) which is preliminarily planned for approximately 194 lots.**

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CONT



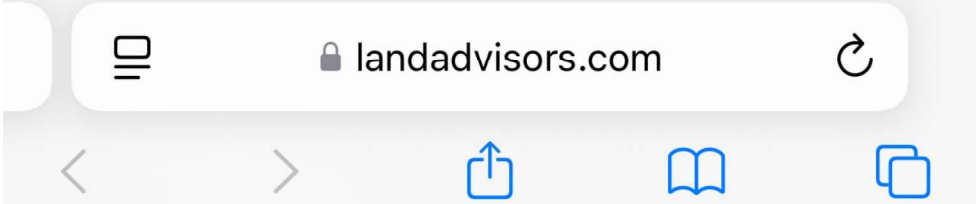

Pleasanton in unincorporated Alameda County, Arroyo Lago is poised to be the premier new home community in the Tri-Valley. The Property will be vested with an SB330 Application allowing for a streamlined entitlement process through Alameda County.

**This offering is for approximately 27 acres of residential land with an East County Area Plan Land Use designation of Medium Density Residential (4.1 - 8 units per acre) which is preliminarily planned for approximately 194 lots.**

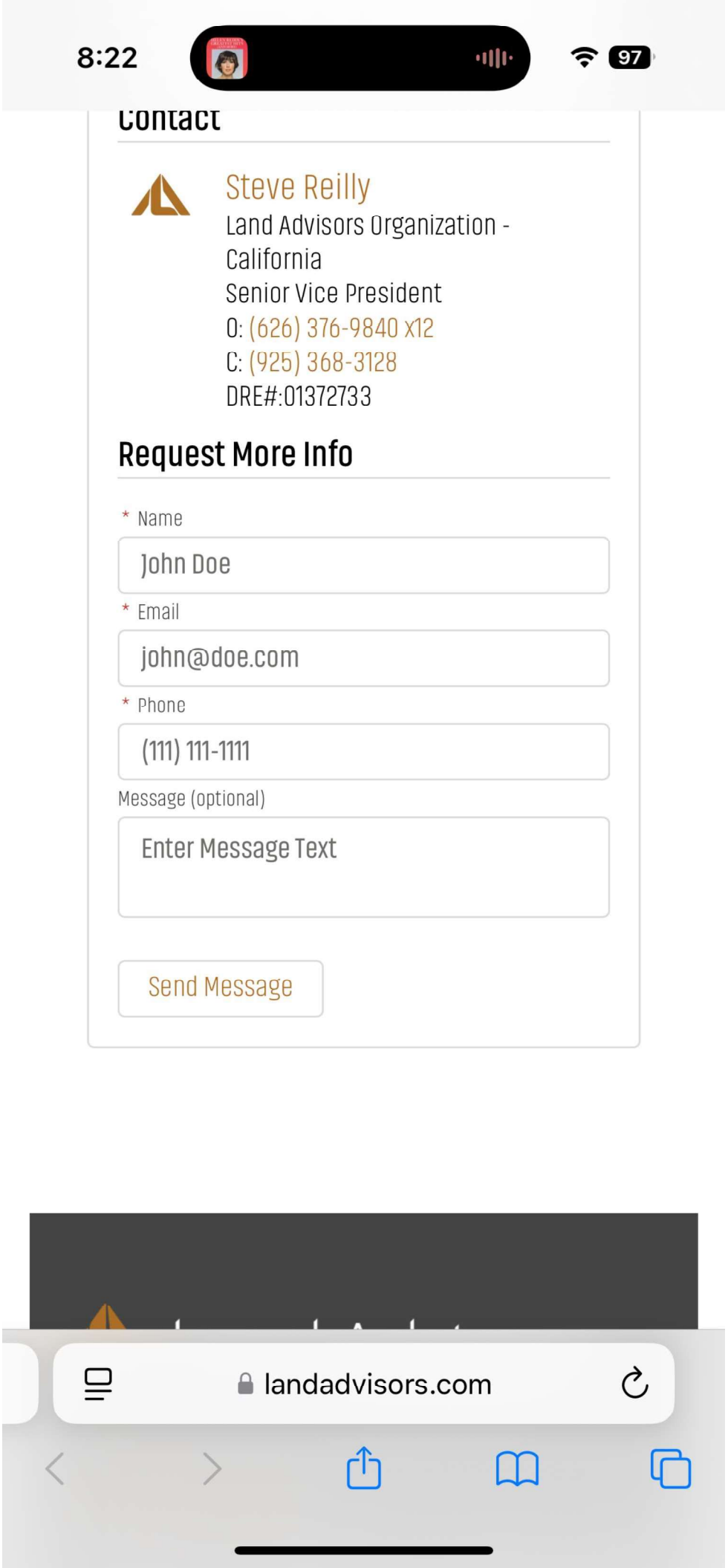
## Contact

Steve Reilly
Land Advisors Organization - California
Senior Vice President
O: (626) 376-9840 x12
C: (925) 368-3128
DRE#:01372733

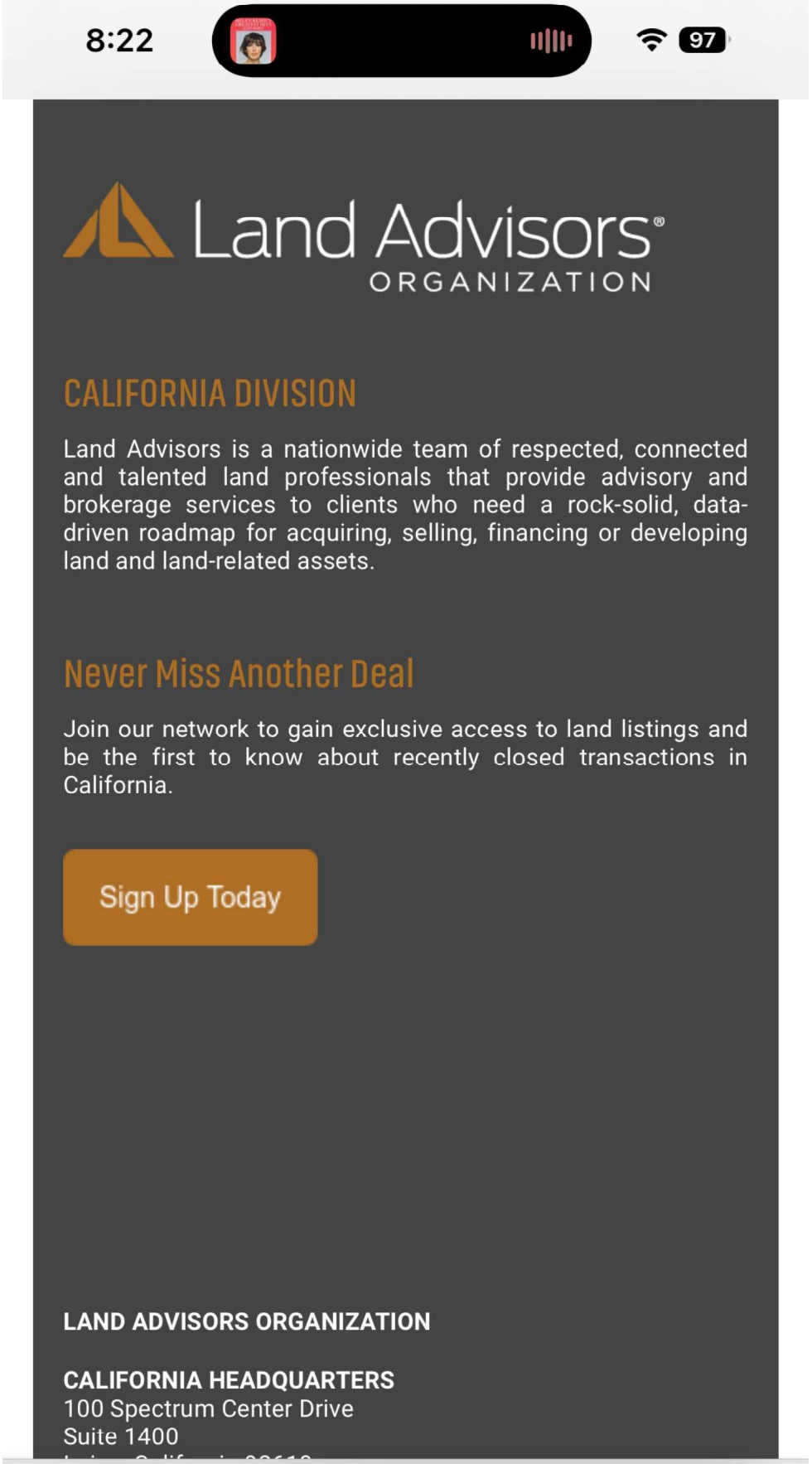
## Request More Info



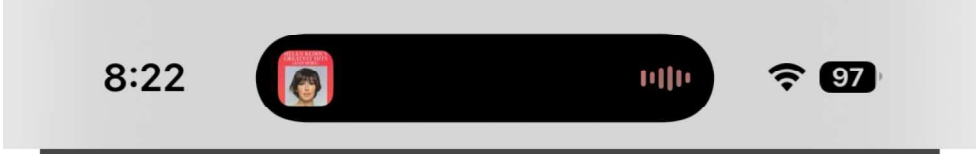

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CONT


8:22
97
Contact
Steve Reilly
Land Advisors Organization - California
Senior Vice President
O: (626) 376-9840 x12
C: (925) 368-3128
DRE#:01372733
Request More Info
* Name
John Doe
* Email
john@doe.com
* Phone
(111) 111-1111
Message (optional)
Enter Message Text
Send Message
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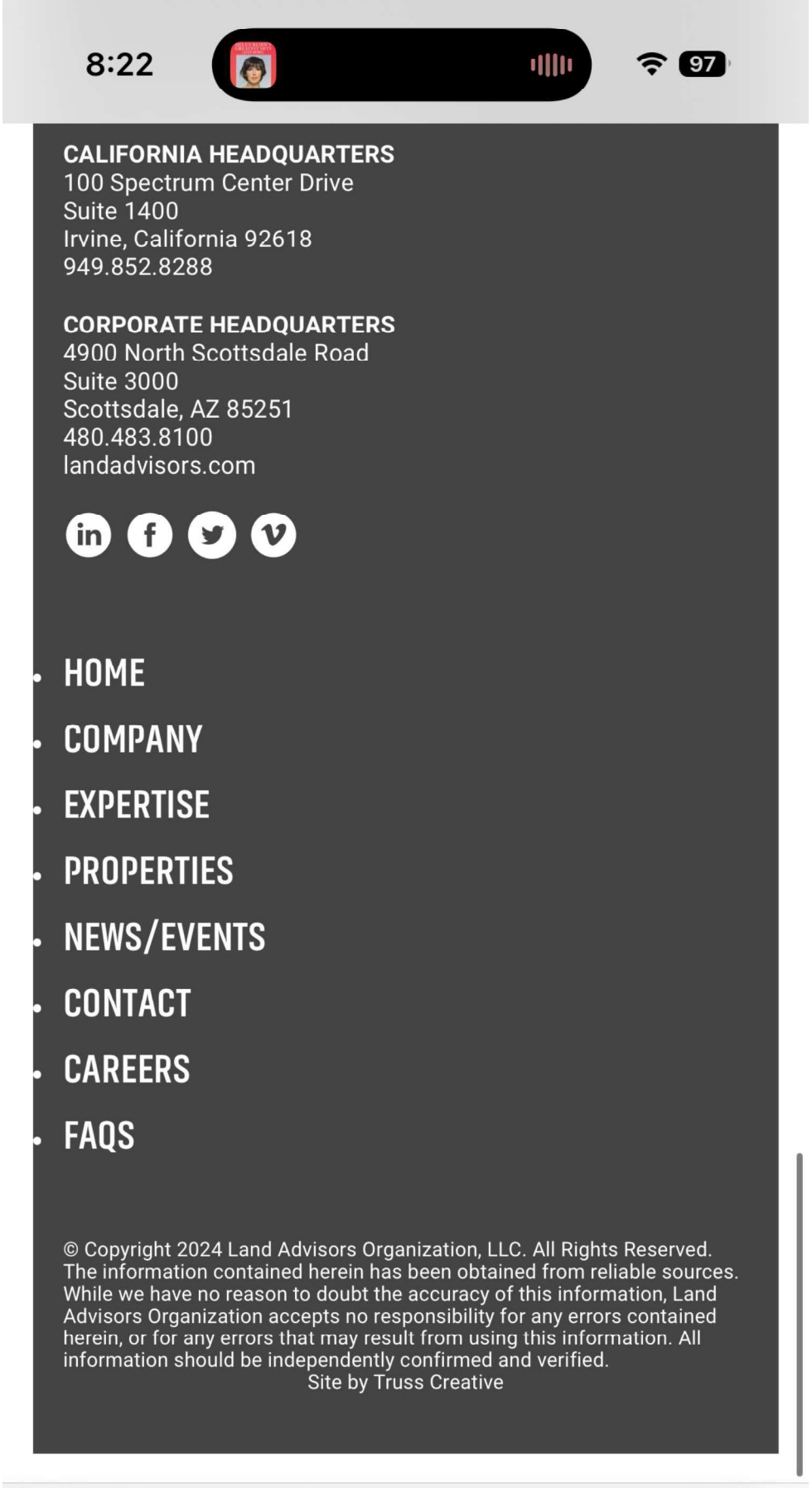
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## *David Atwell (Third Letter) (DAVID ATWELL 3)*

*Response to DAVID ATWELL 3-1*

The comment is noted, and this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project. Note that personal opinions regarding the project applicant and developer do not constitute physical impacts to the environment, and therefore, are not addressed in this Final EIR. Please refer to Master Response 2, Non-CEQA Issues Not Addressed in Final EIR, in Section 2, Master Responses, of this document. Master Response 2 provides additional information on the scope of CEQA and any non-CEQA issues are not further discussed in the Final EIR. Additionally, please refer to Master Response 4, General Opposition Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. Master Response 4 provides a response to comments that express general opposition or disapproval of the proposed project. No further response is required.

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**From:** david a davidwatwell@gmail.com
**Subject:** Arroyo Lago
**Date:** November 5, 2024 at 5:15 AM
**To:** aubrey.rose@acgov.org

Hi Aubrey,
Attached is a PDF letter in response to the Arroyo Lago EIR .
Thanks,
David Atwell
1510 Chatham Place

PDF

Arroy Lago Emerg...ion.pdf

Pleasanton, CA 94566

Cell/text 210-364-0811
davidwatwell@gmail.com

1

No developer should be permitted to increase risks on existing neighbors or impede safe evacuation during an emergency.

Unfortunately, the Arroyo Lago Environmental Impact Report (EIR) falls short in evaluating the significant adverse effects and heightened evacuation risks this development poses to existing neighborhoods. The report does not fully disclose, analyze, or mitigate the impacts on neighboring residents, many of whom are senior citizens and therefore require additional support during evacuations. 2

In its current form, the EIR suggests that, in the event of an emergency, everyone should simply evacuate via Busch Road. However, this approach overlooks critical concerns. Over the past two years, two significant emergencies required response at Arroyo Lago and the adjacent neighborhoods. A wildfire on the Arroyo Lago property demanded immediate intervention from fire responders, and a separate storm event led to significant flooding from runoff, impacting the backyards of nearby residents and again requiring emergency

response. Additionally, this area is situated near multiple earthquake faults capable of producing strong earthquakes.

A comprehensive evacuation traffic study is necessary. This study should address road capacity for both the new development and the existing community, evacuation timing, alternative escape routes, and the development's potential impacts on established evacuation plans. It should assess the adequacy of emergency access routes, proximity to and capacity of emergency services, and quantify evacuation travel time once the development is fully occupied. While the EIR does discuss emergency vehicle access, it fails to adequately analyze or suggest alternative escape routes for residents beyond simply using Busch Road. If Busch Road gets blocked because of increased traffic, what is the alternative plan for evacuation? 2 CONT

As an alternative, ideally, developers should collaborate with the City of Pleasanton and Alameda County to establish additional 3

evacuation routes for nearby residents. These options should be thoroughly explored and presented in the EIR. Emergency evacuations require transparent planning, and the public deserves a complete understanding of how this development might affect emergency evacuation capabilities.

3 CONT

An EIR must be rooted in factual analysis rather than assumptions or opinions. This report fails to meet CEQA standards, as it does not adequately disclose, analyze, or mitigate the safety impacts and alternatives associated with this project.

4

## *David Atwell (Fourth Letter) (DAVID ATWELL 4)*

*Response to DAVID ATWELL 4-1*
The comment is noted. No environmental issues are raised, and no response is required. However, this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project. No further response is required.

*Response to DAVID ATWELL 4-2*
The comment is noted, and this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

Emergency access, response, and evacuation is discussed in Sections 3.8, Hazards and Hazardous Materials, 3.14, Public Services, 3.16, Transportation, and 3.18, Wildfire. As discussed throughout the Draft EIR, the proposed project would result in less than significant impacts to emergency access, response, and evacuation. The proposed project would comply with the County's EOP, which would ensure efficient response to emergency incidents with emergencies affecting the County. In addition, as indicated in Section 3.9, Hazards and Hazardous Materials, and Section 3.14, Public Services, the proposed project would be adequately served by police and fire services, including respective evacuation or emergency vehicle access. The proposed project would not create a permanent increase in population unaccounted for in the General Plan that could lead to overwhelming calls for emergency services. Additionally, the proposed project would be designed to comply with County standards to accommodate emergency vehicle access by providing two points of access to the project site, internal roadways that would be available to emergency vehicles, compliant emergency vehicle turning widths, and compliant hydrant access. Furthermore, as discussed above, the proposed project would not result in a road closure to Busch Road, the evacuation route from the project site. Furthermore, the proposed project would comply with Policies 46, 125, 225, 226, 227, 296, and 299 of the ECAP, which require design review, compliance with State and County fire safety standards, ACFD project design review, and continuous fire safety standard enforcement throughout operation of the proposed project. As such, the proposed project would not conflict with the County EOP or ECAP, and operational impacts related to emergency response/evacuation plan consistency would be less than significant. No further response is required.

*Response to DAVID ATWELL 4-3*
The comment is noted. As discussed in Impact HAZ-6 in Section 3.8, Hazards and Hazardous Materials, of the Draft EIR, the Alameda County EOP does not list any specific evacuation routes throughout the County. These routes would be determined based on the location and nature of the emergency by the Alameda County Sheriff's Office. Major roadway networks including SR-84, I-580, and I-680 provide regional access to the proposed project site and would likely be used as evacuation routes in the event of an emergency.

See *Response to DAVID ATWELL 4-2* for a discussion of the proposed project's potential impacts on emergency access, response, and evacuation. No further response is required.

*Response to DAVID ATWELL 4-4*
The comment is noted. Please refer to *Response to DAVID ATWELL 4-2* and *Response to DAVID ATWELL 4-3*. No further response is required.

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Subject: Concerns Regarding the Arroyo Lago Project's Environmental Impact Report

Hi Aubrey,

No developer should be permitted to increase safety risks for surrounding communities. Unfortunately, the Arroyo Lago Environmental Impact Report (EIR) does not sufficiently address the substantial risks and adverse effects this project may pose to nearby neighborhoods.

The EIR, in its current form, acknowledges potential landslide hazards but lacks a comprehensive analysis. For example, section 3.6.6 states: *"The Preliminary Geotechnical Report does not identify any landslide-related hazards at the project site. According to EQ Zapp, the project site is not within a landslide zone, except for the areas adjacent to the Zone 7 Chain of Lakes and surrounding the Busch Pit area. Additionally, geologic mapping does not indicate the presence of current or historic landslides in proximity to the project site."* This conclusion disregards the impact of the proposed fill dirt, which would raise the elevation of the Arroyo Lago property by up to 8 feet above neighboring properties. 1

Currently, the Arroyo Lago property sits about 3 feet higher than adjacent areas, posing no landslide risk to the surrounding neighborhood. However, the proposed plan would add enough fill dirt to raise the elevation by 6–8 feet above neighboring properties, potentially introducing

significant landslide risks that require independent assessment. Notably, the developer's proposal to add a retaining wall suggests an awareness of new landslide concerns. If there were truly no landslide risk, why would a retaining wall be necessary? This indicates the presence of a risk that the EIR has yet to adequately assess.

The EIR must explicitly evaluate how the additional fill dirt might affect neighboring properties to ensure community safety. Introducing any landslide risk above the current zero-risk baseline represents an avoidable and unnecessary hazard. Even if a new risk is deemed "less than significant," it is still a higher risk than the zero baseline currently in place. 1 CONT

To protect the existing neighborhoods, the EIR should consider and evaluate alternatives to the proposed development plan. Three options that could eliminate risks to neighboring properties include: 2

1. Establishing a 25-foot buffer zone from the existing neighborhood, maintaining a similar elevation within this buffer zone to create a zero-risk area;
2. Adding a street between the new development and neighboring properties, which would also provide emergency access and a zero-risk buffer; 3
3. Working with local government to address drainage concerns on the Arroyo Lago property without adding additional fill dirt. 4

These alternatives should be fully explored and presented in the EIR. Community safety demands thorough and transparent planning, and the public deserves a clear understanding of how this development may affect neighboring properties.

4 CONT

An EIR must be based on factual analysis, not assumptions or opinions. As it stands, this report does not meet CEQA standards, as it fails to adequately disclose, analyze, or mitigate the potential safety impacts, nor does it explore feasible alternatives related to this project.

5

Best regards,
David Atwell
1510 Chatham Place
Pleasanton, CA 94566
Cell/Text: 210-364-0811
davidwatwell@gmail.com

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## *David Atwell (Fifth Letter) (DAVID ATWELL 5)*

*Response to DAVID ATWELL 5-1*
The comment is noted. As detailed in Section 3.6, Geology and Soils, of the Draft EIR, the proposed project would be required to implement MM GEO-1, which requires adherence to the implementation of site-specific engineering measures recommended by a Design-Level Geotechnical Report. With the implementation of MM GEO-1 and the County of Alameda overseeing the proposed project, impacts related to strong seismic ground shaking would be less than significant, including those related to the proposed retaining wall.

The Preliminary Geotechnical Report does not identify any landslide-related hazards at the project site. According to the California Earthquake Hazards Zone Application (EQ Zapp), the project site is not within a landslide zone, except for the areas adjacent to the Zone 7 Chain of Lakes and surrounding the Busch Pit area. Additionally, geologic mapping does not indicate the presence of current or historic landslides in proximity to the project site. Given the relatively flat topography at the project site and the available data, the proposed project would not result in landslides. Additionally, as discussed above, implementation of MM GEO-1 would require an updated design-level geotechnical assessment of geologic and geotechnical hazards. If landslide hazards are identified at the project site, recommendations for addressing such hazards would be provided in a Design-Level Geotechnical Report. Adherence to the design recommendations provided in a Design-Level Geotechnical Report, as reviewed and verified by the County as part of the grading and building permit process, would ensure that the proposed project would not result in impacts associated with landslides. The impact would be less than significant.

Therefore, impacts related to geology and soils, including earthquakes and landslides, were sufficiently analyzed and disclosed in the Draft EIR. No further response is required.

*Response to DAVID ATWELL 5-2*
The comment is noted. As discussed in *Response to DAVID ATWELL 5-1*, the proposed project would implement MM GEO-1, which would ensure that any potential impacts related to landslides would be reduced to less than significant with the implementation of design recommendations provided in a Design-Level Geotechnical Report. Therefore, increased setbacks and/or an elevation buffer would not be required and would not reduce any significant and unavoidable impacts. No further response is required.

*Response to DAVID ATWELL 5-3*
The comment is noted. As discussed in Response to DAVID ATWELL 5-1, the proposed project would implement MM GEO-1, which would ensure that any potential impacts related to landslides would be reduced to less than significant with the implementation of design recommendations provided in a Design-Level Geotechnical Report. Therefore, increased setbacks, including a road, and/or an elevation buffer would not be required and would not reduce any significant and unavoidable impacts. No further response is required.

*Response to DAVID ATWELL 5-4*
The comment is noted. As discussed in Response to DAVID ATWELL 5-1, the proposed project would implement MM GEO-1, which would ensure that any potential impacts related to landslides would

be reduced to less than significant with the implementation of design recommendations provided in a Design-Level Geotechnical Report. Therefore, the suggested alternative would not reduce any significant and unavoidable impacts related to drainage or landslides associated with the proposed project.

Additionally, as stated in CEQA Guidelines Section 15126.6, an EIR need not consider every conceivable alternative to a project. The Draft EIR considers a reasonable range of alternatives, including three alternatives and two alternatives rejected from further consideration. The suggested alternatives (increased setbacks with an elevation buffer, a roadway between the proposed project and neighboring properties, and not re-grading the site with additional fill dirt) would not meet project objectives related to the development of additional housing opportunities in the County to the same degree that the proposed project would, and would not reduce any of the significant impacts of the proposed project. No further response is required.

*Response to DAVID ATWELL 5-5*

The comment is noted. Please refer to *Response to DAVID ATWELL 5-1* through *Response to DAVID ATWELL 5-4*. No further response is required.

## Laura Campion

**Subject:** FW: Arroyo Lago Project Concerns from a Pleasanton Resident

**From:** Anoop Dawar <anoopdawar@gmail.com>
**Sent:** Friday, November 8, 2024 4:04 PM
**To:** Rose, Aubrey, CDA <aubrey.rose@acgov.org>
**Subject:** Arroyo Lago Project Concerns from a Pleasanton Resident

To
Aubrey Rose,
AICP, Planner III

From: Anoopkumar R Dawar, 1459 Irongate Ct, Pleasanton, CA 94588, 408.464.2273

As a 18-year resident of Pleasanton and homeowner in Ponderosa Ironwood Classics, I must voice my grave concerns regarding the Arroyo Lago project and its proposed sewage treatment facility.

The placement of a sewage plant near our city's water reservoir is not just concerning—it's potentially catastrophic. We need only look at Camp Lejeune, North Carolina, where water contamination from nearby treatment facilities led to decades of health issues affecting thousands of residents. In Walkerton, Ontario, a similar proximity of waste treatment to water sources resulted in seven deaths and 2,300 illnesses in 2000. These are not merely statistics; they represent real families whose lives were irreversibly altered by decisions similar to the one before you today. 1

While **I strongly support Pleasanton's growth,** we must learn from developments like those along Busch Road and Mohr Avenue, which demonstrate how thoughtful planning enhances our community while protecting public health. These projects succeeded because they **prioritized resident safety** through proper buffers and green spaces—fundamental protections absent in the Arroyo Lago proposal. 2

The decision you make today **will impact generations of Pleasanton residents.** Our thriving neighborhoods—The Village, Ironwood Classics, and surrounding communities—showcase what's possible when development decisions place community welfare first. This project, with its separate sewer plant and documented environmental risks, threatens this legacy of responsible growth. 3

As a city official, you bear the profound responsibility of safeguarding both our community's future and our residents' wellbeing. I implore you to reject this project in its current form. The **stakes are simply too high to risk our city's water supply and public health for expedient development.**

Your decision will be remembered either as the wisdom that protected our community or the moment we compromised our residents' safety. Choose wisely. 4
Respectfully,
Anoopkumar R Dawar

P.S. I invite you to walk through our communities to see firsthand what thoughtful development has created—and what we stand to lose if we proceed with this hazardous proposal. 5

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## *Anoopkumar Dawar (DAWAR)*

*Response to DAWAR-1*
The comment is noted. The proposed WWTP would not result in contamination or significant health issues. Please refer to Master Response 10, Clarifying Information on Wastewater Treatment Plant Operation and Maintenance, in Section 2, Master Responses, of this document. Master Response 10 provides additional clarifying information on the operation and maintenance of the proposed WWTP, including who would operate it, what permits would be required, and details regarding odor, sizing, PFAS, and discharge of biosolids and byproducts.

Additionally, please refer to Master Response 11, Clarifying Information on Wastewater Effluent, in Section 2, Master Responses, of this document. Master Response 11 provides additional clarifying information regarding the potential for runoff from the proposed WWTP and agricultural irrigation spray fields to impact downstream surface water quality, groundwater quality, and the adjacent lakes. No further response is required.

*Response to DAWAR-2*
The comment is noted. No environmental issues are raised, and no response is required. However, this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

*Response to DAWAR-3*
The comment is noted. Please refer to *Response to DAWAR-1*, which identifies the Master Responses that address the commenter's concern regarding the proposed WWTP. Additionally, Please refer to Master Response 4, General Opposition Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. Master Response 4 provides a response to comments that express general opposition or disapproval of the proposed project. No further response is required.

*Response to DAWAR-4*
The comment is noted. Please refer to *Response to DAWAR-1*, which identifies the Master Responses that address the commenter's concern regarding the proposed WWTP. Additionally, please refer to Master Response 3, Health and Safety Issues Not Addressed in the Final EIR, in Section 2, Master Responses, of this document. Master Response 3 provides additional information related to health and safety issues that are not further discussed in the Final EIR. No further response is required.

*Response to DAWAR-5*
The comment is noted. No environmental issues are raised, and no response is required. However, this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

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**Rachel Krusenoski**

**From:** Rose, Aubrey, CDA <Aubrey.Rose@acgov.org>
**Sent:** Friday, September 13, 2024 2:32 PM
**To:** Rachel Krusenoski
**Subject:** FW: Arroyo Lago

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FYI

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**From:** Jane DeCoite <sjdecoite@comcast.net>
**Sent:** Friday, September 13, 2024 2:26 PM
**To:** Rose, Aubrey, CDA <Aubrey.Rose@acgov.org>
**Subject:** Arroyo Lago

Dear Aubrey,

Please postpone the public meeting for a few more months. This is a big change your are planning for our quiet retirement area. We need more time to look into the details of your future plans for my remaining years. It was a big decision to move here from my past home of 40 years. I thought this would be a quiet area for afternoon naps and for neighbors who are in failing health. Please give me more time to look into what you are proposing for my future. 1

Thank you.

Jane DeCoite

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## *Jane Decoite (First Letter) (DECOITE 1)*

*Response to DECOITE 1-1*

The comment is noted. Please refer to Master Response 1, Request for Extension of Comment Period, in Section 2, Master Responses, of this document. Master Response 1 discusses how the County voluntarily extended the public review period from 45 days to 60 days. No further response is required.

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October 23, 2024

County of Alameda
Rodrigo Orduna Assistant Planning Director
Audrey Rose Planner III
224 West Winton Ave, Suite 111
Hayward, Ca 94544

Re: Arroyo Lago Residential Project comment on
Draft Environmental Impact Report

Sirs

I am very concerned about water and sewer that will impact our living conditions. Also, the traffic is already very heavy and serious. It will be unbelievable when you add another 500 or more vehicles. 1 2

Also, the privacy issue. The plan to raise the ground behind Chatham St. is hard to understand. The fence we have there will only be a few feet high after they add the soil. Please stop this from happening. 3
Thank You. Jane DeCoite, 3636 Bingham Ct.

Jane DeCoite

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## *Jane Decoite (Second Letter) (DECOITE 2)*

*Response to DECOITE 2-1*

The comment is noted. Please refer to Master Response 10, Clarifying Information on Wastewater Treatment Plant Operation and Maintenance, in Section 2, Master Responses, of this document. Master Response 10 provides additional clarifying information on the operation and maintenance of the proposed WWTP, including who would operate it, what permits would be required, and details regarding odor, sizing, PFAS, and discharge of biosolids and byproducts. No further response is required.

*Response to DECOITE 2-2*

The comment is noted. Impacts related to the traffic are discussed in Section 3.16, Transportation, of the Draft EIR. The comment does not raise a specific environmental concern related to transportation. Please refer to Master Response 4, General Opposition Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. Master Response 4 provides a response to comments that express general opposition or disapproval of the proposed project. No further response is required.

*Response to DECOITE 2-3*

The comment is noted. Note that privacy concerns do not constitute physical impacts on the environment. Please refer to Master Response 2, Non-CEQA Issues Not Addressed in Final EIR, in Section 2, Master Responses, of this document. Master Response 2 provides additional information on the scope of CEQA and any non-CEQA issues are not further discussed in the Final EIR. No further response is required.

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## Laura Campion

**Subject:** FW: Opposing new sewer plant in Pleasanton

---

**From:** Sai <saibabu@gmail.com>
**Sent:** Friday, November 8, 2024 4:08 PM
**To:** Rose, Aubrey, CDA <aubrey.rose@acgov.org>
**Subject:** Opposing new sewer plant in Pleasanton

Hi Aubrey,

My name is Saibabu Devabhaktuni, residing at 1441 Irongate Ct, Pleasanton, CA 94588, and my phone number is 408-391-6074.

I want to express my opposition to building a new sewer plant near the Ironwood association. My opposition is based on environmental (odor) and for the future development opportunities in this area. Also I've experienced bad odor when I was living near Milpitas, CA as they have a sewer plant close by. 1

Thanks,
Sai

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### *Saibabu Devabhaktuni (DEVABHAKTUNI)*

*Response to DEVABHAKTUNI-1*

The comment is noted. The proposed WWTP's design and technology avoids the release of odor and is different from other WWTPs that generate an odor. Please refer to Master Response 10, Clarifying Information on Wastewater Treatment Plant Operation and Maintenance, in Section 2, Master Responses, of this document. Master Response 10 provides additional clarifying information on the operation and maintenance of the proposed WWTP, including who would operate it, what permits would be required, and details regarding odor, sizing, PFAS, and discharge of biosolids and byproducts. No further response is required.

**Laura Campion**

**Subject:** FW: EIR input Arroyo Lago Residential Project - PLN2022-00193 - Vesting Tentative Tract Map (TR-8423), 3030 Mohr Avenue, Pleasanton; Assessor's Parcel Number: 946-4634-1

**From:** Diana Atwell <diana_atwell@yahoo.com>
**Sent:** Saturday, October 5, 2024 3:11 PM
**To:** Diana Atwell <diana_atwell@yahoo.com>; Orduna, Rodrigo, CDA <rodrigo.orduna@acgov.org>; Rose, Aubrey, CDA <Aubrey.Rose@acgov.org>; Henninger, Tona, BOS Dist4 <Tona.Henninger@acgov.org>; phil.tucker@mail.house.gov; repswalwell@mail8.housecommunications.gov; swalwell@mail.house.gov; repswalwell@mail15.housecommunications.gov
**Subject:** EIR input Arroyo Lago Residential Project - PLN2022-00193 - Vesting Tentative Tract Map (TR-8423), 3030 Mohr Avenue, Pleasanton; Assessor's Parcel Number: 946-4634-1

Dear Aubrey/Rodrigo *et al*,
I am writing to express my profound dissatisfaction and concern regarding the Environmental Impact Report (EIR) related to the planned development adjacent to our senior community. After a thorough review of the document, it is clear that the EIR has inadequately addressed several critical issues, particularly those affecting our elderly residents.

## Elderly Concerns: Noise and Light Pollution

It is alarming that there is a conspicuous lack of attention to the impacts on our senior restricted community, which is situated mere feet from the proposed structures. The absence of specific sections addressing the noise and light pollution resulting from a 36-foot tall building/wall encroaching on our homes is unacceptable. This oversight not only undermines the well-being of our elderly residents but raises serious ethical concerns about neglecting their health and quality of life. Imagine having your bedroom window bumped up against a warehouse size wall. Along with that comes the blockage of our solar panels. Excessive Noise and diminished light have been shown to decrease the life span of the elderly. 1

## Emergency Services Impact

The assertion that city services, including fire and EMS, will be minimally impacted is unfounded. We demand to know the basis for this conclusion, especially given recent public concerns about extra-long response times. With potential budget cuts looming, the assertion that our emergency services will not suffer is not only misleading but dangerous. Both Mayoral candidates have added improving response times to their pledges. 2

## Increased Traffic Risks

The projected increase in traffic resulting from the proposed houses + ADUs poses additional safety risk to our elderly residents, who often take leisurely walks in the area. 3

The failure to accurately account for the additional vehicles that will be introduced to Busch Road is concerning. Please include the potential cars from families moving into the ADUs. The safety of our community must be prioritized in your planning. It is estimated that and increase of 1.300 cars will traverse Bush Road every day. 3 Cont.

**False affordable Housing Claims**

We also find the claims regarding the affordability of these homes and attached ADUs disingenuous. Given the current housing market, these homes do not meet the needs of the average buyer with a price range well over $1M, and their approach appears to prioritize profit over genuine community needs. 4

**Environmental and Health Impacts from Grading**

The previous grading process has already had devastating consequences, including the removal of trees and wildlife habitats, as well as flooding in our backyards without regard. Where was the planning on potential impact when the grading was being designed? There was also significant amounts of dust and dirt flying over our wall during the grading process leaving quite a mess for us to clean. This lack of accountability is unacceptable. 5

**Our Requests**

We request the following actions be taken seriously: 6

1. Conduct grading repairs to mitigate impact, lower the ground level so no one can look down into our bedrooms and yards.
2. Consider redesigning the project to include smaller, single-story homes set further back 8-10 feet from existing residences. 7
3. Develop better traffic patterns to ensure safety for all residents, particularly the elderly. 8

As a developer, they have a responsibility to be a good neighbor, especially to those who may not have the strength to advocate for themselves. Their current approach appears to prioritize profits over the well-being of our community, and this is unacceptable and shameful. 9

We very much appreciate your support,

Sincerely,
Diana Atwell
210-364-0190

1510 Chatham Place
Pleasanton Ca, 94566

On Thursday, September 19, 2024 at 04:43:37 PM PDT, Rose, Aubrey, CDA <aubrey.rose@acgov.org> wrote:

**ALAMEDA COUNTY COMMUNITY DEVEL**
**PLANNING DEPARTMENT**

# *UPDATED*

# Notice of Availabilit
# Draft Environmental Imp

**for the Proposed Arroyo Lago Residential P**
**and**
**Notice of a Public Meeting on NEW DATE**
**October 29, 2024**
**to Solicit Comments on the Environmental D**
**State Clearinghouse (SCH) No. 20230503**

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**Date:** September 19, 2024

**To:** State Clearinghouse and Interested Public Agencies, Parties, a

**From:** Aubrey Rose, AICP, Planner III,
Planning Department
Alameda County Community Development Agency

**Subject:** Notice of Availability of an Environmental Impact Report for
Project and Notice of Public Meeting

---

**NOTICE IS HEREBY GIVEN THAT** pursuant to the requirements of th
Quality Act (CEQA), the County of Alameda (Lead Agency) has prepared a
Report (Draft EIR) for the proposed Arroyo Lago Residential Project (prop
available for public review.

**ALAMEDA COUNTY COMMUNITY DEVELOP**
**PLANNING DEPARTMENT**

**This is an UPDATED Notice of Availability of the Draft Environmental Im**
**UPDATED Notice of Public Meeting.**

The previous notice was published on September 9, 2024.

This notice is in response to request for additional review time of the Draft Envi Report, which is being extended from 45 days to **60 days**, and for a later public Draft Environmental Impact Report, which was originally schedule for Septemb scheduled for **Tuesday, October 29, 2024.**

**60-DAY COMMENT PERIOD FOR THE DRAFT EIR:** The County of Ala soliciting comments from responsible agencies, trustee agencies, public agencie members of the public regarding the Draft EIR. In accordance with the time lim the Draft EIR public review period began on **September 09, 2024,** and will end Please provide your written/typed comments (including name, affiliation, teleph information) to Aubrey Rose via email at aubrey.rose@acgov.org or mail to the **5:00 p.m.,** on **Friday, November 08, 2024**:

Aubrey Rose, AICP, Planner III
Alameda County Planning Department
224 West Winton Avenue, Room 111
Hayward, CA 94544
Phone: 510.670.5400
Email: aubrey.rose@acgov.org

**PUBLIC MEETING:** During the 60-day review period, the County will hold a provide an additional opportunity for public comments on the Draft EIR for the

The public meeting will be held by the County on **Tuesday, October 29, 2024,** a location:

Amador Recreation Center
Amador Valley Community Park

**From:** Rose, Aubrey, CDA
**Sent:** Tuesday, September 10, 2024 6:02 PM
**To:** Rose, Aubrey, CDA <Aubrey.Rose@acgov.org>
**Cc:** Orduna, Rodrigo, CDA <rodrigo.orduna@acgov.org>
**Subject:** Arroyo Lago Residential Project - PLN2022-00193 - Vesting Tentative Tract Map (TR-8423), 3030 Mohr Avenue, Pleasanton; Assessor's Parcel Number: 946-4634-1

**Greetings,**

**Regarding the Arroyo Lago Residential Project - PLN2022-00193 -** Vesting Tentative Tract Map (TR-8423) subdivision of a 26.6 acre parcel into 194 residential lots with infrastructure needed to serve the development including roads, sewer, domestic water and storm drain. 3030 Mohr Avenue, Pleasanton; Side: North; Distance: .3 miles; Direction: east of cross street: Valley Street, unincorporated area of Pleasanton; Assessor's Parcel Number: 946-4634-1. Also: 946-1250-006-04; 946-1350-003-12; 946-1350-003-10 for utilities. The parcel designated for housing is in the East County Area Plan as "MDR" (Medium Density Residential") and Zoning District of "A" Agricultural. An Environmental Impact Report is being prepared per the requirements of the California Environmental Quality Act (CEQA)

****DRAFT Environmental Impact Report 60-day review period begins Monday September 9, 2024****

- September 09, 2024 - Notice of Availability Of a Draft Environmental Impact Report
  - o September 09, 2024 - County of Alameda Arroyo Lago Residential Project Draft Environmental Impact Report
    - Appendix A - EIR Noticing and Public Involvement
    - Appendix B - Air Quality, Greenhouse Gas, and Energy Supporting Information
    - Appendix C - Biological Resources Supporting Information
    - Appendix D - Cultural and Tribal Cultural Supporting Information
    - Appendix E - Geology and Soils Supporting Information
    - Appendix F - Hazards, Hazardous Materials, and Wildfire Supporting Information
    - Appendix G - Hydrology and Water Quality Supporting Information
    - Appendix H - Noise Supporting Information
    - Appendix I - Transportation Supporting Information
    - Appendix J - Utilities Supporting Information
    - Notice of Completion

**Aubrey Rose, AICP**

Planner III

Alameda County Planning Dept

aubrey.rose@acgov.org

510.670.5322

** This email was sent from an external source. If you do not know the sender, do not click on links or attachments. **

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## *Diana Atwell (First Letter) (DIANA ATWELL 1)*

*Response to DIANA ATWELL 1-1*

The comment is noted. Impacts related to aesthetics, light, and glare, and noise impacts are discussed in Section 3.1, Aesthetics, Light, and Glare, and Section 3.12, Noise, in the Draft EIR respectively. Additionally, please refer to Master Response 8, Clarifying Information on the Aesthetics, Light, and Glare EIR Section and the Shadow Study, in Section 2, Master Responses, of this document. Master Response 8 provides additional clarifying information on the analysis contained within the Draft EIR's section on Aesthetics, Light, and Glare and the Shadow Study.

Additionally, as discussed in Section 3.1.3, Regulatory Framework, in Section 3.1, Aesthetics, Light, and Glare, of the Draft EIR, the Solar Shade Control Act (Public Resources Code, Chapter 12) describes specific and limited controls on trees and shrubs. It prohibits the owner of another property to allow a tree or shrub to be placed or grow to the extent that it casts shadow greater than 10 percent of the collector absorption area upon a solar collector's surface at any one time between the hours of 10:00 a.m. and 2:00 p.m. However, the Solar Shade Control Act applies specifically to trees and shrubs and would not apply to buildings being created pursuant to the proposed project. No further response is required.

Furthermore, the Draft EIR fully analyzed potential impacts related to noise during construction and operation of the proposed project. The Draft EIR determined that impacts related to noise would be less than significant with mitigation incorporated. Mitigation would include the implementation of requirements related to construction schedule, equipment, and staging. The Draft EIR also analyzed operational noise impacts and found that impacts related to traffic and mechanical equipment would be less than significant. No further response is required.

Finally, please refer to Master Response 3, Health and Safety Issues Not Addressed in the Final EIR, in Section 2, Master Responses, of this document. Master Response 3 provides additional information related to health and safety issues that are not further discussed in the Final EIR. No further response is required.

*Response to DIANA ATWELL 1-2*

The comment is noted. As discussed in Section 3.14, Public Services, of the Draft EIR, the proposed project would not result in significant impacts to public services, including emergency services. Please refer to Master Response 9, Clarifying Information on Public Services EIR Section, in Section 2, Master Responses, of this document. Master Response 9 provides additional clarifying information on the analysis contained within the Draft EIR's section on Public Services, including details related to fire protection, police protection, schools, parks, and libraries. No further response is required.

*Response to DIANA ATWELL 1-3*

The comment is noted. As detailed in Section 3.16, Transportation, of the Draft EIR, the Transportation Impact Study (TIS) for the proposed project evaluated trip generation from the proposed single-family houses, as well as the ADUs. The Draft EIR provides a detailed analysis of transportation and traffic impacts, including those related to safety, emergency access, and geometric design hazards.

The potential for the proposed project to impact safety was evaluated in terms of the adequacy of sight distance and need for turn lanes at the project access points as well as the adequacy of dedicated turn lanes at the study intersections to accommodate additional queueing due to adding project-generated trips and need for additional right-of-way controls. The Draft EIR determined that there is adequate corner sight distance at the project access points on Busch Road for the posted speed limit of 35 miles per hour (mph). However, the Draft EIR determined that impacts related to queueing would be significant and unavoidable, as the mitigation measure which requires adjustments to signal timing has been deemed unenforceable because the City of Pleasanton is not the Lead Agency for the proposed project, and thus the County cannot ensure that the required adjustments to signal timing will be made.

Additionally, Impact TRANS-2 explains that the VMT associated with a project is the basis for determining traffic impacts under CEQA. The proposed project would result in significant and unavoidable impacts related to VMT, even with the implementation of all feasible mitigation measures. Feasible mitigation measures would be required as MM TRANS-2, as noted in Chapter 5, Errata, of this Final EIR, which requires the implementation of traffic calming elements. MM TRANS-2b, which required approximately 1,000 feet of off-site sidewalk and bicycle lane improvements along Busch Road, has been removed as a mitigation measure and instead remains in Chapter 2, Project Description, of the Draft EIR. However, removal of this mitigation measure does not change any of the significance findings in the document as it will be implemented as part of the proposed project regardless. Impacts to VMT would remain significant and unavoidable. Related revisions are identified in Chapter 5, Errata, of this Final EIR. Please refer to Master Response 12, Clarifying Information on Transportation Analysis, in Section 2, Master Responses, of this document. Master Response 12 provides additional clarifying information on the methodology used to evaluate traffic impacts as it relates to VMT. No further response is required.

*Response to DIANA ATWELL 1-4*

The comment is noted. Note that comments related to economic concerns are not considered physical impacts on the environment and thus are not further discussed in the Draft EIR. Please refer to Master Response 2, Non-CEQA Issues Not Addressed in Final EIR, in Section 2, Master Responses, of this document. Master Response 2 provides additional information on the scope of CEQA and any non-CEQA issues are not further discussed in the Final EIR. No further response is required.

*Response to DIANA ATWELL 1-5*

The comment is noted. As described in Section 3.3, Biological Resources, of the Draft EIR, an emergency use authorization was granted by Alameda County to grade the project site to provide positive drainage and conduct maintenance of the man-made stormwater drainage swale to prevent flooding in the winter due to prior flooding issues. The analysis in this section found that impacts to wildfire and habitats would be less than significant with mitigation incorporated.

Additionally, as discussed in Section 3.3, Air Quality, of the Draft EIR, the proposed project would require the implementation of MM AIR-1, which requires implementing BAAQMD BMPs to control dust during construction, including watering exposed surfaces, covering haul trucks transporting loose material, cleaning mud and dirt on adjacent public roads, limiting vehicle speeds, and several other measures. Consequently, implementation of MM AIR-1 would sufficiently maintain project

construction emissions and fugitive dust to less than significant levels. No further response is required.

*Response to DIANA ATWELL 1-6*
The comment is noted. As stated in CEQA Guidelines Section 15126.6, an EIR need not consider every conceivable alternative to a project. The Draft EIR considers a reasonable range of alternatives, including three alternatives and two alternatives rejected from further consideration. The suggested alternatives (not re-grading the site with additional fill dirt) would not meet project objectives related to the development of additional housing opportunities in the County to the same degree that the proposed project would, and would not reduce any of the significant impacts of the proposed project.

Additionally, as previously discussed, the Draft EIR found that impacts related to aesthetics, light, and glare and geology and soils would be less than significant with mitigation as analyzed in Section 3.1, Aesthetics, Light, and Glare, and Section 3.6, Geology and Soils, respectively. No further response is required.

*Response to DIANA ATWELL 1-7*
As discussed in Section 6.7, Alternatives Rejected from Further Consideration, of the Draft EIR, a single-story alternative was initially considered but rejected from further consideration because this alternative would not reduce any of the significant impacts of the proposed project. A Shadow Study was performed for the proposed project, as detailed in Section 3.1, Aesthetics, Light, and Glare, of the Draft EIR. The Shadow Study determined that the proposed project would not have a significant impact on solar energy systems on adjacent homes. As such, this alternative would not reduce any significant impacts of the proposed project and was rejected from further consideration. Furthermore, a single-story alternative would reduce the density of the project, and therefore, would not meet the project objectives related to the development of additional housing opportunities in the County to the same degree that the proposed project would.

Similarly, increased setbacks from the existing residential neighborhood would not reduce any of the significant impacts of the proposed project and would not meet the project objectives related to the development of additional housing opportunities in the County to the same degree that the proposed project would. No further response is required.

*Response to DIANA ATWELL 1-8*
The comment is noted. Please see *Response to DIANA ATWELL 1-3*. No further response is required.

*Response to DIANA ATWELL 1-9*
The comment is noted. No environmental issues are raised, and no response is required. However, this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

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**Laura Campion**

**Subject:** FW: Additional input to the EIR for Arroyo Lago Residential Project -

**From:** Diana Atwell <diana_atwell@yahoo.com>
**Sent:** Tuesday, October 29, 2024 8:39 PM
**To:** Rose, Aubrey, CDA <aubrey.rose@acgov.org>; Orduna, Rodrigo, CDA <rodrigo.orduna@acgov.org>; Diana Atwell <diana_atwell@yahoo.com>
**Subject:** Re: Additional input to the EIR for Arroyo Lago Residential Project -

Good evening,

I wanted to take a moment to thank you for allowing our voices to be heard in regard to the EIR tonight. I was shocked to recently see this property with the design layout of the construction plans up for sale on Steve Riley's company WWW site. True colors always come out in the end. Such greed and disregard to the vulnerable population leaving next store is rather disgusting. 1

Anyway, I wanted to leave you with a copy of my input tonight to ensure it gets on the record.

*Hello, my name is Diana Atwell, and I live on Chatham Place, adjacent to the planned development. I want to express my EIR concerns, particularly its* ***neglect to specifically consider impact*** *on the most vulnerable members of our community: the elderly* 2

*The average age in our senior community is 76. This demographic faces unique challenges and are particularly sensitive to changes in their environment.*

*As a nurse for over 42 years, I have worked extensively with elderly patients. I know first-hand of their many challenges. Their mobility is often compromised, and they frequently rely on assist devices, such as walkers. They walk much slower than the general population, their vision and perception is often impaired, and they are significantly affected by stress and noise.*

2 CONT

*Research has shown that high levels of stress can lead to cognitive decline, exacerbating many conditions, especially dementia, blood pressure, sleep disturbances and other mental health issues, leading to decreased life expectancy.*

*For the record, there are numerous legal precedents set, (case laws), where courts have reversed support for development projects due to their negative impacts on elderly populations. To name a few:*

- *Berkeley Hillside Preservation v. City of Berkeley*
- *Sierra Club v. County of San Diego*
- *Environmental Council of Sacramento v. City of Sacramento*
- *Napa Citizens for Honest Government v. Napa County*

3

*These cases underscore the necessity of thorough environmental reviews that **specifically** consider health impacts on elderly residents.*

*It is the **duty of local governments** to mitigate risks and ensure that urban planning reflects the needs and safety of all community members. **Buffer zones are critical between new developments and elderly communities, to reduce noise and enhance living conditions. This is not just a preference; it's a necessity.** Anything less could be viewed as contributing to elder abuse.* 4

*Several of our neighbors have already sought medical attention in response to this proposed project.* 5

*Increased traffic poses unreasonable risks to their well-being. I am truly worried that they will suffer fatal injuries from those cars speeding through yellow lights on the corner of Valley/Bush after having to now wait in longer lines to get through the light.* 6

*Lastly, adding many additional homes to our already stressed Pleasanton EMS system will severely impact EMS response times, putting our elderly at even greater risk. The EIR stated no significant impact to EMS on the community of which, I object.* 7

*In conclusion, I urge the county to work together to create a community that respects and protects our senior residents. Our elderly residents deserve a living environment that supports their health, not one that jeopardizes it. They chose this senior community for a reason.* 8

*Thank you for your time*

*Diana Atwell*
*1510 Chatham Place*
*Pleasanton*

*diana_atwell@yahoo.com*
*210-364-0190*

## *Diana Atwell (Second Letter) (DIANA ATWELL 2)*

*Response to DIANA ATWELL 2-1*
The comment is noted. Note that personal opinions regarding the project applicant and developer do not constitute physical impacts to the environment, and therefore, are not addressed in this Final EIR. However, this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project. Please refer to Master Response 2, Non-CEQA Issues Not Addressed in Final EIR, in Section 2, Master Responses, of this document. Master Response 2 provides additional information on the scope of CEQA and any non-CEQA issues are not further discussed in the Final EIR. No further response is required.

*Response to DIANA ATWELL 2-2*
The comment is noted. Note that stress and the needs of elderly individuals alone do not constitute physical impacts to the environment, and therefore, are not addressed in the Final EIR. However, this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project. Please refer to Master Response 3, Health and Safety Issues Not Addressed in the Final EIR, in Section 2, Master Responses, of this document. Master Response 3 provides additional information related to health and safety issues that are not further discussed in the Final EIR. No further response is required.

*Response to DIANA ATWELL 2-3*
The comment is noted. There is no specific requirement in the Public Resources Code, CEQA Guidelines, or case law related to additional analysis required for projects that may affect nearby elderly populations. The commenter identifies *Berkeley Hillside Preservation vs. City of Berkeley*, which is a case that deals with situations in which a categorical exemption cannot be used to analyze certain projects. Section 15300.2(c) provides: "A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances." The Supreme Court reversed, holding (1) a proposed project's potential significant effect on the environment is not alone sufficient to trigger the unusual circumstances exception; and (2) remanded the case for reconsideration of the appropriate standards related to categorical exemptions. Therefore, this case neither demonstrates that a special analysis is needed for elderly populations, nor does it apply to the proposed project as the proposed project is evaluated using an EIR and does not utilize a categorical exemption. The commenter does provide any evidence as to how this case applies to their concerns about the proposed project.

The commenter identifies *Sierra Club vs. County of San Diego*, which is a case in which the Sierra Club challenged the new San Diego County Climate Action Plan and their approval of a residential development without complying with requirements for enforceable mitigation measures to mitigate greenhouse gas emissions. Therefore, this case neither establishes that a special analysis is needed for elderly populations, nor does it apply to the proposed project, as the proposed project is evaluated using an approved climate action plan and does not propose any mitigation measures to address GHG that are not enforceable. The commenter does not provide any evidence as to how this case applies to their concerns about the proposed project.

The commenter identifies *Environmental Council of Sacramento (ECOS) vs. City of Sacramento*, which is a case that dealt with whether the Natomas Basin Habitat Conservation Plan adequately mitigated

impacts to special species. Therefore, this case neither establishes that a special analysis is needed for elderly populations, nor does it apply to the proposed project as the proposed project was found to have a less than significant impact with mitigation incorporated on an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State Habitat Conservation Plan, as discussed in Impact BIO-6 of the Draft EIR. The commenter does not provide any evidence as to how this case applies to their concerns about the proposed project.

Finally, the commenter also identifies *Napa Citizens for Honest Government vs. Napa County Board of Supervisors*, in which Napa Citizens generally challenged several aspects of an EIR, including traffic and circulation issues. However, none of the issues challenged establish a requirement for additional analysis for elderly populations. The commenter does not provide any evidence as to how this case applies to their concerns about the proposed project. However, this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project. No further response is required.

*Response to DIANA ATWELL 2-4*
The comment is noted. This comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project. Please refer to *Response to DIANA ATWELL 2-3*. No further response is required.

*Response to DIANA ATWELL 2-5*
The comment is noted. This comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project. Please refer to Master Response 3, Health and Safety Issues Not Addressed in the Final EIR, in Section 2, Master Responses, of this document. Master Response 3 provides additional information related to health and safety issues that are not further discussed in the Final EIR.

*Response to DIANA ATWELL 2-6*
The comment is noted. The potential for the proposed project to impact safety was evaluated in terms of the adequacy of sight distance and need for turn lanes at the project access points as well as the adequacy of dedicated turn lanes at the study intersections to accommodate additional queueing due to adding project-generated trips and need for additional right-of-way controls. The Draft EIR determined that there is adequate corner sight distance at the project access points on Busch Road for the posted speed limit of 35 miles per hour (mph). However, the Draft EIR determined that impacts related to queueing would be significant and unavoidable, as the mitigation measure which requires adjustments to signal timing has been deemed unenforceable because the City of Pleasanton is not the Lead Agency for the proposed project, and thus the County cannot ensure that the required adjustments to signal timing will be made. No further response is required.

*Response to DIANA ATWELL 2-7*
The comment is noted. Please refer to Master Response 9, Clarifying Information on Public Services EIR Section, in Section 2, Master Responses, of this document. Master Response 9 provides additional clarifying information on the analysis contained within the Draft EIR's section on Public Services, including details related to fire protection, police protection, schools, parks, and libraries. The comment does not identify any adverse physical impacts to the environment related to the proposed project's effect on the provision of public services. Under CEQA's definition of

environmental impacts, an increase in demands on public services, such as police and fire, that could result from a project are not generally potential adverse impacts on the physical environment that must be evaluated in an EIR. (*City of Hayward v. Board of Trustees of Cal. State Univ.* (2015) 242 CA4th 833, 843 ["The need for additional fire protection services is not an environmental impact that CEQA requires a project proponent to mitigate."; *Saltonstall v. City of Sacramento* (2015) 234 Cal.App.4th 549 [upholding less than significant impact conclusion for stadium project because, while the project would increase police services demand, it would not result in the construction of new police facilities]; *Preserve Poway v. City of Poway* (2016) 245 Cal.App.4th 560, 575, FN7 ["increased student enrollment and potential for overcrowding by itself is not implicated in CEQA…"]). No further response is required.

*Response to DIANA ATWELL 2-8*

The comment is noted. No environmental issues are raised, and no response is required. However, this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

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11/8/2024

Ethan Liang – resident of Ironwood Classics, next to proposed Arroyo Lago Project

1104 Baur Ct

Pleasanton, CA 94566

**Topic: Congested Traffic to surrounding schools with the proposed Arroyo Lago Residential EIR**

My name is Ethan Liang, and I'm a 17-year-old Amador Valley High School senior. I am concerned with the construction plans near my neighborhood because of the increase of traffic that will affect me and future students.

I drive my sister to school and back every day, and, despite living less than 2 miles away, it can take up to 30 minutes to get there in the morning (and back home after school) with traffic on Valley and Santa Rita. I have to leave more than 30 minutes before school starts to avoid the congestion and arrive on time. If the proposed construction plan is carried out, the increase in cars on the road will certainly prolong the daily commute time if no changes are done to relieve the congestion around Valley and Santa Rita. On top of that, many students at my school have several hours of homework nightly, including myself. If my (and future highschooler's) commute to/from school increases, we would end up working later hours/sleeping less, which would negatively affect sleep and well-being for us already stressed-out teens. 1

That said, I hope that the City Council can come up with alternative ways to utilize the area off Busch Rd that won't create traffic jams for students attending nearby schools. 2

Thanks for your time, Ethan Liang

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## *Ethan Liang (E.LIANG)*

*Response to E.LIANG-1*
The comment is noted, and this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

Impact TRANS-2 in Section 3.16, Transportation, of the Draft EIR explained that the VMT associated with a project is the basis for determining traffic impacts under CEQA. VMT refers to the amount and distance of automobile travel attributable to a project. Other relevant considerations may include the effects of the project on transit or non-motorized travel. The proposed project would result in significant and unavoidable impacts related to VMT, even with the implementation of all feasible mitigation measures. Feasible mitigation measures would be required as MM TRANS-2, as noted in Chapter 5, Errata, of this Final EIR, which requires the implementation of traffic calming elements. MM TRANS-2b, which required approximately 1,000 feet of off-site sidewalk and bicycle lane improvements along Busch Road, has been removed as a mitigation measure and instead remains in Chapter 2, Project Description, of the Draft EIR. However, removal of this mitigation measure does not change any of the significance findings in the document as it will be implemented as part of the proposed project regardless. Impacts to VMT would remain significant and unavoidable. Related revisions are identified in Chapter 5, Errata, of this Final EIR. As further explained in the Cumulative Impacts section of the Transportation section, the proposed project would result in significant and unavoidable cumulative impacts related to VMT by contributing to an increase in VMT, even though all cumulative projects would be required to comply with County and local ordinances, General Plan policies that address VMT, and mitigate their fair share of impacts related to VMT. Please refer to Master Response 12, Clarifying Information on Transportation Analysis, in Section 2, Master Responses, of this document. Master Response 12 provides additional clarifying information on the methodology used to evaluate traffic impacts as it relates to VMT.

Additionally, note that impacts to sleep and mental health are not considered a physical impact on the environment, and therefore, are not further discussed in the Final EIR. Please refer to Master Response 3, Health and Safety Issues Not Addressed in the Final EIR, in Section 2, Master Responses, of this document. Master Response 3 provides additional information related to health and safety issues that are not further discussed in the Final EIR. No further response is required.

*Response to E.LIANG-2*
The comment is noted. No environmental issues are raised, and no response is required. However, this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

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## Laura Campion

**Subject:** FW: Arroyo Lago

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**From:** Katharine Anne Page <kapmax@yahoo.com>
**Sent:** Friday, November 8, 2024 4:41 PM
**To:** Rose, Aubrey, CDA <Aubrey.Rose@acgov.org>
**Subject:** Arroyo Lago

To: Aubrey Rose
Re: Arroyo Lago

There has been a great deal of concern in my neighborhood about the proposed Arroyo Lago development.

I somehow cannot imagine a building 30 feet plus high and 5 feet from our rear wall, behind a retaining wall imposing on our peaceful neighborhood. 1

An even greater concern is the proposed "sewage plant" and what seems to be a proposal to dispose of sewage by spraying if over some acreage near a residential area, including the Village at Ironwood. Has there been consideration to the air quality effects of this proposal? 2

I would agree that I do not understand all the particulars of this proposal, however, the one outstanding concern I have is the new development having access to services; sewage, police and fire services provided to the existing neighborhoods by the City of Pleasanton. 3

Can the new development in the county rely in the county to provide access to those services?

Unless the City of Pleasanton can annex this development into the City of Pleasanton I would ask the county not to permit this development. 4

Katharine Eccles
Resident The Villages at Ironwood

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## *Katharine Eccles (ECCLES)*

*Response to ECCLES-1*
The comment is noted. No environmental issue has been raised that relates to a specific significance threshold. Please refer to Master Response 4, General Opposition Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. Master Response 4 provides a response to comments that express general opposition or disapproval of the proposed project. No further response is required.

*Response to ECCLES-2*
The comment is noted. The proposed WWTP would not result in a significant impact to air quality. Please refer to Master Response 10, Clarifying Information on Wastewater Treatment Plant Operation and Maintenance, in Section 2, Master Responses, of this document. Master Response 10 provides additional clarifying information on the operation and maintenance of the proposed WWTP, including who would operate it, what permits would be required, and details regarding odor, sizing, PFAS, and discharge of biosolids and byproducts. No further response is required.

*Response to ECCLES-3*
The comment is noted. Please refer to Master Response 10, Clarifying Information on Wastewater Treatment Plant Operation and Maintenance, in Section 2, Master Responses, of this document. Master Response 10 provides additional clarifying information on the operation and maintenance of the proposed WWTP, including who would operate it, what permits would be required, and details regarding odor, sizing, PFAS, and discharge of biosolids and byproducts. This Master Response describes how the proposed WWTP would be operated and meet the demands of the proposed project.

Additionally, the Draft EIR found that impacts to public services would be less than significant and that there would adequate public services to meet the needs of the proposed project. Please refer to Master Response 9, Clarifying Information on Public Services EIR Section, in Section 2, Master Responses, of this document. Master Response 9 provides additional clarifying information on the analysis contained within the Draft EIR's section on Public Services, including details related to fire protection, police protection, schools, parks, and libraries. No further response is required.

*Response to ECCLES-4*
The comment is noted. This comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project. No further response is required.

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# Arryo Lago Comment on Draft EIR

## Roland Ewaniuk, Sent on request by T. Grudkowski

Thu, Oct 3, 5:23 PM

1. The plans for the development do not show how water from rains is controlled. At Ironwood rain water flow is drained slowly at the intersections using special stone blocks to underground burred large pipes and slowly drained toward the ocean. The design controls the drainage away from Ironwood, The Arroyo plans have no such control. 1

2. Arroyo plans indicate odor control for the sewage treatment. Sewage plants have flares to burn the hydrogen sulfide that is emitted. It cannot be treated. It must be tuned with natural gas to have a working flare because it is low and variable volume but it stinks at low concentration. 2

3. The agricultural spray fields seem to be an afterthought. What will the be the odor from these fields. These fields will become water logged. Where will the water go then. 3

4. The biorention areas are stated to be sufficient to meet the storm water needs without any estimates based various rainfall scenarios. Where is the water going from there? How will the water flow from the streets to the retention area? What will happen at the wall? Will there be water flowing and carrying soil undermining the wall? 4

Sincerely

Roland Ewaniuk

Resident, The Village at Ironwood

3212 Denton Court

Pleasanton, CA 94566

925 - 425-7508

rewaniuk@gmail.com

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## *Roland Ewaniuk (EWANIUK)*

*Response to EWANIUK-1*
The comment is noted. As discussed in Section 3.9, Hydrology and Water Quality, of the Draft EIR, the proposed project's drainage systems for the two drainage areas have sufficient capacity to convey the flow of stormwater from the proposed development and the off-site area east of the project site to the bioretention areas. Furthermore, the bioretention areas and retaining wall would be designed in accordance with all applicable standards and would have adequate capacity to accommodate stormwater flows from the project site during storm events to ensure that no flooding would result and that there would be no net increase in off-site flow of stormwater as discussed in the impact section in Section 3.9. No further response is required.

*Response to EWANIUK-2*
The comment is noted. The proposed WWTP's technology and design specifically addresses and avoids odor, would not release hydrogen sulfide into the air, and would not require the use of flares. Please refer to Master Response 10, Clarifying Information on Wastewater Treatment Plant Operation and Maintenance, in Section 2, Master Responses, of this document. Master Response 10 provides additional clarifying information on the operation and maintenance of the proposed WWTP, including who would operate it, what permits would be required, and details regarding odor, sizing, PFAS, and discharge of biosolids and byproducts. No further response is required.

*Response to EWANIUK-3*
The comment is noted. The agricultural spray fields have been designed to accommodate the amount of recycled water that would be produced by the proposed project. Please refer to Master Response 11, Clarifying Information on Wastewater Effluent, in Section 2, Master Responses, of this document. Master Response 11 provides additional clarifying information regarding the potential for runoff from the proposed WWTP and agricultural irrigation spray fields to impact downstream surface water quality, groundwater quality, and the adjacent lakes. No further response is required.

*Response to EWANIUK-4*
The comment is noted. Please refer to *Response to EWANIUK-1*. As discussed in Section 3.9, Hydrology and Water Quality, in the Draft EIR, all on-site stormwater would be conveyed through a new 48-inch storm drain pipe to a new 60-inch storm drain pipe under El Charro Road and discharge via a new outfall on the east side of El Charro Road. Low flows would be pumped to the primary bioretention treatment area which will be located either west of El Charro Road (Design Option A) or east of El Charro Road (Design Option B). Using Alameda County Flood Control District & Water Conservation District methodology, the Hydrology Analysis provided by CBG on May 3, 2023, and revised on January 24, 2024 (Appendix G, Hydrology and Water Quality Supporting Information, in the Draft EIR) calculated the proposed 10-year and 100-year stormwater runoff and total capacity of the proposed 48-inch storm drain pipe and the capacity of the existing northern culvert under El Charro Road. Further, the proposed project would comply with the County's Municipal Regional Stormwater Permit (MRP) for post-construction management. The MRP includes standards for design for Low Impact Development (LID) BMPs and post-project compliance monitoring for new development or redevelopment projects. Compliance with the County's MRP would reduce impacts during proposed project operation. As such, the Draft EIR appropriately finds that the proposed project would have a less than significant impact on stormwater. No further response is required.

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**Laura Campion**

**Subject:** FW: Strong Objection to the Arroyo Lago project

**From:** Frances Fan <elven225@gmail.com>
**Sent:** Friday, November 8, 2024 10:07 AM
**To:** Rose, Aubrey, CDA <aubrey.rose@acgov.org>
**Subject:** Strong Objection to the Arroyo Lago project

Dear sir/madam,

I am writing to express my strong opposition to the proposed Arroyo Lago Residential project planned for development adjacent to our neighborhood. This has been brought up so many times in the past few years and I hope we can put this to an end. I am deeply concerned about the significant and lasting impacts this project may have on the surrounding community, environment, and quality of life. 1

**Traffic Congestion and Safety**
One of my primary concerns is the potential increase in traffic congestion. The First Street and Stanley Blvd road infrastructure is already challenged during peak hours, and adding more high-density residences will exacerbate this issue, potentially resulting in traffic bottlenecks and safety hazards for pedestrians, cyclists, and drivers alike. 2 Increased traffic also raises concerns about emergency vehicle access, which could be compromised in high-density scenarios. 3

**Impact on Air Quality**
With increased traffic comes the inevitable decline in air quality due to vehicle emissions. This area is already vulnerable to pollution, and adding a dense population influx could result in elevated levels of exhaust, particulate matter, and other pollutants that could harm the health of current residents. Children, the elderly, and individuals with respiratory conditions will be especially at risk. 4

**Noise Pollution**
Noise is another significant issue that will undoubtedly increase if this high-density project proceeds. The construction phase alone will bring prolonged noise from heavy machinery and vehicles, while the final development will likely mean increased noise from residents and traffic. Such elevated noise levels will disrupt the peace of our neighborhood and negatively impact our quality of life. 5

**Sewage and Infrastructure Strain**
Furthermore, I am concerned about the strain this development will place on our sewage and water treatment systems. The current infrastructure may not be equipped to handle the additional demand from a large number of new residents. Overloaded sewage systems can lead to leaks, unpleasant odors, and potential environmental hazards, diminishing the livability of the neighborhood. 6

In light of these concerns, I urge you to reconsider and permanently end this project. Thank you for considering our concerns. I hope that the voices of current residents will be taken into account, and that any developments will prioritize the health, safety, and quality of life of everyone in the community. 7

Sincerely,

Mingying Fan, Yinghai Lu

1131 Mills Ct, Pleasanton, CA 94566

925-998-4859

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## *Mingying Fan and Yinghai Lu (FAN AND LU)*

*Response to FAN AND LU-1*
The comment is noted. The comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project. Additionally, please refer to Master Response 4, General Opposition Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. Master Response 4 provides a response to comments that express general opposition or disapproval of the proposed project. No further response is required.

*Response to FAN AND LU-2*
The comment is noted. As discussed in Section 3.16, Transportation, of the Draft EIR, the use of LOS, which describes traffic congestion by assigning grades to road segments to analyze impacts under CEQA, was replaced with the evaluation of VMT in 2013. SB 743, which was signed into law by former Governor Brown and codified in Public Resources Code Section 21099, tasked OPR with establishing new criteria for determining the significance of transportation impacts under CEQA. SB 743 requires the new criteria to "promote the reduction of GHG emissions, the development of multimodal transportation networks, and a diversity of land uses." SB 743 changes the way that public agencies evaluate the transportation impacts of projects under CEQA, recognizing that roadway congestion, while an inconvenience to drivers, is not itself an environmental impact (see PRC § 21099(b)(2)). In December 2018, OPR circulated its most recent Technical Advisory on Evaluating Transportation Impacts in CEQA, which provides recommendations and describes various options for assessing VMT for transportation analysis purposes. VMT refers to the amount and distance of automobile travel attributable to a project. Other relevant considerations may include the effects of the project on transit or non-motorized travel. Please refer to Master Response 12, Clarifying Information on Transportation Analysis, in Section 2, Master Responses, of this document. Master Response 12 provides additional clarifying information on the methodology used to evaluate traffic impacts as it related to VMT.

Impact TRANS-2 in Section 3.16, Transportation, of the Draft EIR explained that the VMT associated with a project is the basis for determining traffic impacts under CEQA. The proposed project would result in significant and unavoidable impacts related to VMT, even with the implementation of all feasible mitigation measures. Feasible mitigation measures would be required as MM TRANS-2, as noted in Chapter 5, Errata, of this Final EIR, which requires the implementation of traffic calming elements. MM TRANS-2b, which required approximately 1,000 feet of off-site sidewalk and bicycle lane improvements along Busch Road, has been removed as a mitigation measure and instead remains in Chapter 2, Project Description, of the Draft EIR. However, removal of this mitigation measure does not change any of the significance findings in the document as it will be implemented as part of the proposed project regardless. Impacts to VMT would remain significant and unavoidable. Related revisions are identified in Chapter 5, Errata, of this Final EIR. No further response is required.

*Response to FAN AND LU-3*
The comment is noted. Emergency access, response, and evacuation is discussed in Sections 3.8, Hazards and Hazardous Materials, 3.14, Public Services, 3.16, Transportation, and 3.18, Wildfire.

As discussed throughout the Draft EIR, the proposed project would result in less than significant impacts to emergency access, response, and evacuation. The proposed project would comply with the County's EOP, which would ensure efficient response to emergency incidents with emergencies affecting the County. In addition, as indicated in Section 3.9, Hazards and Hazardous Materials, and Section 3.14, Public Services, the proposed project would be adequately served by police and fire services, including respective evacuation or emergency vehicle access. The proposed project would not create a permanent increase in population unaccounted for in the General Plan that could lead to overwhelming calls for emergency services. Additionally, the proposed project would be designed to comply with County standards to accommodate emergency vehicle access by providing two points of access to the project site, internal roadways that would be available to emergency vehicles, compliant emergency vehicle turning widths, and compliant hydrant access. Furthermore, as discussed above, the proposed project would not result in a road closure to Busch Road, the evacuation route from the project site. Furthermore, the proposed project would comply with Policies 46, 125, 225, 226, 227, 296, and 299 of the ECAP, which require design review, compliance with State and County fire safety standards, ACFD project design review, and continuous fire safety standard enforcement throughout operation of the proposed project. As such, the proposed project would not conflict with the County EOP or ECAP, and operational impacts related to emergency response/evacuation plan consistency would be less than significant.

Impact TRANS-4 determined that the proposed project would be designed to accommodate emergency response vehicles and would not impede emergency access, resulting in less than significant impacts related to emergency access. Therefore, the analysis contained within the Draft EIR is sufficient, and no changes are required. No further response is required.

*Response to FAN AND LU-4*

The comment is noted, and this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project. Section 3.2, Air Quality, of the Draft EIR provided a detailed analysis of potential impacts related to air quality that could result from the implementation of the proposed project. The Draft EIR determined that the proposed project would have a less than significant impact related to air quality with mitigation incorporated. MM AIR-1 would require the implementation of BAAQMD BMPs to control dust during construction, and MM AIR-3 requires that all applicable construction equipment be Tier IV or Tier IV equivalent. No further response is required.

*Response to FAN AND LU-5*

The comment is noted. The Draft EIR fully analyzed potential impacts related to noise during construction and operation of the proposed project in Section 3.12, Noise, of the Draft EIR. The Draft EIR determined that impacts related to noise would be less than significant with mitigation incorporated. Mitigation would include the implementation of requirements related to construction schedule, equipment, and staging. The Draft EIR also analyzed operational noise impacts and found that impacts related to traffic and mechanical equipment would be less than significant. No further response is required.

*Response to FAN AND LU-6*
The comment is noted. As described throughout the Draft EIR, the proposed project would construct a WWTP, recycled water storage facility, and agricultural irrigation recycled water spray fields. Sanitary sewer infrastructure would be constructed as part of the proposed project. Residential units on-site would be connected to 8-inch diameter sanitary sewer pipelines that would be constructed underneath the proposed internal streets. Wastewater would subsequently flow out of the project site into an 8-inch sanitary sewer line that would be constructed under Busch Road. Wastewater would flow through this line eastward beyond Busch Road and be redirected toward the proposed WWTP.

Additionally, please refer to Master Response 10, Clarifying Information on Wastewater Treatment Plant Operation and Maintenance, in Section 2, Master Responses, of this document. Master Response 10 provides additional clarifying information on the operation and maintenance of the proposed WWTP, including who would operate it, what permits would be required, and details regarding odor, sizing, PFAS, and discharge of biosolids and byproducts. No further response is required.

*Response to FAN AND LU-7*
The comment is noted. No environmental issues are raised, and no response is required. However, this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

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## Laura Campion

**Subject:** FW: The Arroyo Lago Project - City of Pleasanton

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**From:** Sri Garikipati <srigarikipati@gmail.com>
**Sent:** Friday, November 8, 2024 3:18 PM
**To:** Rose, Aubrey, CDA <aubrey.rose@acgov.org>
**Subject:** The Arroyo Lago Project - City of Pleasanton

Good Afternoon Aubrey,

I am a Ponderosa Ironwood Classics homeowner from 2005 and also a Pleasanton resident from 2002 onwards. Our city is beautiful and growing organically based on the land availability, approvals and the need. We appreciate and would like to see more new homes and projects coming without impacting the health, safety, traffic , soil and also environment. 1

We would like to see only one sewer project in the city to maintain the air quality, health and environment. We 2
welcome master development on Busch Rd and I don't know why it was peeled off. Those kinds of projects will help the city and residents better just like how Ponderosa builder is on Busch Rd and Mohr Avenue. They gave space for the greenery between resident's walls and the road. That took care of resident's privacy wherever parking areas, pools and roads were built and also between the communities. Please come and walk in our communities . We have The Village, The Ironwood Classics, The Ironwood Estates, The Residence, The Gatewood and The Meridian. Residents are happy and other neighboring residents who walk along with their dogs are happy. We would like to see happy communities for the existing and future residents. 3

I am big no to The Arroyo Lago project because of the soil contamination , health, safety and separate sewer plant issues. Don't do bits and pieces of the land. More challenges for the residents, city and also for the approvals. 4

Thank you again for all your coordination!

Sincerely,
Sri

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## *Sri Garikipati (GARIKIPATI)*

*Response to GARIKIPATI-1*
The comment is noted. No environmental issues are raised, and no response is required. However, this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project. No further response is required.

*Response to GARIKIPATI-2*
The comment is noted, and this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project. The proposed WWTP would be specifically sized to only accommodate the proposed project. Please refer to Master Response 10, Clarifying Information on Wastewater Treatment Plant Operation and Maintenance, in Section 2, Master Responses, of this document. Master Response 10 provides additional clarifying information on the operation and maintenance of the proposed WWTP, including who would operate it, what permits would be required, and details regarding odor, sizing, PFAS, and discharge of biosolids and byproducts. No further response is required.

*Response to GARIKIPATI-3*
The comment is noted. No environmental issues are raised, and no response is required. However, this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project. No further response is required.

*Response to GARIKIPATI-4*
The comment is noted. The comment does not identify a specific concern related to any of the environmental topics identified in the comment. Please refer to Master Response 4, General Opposition Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. Master Response 4 provides a response to comments that express general opposition or disapproval of the proposed project. However, this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project. No further response is required.

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## Laura Campion

**Subject:** FW: Public Comments about Arroyo Lago project

**From:** gokul <gocoolb4u@gmail.com>
**Sent:** Friday, November 8, 2024 12:45 PM
**To:** Rose, Aubrey, CDA <aubrey.rose@acgov.org>
**Subject:** Public Comments about Arroyo Lago project

Dear Sir/Madam,

I am an owner and a resident of Ironwood community located on Busch rd, Pleasanton and I am writing to express my concerns regarding the proposed new home development on the [26-acre site] which, as outlined in the planning documents, will include the construction of over 194 homes on lots with small sizes. While I understand the demand for housing in our community, I believe the scope of this project raises several important issues that must be carefully addressed before moving forward. 1

### 1. **Environmental and Public Health Concerns**
The development plans also include a sewer treatment plant, as well as water storage and pump facilities. While these are necessary to support the housing, their potential environmental impact cannot be overlooked. Concerns about air quality, water quality, and the emissions associated with these facilities need to be addressed comprehensively. The construction and operation of such infrastructure can also contribute to increased greenhouse gas emissions, hazardous materials, and long-term pollution, all of which could pose a risk to both the immediate area and surrounding neighborhoods. 2

### 2. **Density and Small Lot Sizes**
The plan to place 194 homes on such a small parcel of land creates significant concerns regarding the density of the development and its impact on the community. With homes on very small lots, for residents like us, this could lead to overcrowding in the neighborhood, lack of privacy, and reduced quality of life for homeowners. Additionally, with such dense housing, the environmental and social sustainability of the area could be compromised. 3

### 3. **Insufficient Green Space and Recreation**
The inclusion of only 0.7 acres for a public park and a half-mile walking trail is insufficient to meet the recreational and open space needs of the residents. This could potentially invite the new residents to use our facilities and park at the Ironwood community. I strongly urge the developer to consider expanding the park area and exploring ways to integrate more green space into the development plan. 4

### 4. **Traffic and Public Safety**
The dense nature of this development is likely to generate a significant increase in local traffic, which could lead to congestion, safety hazards, and strain on existing transportation infrastructure. It is important to consider not only the immediate needs of the development but also how it will integrate with the broader transportation network. Traffic studies and a thorough assessment of public safety measures should be part of the planning process. 5

### 5. **Impact on Existing Home Values**
As a resident of the surrounding area, I am concerned about how this high-density development will affect the value of existing homes. The construction of 194 homes on such a small site could diminish the desirability of nearby properties due to factors such as increased traffic, overcrowding, and potential environmental impacts. I believe it is crucial for the developer to engage in meaningful discussions with local residents and work towards mitigating any negative effects on property values. 6

### Conclusion

While I recognize the importance of addressing the growing demand for housing, I urge you to reconsider the current development plan in light of the potential long-term impacts on the environment, infrastructure, and quality of life for residents. The project should prioritize sustainability, public health, and the well-being of both current and future homeowners. I encourage the developer to collaborate with the community and local authorities to find a balanced solution that takes these concerns into account. 7

Thank you for your time and consideration of these important matters. I look forward to hearing your response and to further dialogue on how we can ensure this development benefits everyone in the community.

Sincerely,
Gokul
(585-224-6394)
1133 Donahue Dr,
Pleasanton, CA 94566

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## *Gokul (GOKUL)*

*Response to GOKUL-1*
The comment is noted. No environmental issues are raised, and no response is required. However, this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project. No further response is required.

*Response to GOKUL-2*
The comment is noted, and this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project. The construction and operation of the mentioned facilities were thoroughly discussed and analyzed throughout the Draft EIR. As noted in the Draft EIR, the proposed project would have less than significant impacts related to air quality and hazardous materials with the implementation of all applicable mitigation measures. The Draft EIR also identified impacts related to GHG emissions to be significant and unavoidable because it does not demonstrate a 15 percent reduction in resident VMT as required by BAAQMD thresholds and is not consistent with other BAAQMD design elements requiring the incorporation of an all-electric design.

Please refer to Master Response 10, Clarifying Information on Wastewater Treatment Plant Operation and Maintenance, in Section 2, Master Responses, of this document. Master Response 10 provides additional clarifying information on the operation and maintenance of the proposed WWTP, including who would operate it, what permits would be required, and details regarding odor, sizing, PFAS, and discharge of biosolids and byproducts. This Master Response specifically addresses how the proposed WWTP would not have a significant impact on water quality and air quality. No further response is required.

*Response to GOKUL-3*
The comment is noted, and this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project. As discussed in Section 3.10, Land Use and Planning, in the Draft EIR, the project site is designated Medium Density Residential (MDR) according to the ECAP, which allows for densities of 4.1 to 8.0 units per gross acre. The MDR designation also provides for single-family detached and attached homes, multiple-family residential units, group quarters, public and quasi-public uses, limited agricultural units, community and neighborhood commercial uses, neighborhood support uses, and similar/compatible uses. The approximately 26.6-acre site would be developed with an approximate density of 7.3 dwelling units per gross acre, consistent with the applicable, objective requirements of the ECAP. Therefore, the proposed project would be consistent with the governing MDR designation, and the types of permitted uses set forth in the ECAP for this designation. Therefore, impacts would be less than significant.

Additionally, note that lack of privacy and quality of life are not considered physical impacts and are not further addressed in the Final EIR. Please refer to Master Response 2, Non-CEQA Issues Not Addressed in Final EIR, in Section 2, Master Responses, of this document. Master Response 2 provides additional information on the scope of CEQA and any non-CEQA issues are not further discussed in the Final EIR. No further response is required.

*Response to GOKUL-4*
The comment is noted. As discussed in Section 3.14, Public Services, of the Draft EIR, the proposed project would not have a significant on both the County and City of Pleasanton's park systems. This concern is further addressed in Master Response 9, Clarifying Information on Public Services EIR Section, in Section 2, Master Responses, of this document. Master Response 9 provides additional clarifying information on the analysis contained within the Draft EIR's section on Public Services, including details related to fire protection, police protection, schools, parks, and libraries. No further response is required.

*Response to GOKUL-5*
The comment is noted, and this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project. As discussed in Section 3.16, Transportation, of the Draft EIR, the use of LOS, which describes traffic congestion on by assigning grades to road segments to analyze impacts under CEQA was replaced with the evaluation of VMT in 2013. SB 743, which was signed into law by former Governor Brown and codified in Public Resources Code Section 21099, tasked OPR with establishing new criteria for determining the significance of transportation impacts under CEQA. SB 743 requires the new criteria to "promote the reduction of GHG emissions, the development of multimodal transportation networks, and a diversity of land uses." SB 743 changes the way that public agencies evaluate the transportation impacts of projects under CEQA, recognizing that roadway congestion, while an inconvenience to drivers, is not itself an environmental impact (see PRC § 21099(b)(2)). In December 2018, OPR circulated its most recent Technical Advisory on Evaluating Transportation Impacts in CEQA, which provides recommendations and describes various options for assessing VMT for transportation analysis purposes. VMT refers to the amount and distance of automobile travel attributable to a project. Other relevant considerations may include the effects of the project on transit or non-motorized travel. Please refer to Master Response 12, Clarifying Information on Transportation Analysis, in Section 2, Master Responses, of this document. Master Response 12 provides additional clarifying information on the methodology used to evaluate traffic impacts as it related to VMT.

Impact TRANS-2 in Section 3.16, Transportation, of the Draft EIR explained that the VMT associated with a project is the basis for determining traffic impacts under CEQA. The proposed project would result in significant and unavoidable impacts related to VMT, even with the implementation of all feasible mitigation measures. Feasible mitigation measures would be required as MM TRANS-2, as noted in Chapter 5, Errata, of this Final EIR, which requires the implementation of traffic calming elements. MM TRANS-2b, which required approximately 1,000 feet of off-site sidewalk and bicycle lane improvements along Busch Road, has been removed as a mitigation measure and instead remains in Chapter 2, Project Description, of the Draft EIR. However, removal of this mitigation measure does not change any of the significance findings in the document as it will be implemented as part of the proposed project regardless. Impacts to VMT would remain significant and unavoidable. Related revisions are identified in Chapter 5, Errata, of this Final EIR. Additionally, this analysis also considers the VMT impacts of the cumulative projects included in Chapter 3 of the Draft EIR in addition to the proposed project. These impacts were considered to be significant and unavoidable as well.

Additionally, the potential for the proposed project to impact safety was evaluated in terms of the adequacy of sight distance and need for turn lanes at the project access points as well as the adequacy of dedicated turn lanes at the study intersections to accommodate additional queueing due to adding project-generated trips and need for additional right-of-way controls. The Draft EIR determined that there is adequate corner sight distance at the project access points on Busch Road for the posted speed limit of 35 miles per hour (mph). However, the Draft EIR determined that impacts related to queueing would be significant and unavoidable, as the mitigation measure which requires adjustments to signal timing has been deemed unenforceable because the City of Pleasanton is not the Lead Agency for the proposed project, and thus the County cannot ensure that the required adjustments to signal timing will be made. No further response is required.

*Response to GOKUL-6*

The comment is noted. Note that economic concerns are not considered physical impacts on the environment, and therefore are not further discussed in the Final EIR. Please refer to Master Response 2, Non-CEQA Issues Not Addressed in Final EIR, in Section 2, Master Responses, of this document. Master Response 2 provides additional information on the scope of CEQA and any non-CEQA issues are not further discussed in the Final EIR. No further response is required.

*Response to GOKUL-7*

The comment is noted, and this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project. Please refer to Master Response 4, General Opposition Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. Master Response 4 provides a response to comments that express general opposition or disapproval of the proposed project. No further response is required.

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## Rachel Krusenoski

**From:** Rose, Aubrey, CDA <Aubrey.Rose@acgov.org>
**Sent:** Thursday, September 12, 2024 8:33 AM
**To:** Rachel Krusenoski
**Subject:** FW: Arroyo Lago Draft EIR initial comments

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**From:** Tom Grudkowski <tgrudkowski@gmail.com>
**Sent:** Wednesday, September 11, 2024 8:50 PM
**To:** Rose, Aubrey, CDA <Aubrey.Rose@acgov.org>; Tom Grudkowski <tgrudkowski@gmail.com>
**Subject:** Re: Arroyo Lago Draft EIR initial comments

I suggest 2 months for review (not 21 months - my typo) Also Arroyo LAGO
Regards
Tom

On Wed, Sep 11, 2024 at 8:14 PM Tom Grudkowski <tgrudkowski@gmail.com> wrote:

> Hello Aubrey,
>
> Thanks for your email which I received yesterday. In it, you mention that there will be a Public Meeting on September 26th, in about 2 weeks, for comments on the Draft EIR. You also attach many documents for review, maybe over 1000 pages or so.
>
> Some Requests:
> 1) We will need more time than the date given for public comment and also more for the comment period. I would suggest about 21 months for comments and 4 months for final review . 1
>
> 2) While I have not had time to fully review the documents, I do not see anything related to our comments on Privacy or proposed totally little set-back for the Arroyo Lago housing. This proposed lack of privacy is totally unacceptable for lack of acceptable usage for our backyards and the visibility into our windows. 2
>
> 3) Also, nothing on the low cost housing / rentals ADUs which would cause much more privacy issues. I would like to know more about that plan for ADUs. I have heard that there will be rental housing allowed for these ADUs and more cars and children allowed in those, even in the backyard setback. 3
>
> 4) There was a Village at Ironwood proposal with a greater setback and single story Attoya Lago row of housing on the East side of the wall, which would be the boundary between our 50+ community and the proposed development. The extra spacing / access road of perhaps 50 feet would allow emergency access as well as much more privacy and greater acceptance by our community of needed housing on the East Pleasanton site. 4
>
> 5) Also, the ground level has been increased to 4-6 feet higher than on our side of the wall,which further causes no privacy and obstructs the sun from our rooftop solar cells which our community requires on each house. 5

6) As you know, ourVillage of ironwood is a 55+ community and we have issues and health matters which would be affected by such invasion of our privacy into our houses. We have mostly one story houses and the proposed development would have 2wo stories looking directly onto our housing back windows. 6

7) I also did not see anything about potential PFAS contamination of the area and fugitive dust which is a great concern to our community. The water treatment facility is also too close to our water supply in the Chain of Lakes, such as lake I and could contaminate that as well as groundwater. I did not see anything of hat for my first reading. 7

8) Last, for now, can you let me know which members of the City of Pleasanton were sent information on the EIR for the first private draft as well as for this public draft. It is not known who received this draft and I don't want to have to send this to others. 8

I plan to read the whole contents of your documents and will take a few more days to do this. However, I do worry about having more time to review and comment since the given time is far too limited to carefully review and compare to our inputs over the last year. Note that extra time was given to the county to others over the past year. Other concerns included fill of prior quarry locations and noise pollution as well and traffic. 9

Thank you for your consideration.

Tom Grudkowski
Resident of the Village of Ironwood
1594 Chatham Place, Pleasanton, CA 94566
408 242 1920
tgrudkowski@gmail.com

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## *Tom Grudkowski (First Letter) (GRUDKOWSKI 1)*

*Response to GRUDKOWSKI 1-1*
The comment is noted. Please refer to Master Response 1, Request for Extension of Comment Period, in Section 2, Master Responses, of this document. Master Response 1 discusses how the County voluntarily extended the public review period from 45 days to 60 days. No further response is required.

*Response to GRUDKOWSKI 1-2*
The comment is noted. Note that privacy concerns do not constitute a physical impact on the environment and thus are not further discussed on the Draft EIR. Please refer to Master Response 2, Non-CEQA Issues Not Addressed in Final EIR, in Section 2, Master Responses, of this document. Master Response 2 provides additional information on the scope of CEQA and any non-CEQA issues are not further discussed in the Final EIR. No further response is required.

*Response to GRUDKOWSKI 1-3*
The comment is noted. Please refer to *Response to GRUDKOWSKI 1-2*. No further response is required.

*Response to GRUDKOWSKI 1-4*
The comment is noted. As discussed in Section 6.7, Alternatives Rejected from Further Consideration, of the Draft EIR, a single-story alternative was initially considered but rejected from further consideration because this alternative would not reduce any of the significant impacts of the proposed project. A Shadow Study was performed for the proposed project, as detailed in Section 3.1, Aesthetics, Light, and Glare, of the Draft EIR. The Shadow Study determined that the proposed project would not have a significant impact on solar energy systems on adjacent homes. As such, this alternative would not reduce any significant impacts of the proposed project and was rejected from further consideration. Furthermore, a single-story alternative would reduce the density of the project, and therefore, would not meet the project objectives related to the development of additional housing opportunities in the County to the same degree that the proposed project would.

Similarly, increased setbacks from the existing residential neighborhood would not reduce any of the significant impacts of the proposed project and would not meet the project objectives related to the development of additional housing opportunities in the County to the same degree that the proposed project would.

Additionally, please refer to *Response to GRUDKOWSKI 1-2*. No further response is required.

*Response to GRUDKOWSKI 1-5*
The comment is noted. Please refer to *Response to GRUDKOWSKI 1-2*.

Additionally, as discussed in Section 3.1, Aesthetics, Light, and Glare, the proposed project would not have a significant impact on solar panels based on the shadow study prepared for the proposed project. Please refer to Master Response 8, Clarifying Information on the Aesthetics, Light, and Glare EIR Section and the Shadow Study, in Section 2, Master Responses, of this document. Master Response 8 provides additional clarifying information on the analysis contained within the Draft EIR's section on Aesthetics, Light, and Glare and the Shadow Study.

Furthermore, as discussed in Section 3.1.3, Regulatory Framework, in Section 3.1, Aesthetics, Light, and Glare, of the Draft EIR, the Solar Shade Control Act (Public Resources Code, Chapter 12) describes specific and limited controls on trees and shrubs. It prohibits the owner of another property to allow a tree or shrub to be placed or grow to the extent that it casts shadow greater than 10 percent of the collector absorption area upon a solar collector's surface at any one time between the hours of 10:00 a.m. and 2:00 p.m. However, the Solar Shade Control Act applies specifically to trees and shrubs and would not apply to buildings being created pursuant to the proposed project. No further response is required.

*Response to GRUDKOWSKI 1-6*
The comment is noted. Note that privacy concerns do not constitute a physical impact on the environment and thus are not further discussed on the Draft EIR. Please refer to Master Response 2, Non-CEQA Issues Not Addressed in Final EIR, in Section 2, Master Responses, of this document. Master Response 2 provides additional information on the scope of CEQA and any non-CEQA issues are not further discussed in the Final EIR. No further response is required.

*Response to GRUDKOWSKI 1-7*
The comment is noted. As discussed in Section 3.3, Air Quality, of the Draft EIR, the proposed project would require the implementation of MM AIR-1, which requires implementing BAAQMD BMPs to control dust during construction, including watering exposed surfaces, covering haul trucks transporting loose material, cleaning mud and dirt on adjacent public roads, limiting vehicle speeds, and several other measures. Consequently, implementation of MM AIR-1 would sufficiently maintain project construction emissions and fugitive dust to less than significant levels.

As discussed in Section 3.9, Hazards and Hazardous Materials, of the Draft PEIR, PFAS was raised as a potential area of concern in written and verbal comments provided on the NOP for the Draft EIR. Therefore, the Draft EIR included a thorough analysis and disclosure of existing PFAS conditions and potential impacts to the proposed project.

The Draft EIR explains what PFAS are, how water can become contaminated with PFAS, that the State Water Board is investigating Zone 7 and the Livermore District for incidents of PFAS in drinking water sources, and that Cal Water proactively tested active sources in Cal Water's system for PFAS prior to issuance of the EPA's proposed NPDWRs for certain PFAS. Cal Water found that none of their active water sources have levels of the six PFAS compounds over current California response levels, which are set with a margin of protection for all people (including sensitive populations) over a lifetime of exposure. On April 10, 2024, the EPA announced the final NPDWR for six PFAS, including individual MCLs for PFOA and PFOS at 4 parts per trillion (ppt), individual MCLs for PFHxS, PFNA, and GenX Chemicals at 10 ppt, and an MCL for a mixture of 4 PFAS (PFHxS, PFNA, GenX Chemicals, and PFBS) at no greater than a Hazard Index of 1.0, as discussed on pages 3.8-4, 3.9-7, and 3.17-5 of the Draft EIR. The Draft EIR explains that Zone 7 has begun implementing voluntary changes to meet the EPA's newly finalized health-based, non-enforceable Maximum Contaminant Level Goals, which specify timelines for development of State, agency, and public water system solutions and standards.

Impact HAZ-1 and Impact HYD-1 analyze PFAS in determining whether the proposed project would create a significant hazard to the public through routine transport, use, or disposal of hazardous

materials or whether the proposed project would violate any water quality standards, as discussed on pages 3.8-17 and 3.9-24 of the Draft EIR. Analysis of the proposed project's operation determined that the proposed project would not exacerbate or contribute to PFAS levels in its water source as residential uses are not uses associated with the production of PFAS. Cal Water, the provider of water to the proposed project, has already proactively tested active sources in their systems for all six PFAS and took the affected sources out of service until treatment was installed. Thus, none of their active water sources have levels of the six PFAS compounds over current California response levels.

The proposed water storage and booster pump facility and the proposed WWTP included in the proposed project's off-site improvements would be constructed and operated consistent with federal and State regulations related to PFAS while Cal Water is developing its own regulations. To the extent new PFAS-related regulations or water quality standards are adopted by the State Water Board or San Francisco Bay RWQCB, those agencies and/or the County, as the Lead Agency, would ensure that the proposed project adheres to all applicable regulations and standards through the standing permitting and oversight processes.

Under CEQA, an EIR is not required to evaluate the impacts of existing conditions on the proposed project, and the project proponent is not required to mitigate the presence of PFAS already present in groundwater situated at subsurface levels below the project site under existing conditions. It should be noted that PFAS is endemically found in the groundwater throughout the Main Basin. The technology chosen by Zone 7 and Pleasanton is to treat extracted groundwater to remove PFAS rather than any in situ remediation.

Please refer to both Master Response 10, Clarifying Information on Wastewater Treatment Plant Operation and Maintenance, and Master Response 11, Clarifying Information on Wastewater Effluent, in Section 2, Master Responses, of this document. Both Master Responses specifically discuss concerns regarding the proposed WWTP related to PFAS. No further response is required.

*Response to GRUDKOWSKI 1-8*
The comment is noted. The NOA of the Draft EIR was sent to all property owners within 1,000 feet of the project site, as well as anyone who commented during the Draft EIR NOP scoping period. No further response is required.

*Response to GRUDKOWSKI 1-9*
The comment is noted. Please refer to Master Response 1, Request for Extension of Comment Period, in Section 2, Master Responses, of this document. Master Response 1 discusses how the County voluntarily extended the public review period from 45 days to 60 days.

Additionally, please refer to Master Response 4, General Opposition Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. Master Response 4 provides a response to comments that express general opposition or disapproval of the proposed project. No further response is required.

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**Rachel Krusenoski**

**From:** Rose, Aubrey, CDA <Aubrey.Rose@acgov.org>
**Sent:** Thursday, September 12, 2024 11:46 AM
**To:** Rachel Krusenoski
**Subject:** FW: Arroyo Lago - revised comment letter

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**From:** Tom Grudkowski <tgrudkowski@gmail.com>
**Sent:** Thursday, September 12, 2024 11:45 AM
**To:** Rose, Aubrey, CDA <Aubrey.Rose@acgov.org>; Tom Grudkowski <tgrudkowski@gmail.com>
**Subject:** Arroyo Lago - revised comment letter

Dear Aubrey

I noticed a type in my last letter. I still believe that 2 weeks is way too short for reviewing this EIR prior to a public meeting. There is a whole lot to study in this prior to a public comment meeting. 1

Here is my revised letter to fix a typo.

**Tom Grudkowski <tgrudkowski@gmail.com>** 8:14 PM (0 minutes ago)

to Aubrey, me
Hello Aubrey,

Thanks for your email which I received yesterday. In it, you mention that there will be a Public Meeting on September 26th, in about 2 weeks, for comments on the Draft EIR. You also attach many documents for review, maybe over 1000 pages or so. 2

Some Requests:
1) We will need more time than the date given for public comment and also more for the comment period. I would suggest about 2 - 3 months for comments and 4-5 months for final review.

2) While I have not had time to fully review the documents, I do not see anything related to our comments on Privacy or proposed totally little set-back for the Arroyo Lago housing. This proposed lack of privacy is totally unacceptable for lack of acceptable usage for our backyards and the visibility into our windows. 3

3) Also, nothing on the low-cost housing / rentals ADUs which would cause much more privacy issues. I would like to know more about that plan for ADUs. I have heard that there will be rental housing allowed for these ADUs and more cars and children allowed in those, even in the backyard setback. 4

4) There was a Village at Ironwood proposal with a greater setback and single-story Arroya Lago row of housing on the East side of the wall, which would be the boundary between our 50+ community and the proposed development. The extra spacing / access road of perhaps 50 feet would allow emergency access as well as much more privacy and greater acceptance by our community of needed housing on the East Pleasanton site. 5

5) Also, the ground level has been increased to 4-6 feet higher than on our side of the wall, which further causes no privacy and obstructs the sun from our rooftop solar cells which our community requires on each house. 6

6) As you know, our Village of Ironwood is a 55+ community and we have issues and health matters which would be affected by such invasion of our privacy into our houses. We have mostly one-story houses and the proposed development would have 2wo stories looking directly onto our housing back windows. 7

7) I also did not see anything about potential PFAS contamination of the area and fugitive dust which is a great concern to our community. The water treatment facility is also too close to our water supply in the Chain of Lakes, such as lake I and could contaminate that as well as groundwater. I did not see anything of hat for my first reading. 8

8) Last, for now, can you let me know which members of the City of Pleasanton were sent information on the EIR for the first private draft as well as for this public draft. It is not known who received this draft and I don't want to have to send this to others. 9

I plan to read the whole contents of your documents and will take a few more days to do this. However, I do worry about having more time to review and comment since the given time is far too limited to carefully review and compare to our inputs over the last year. Note that extra time was given to the county to others over the past year. Other concerns included fill of prior quarry locations and noise pollution as well and traffic. 10

Thank you for your consideration.

Tom Grudkowski
Resident of the Village of Ironwood
1594 Chatham Place, Pleasanton, CA 94566
408 242 1920

Thanks
Tom

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## *Tom Grudkowski (Second Letter) (GRUDKOWSKI 2)*

*Response to GRUDKOWSKI 2-1*
The comment is noted. Please refer to Master Response 1, Request for Extension of Comment Period, in Section 2, Master Responses, of this document. Master Response 1 discusses how the County voluntarily extended the public review period from 45 days to 60 days. No further response is required.

*Response to GRUDKOWSKI 2-2*
The comment is noted. Please refer to Master Response 1, Request for Extension of Comment Period, in Section 2, Master Responses, of this document. Master Response 1 discusses how the County voluntarily extended the public review period from 45 days to 60 days. No further response is required.

*Response to GRUDKOWSKI 2-3*
The comment is noted. Note that privacy concerns do not constitute a physical impact on the environment and thus are not further discussed on the Draft EIR. Please refer to Master Response 2, Non-CEQA Issues Not Addressed in Final EIR, in Section 2, Master Responses, of this document. Master Response 2 provides additional information on the scope of CEQA and any non-CEQA issues are not further discussed in the Final EIR.

As discussed in Section 6.7, Alternatives Rejected from Further Consideration, of the Draft EIR, a single-story alternative was initially considered but rejected from further consideration because this alternative would not reduce any of the significant impacts of the proposed project. A Shadow Study was performed for the proposed project, as detailed in Section 3.1, Aesthetics, Light, and Glare, of the Draft EIR. The Shadow Study determined that the proposed project would not have a significant impact on solar energy systems on adjacent homes. As such, this alternative would not reduce any significant impacts of the proposed project and was rejected from further consideration. Furthermore, a single-story alternative would reduce the density of the project, and therefore, would not meet the project objectives related to the development of additional housing opportunities in the County to the same degree that the proposed project would.

Similarly, increased setbacks from the existing residential neighborhood would not reduce any of the significant impacts of the proposed project and would not meet the project objectives related to the development of additional housing opportunities in the County to the same degree that the proposed project would. No further response is required.

*Response to GRUDKOWSKI 2-4*
The comment is noted. Chapter 2, Project Description, provides information on the proposed Accessory Dwelling Units (ADUs) and the ADUs are analyzed throughout the Draft EIR, including Section 3.14, Public Services, which analyzes impacts to schools, and Section 3.16, Transportation. Additionally, note that privacy issues do not constitute physical impacts to the environment, and thus are not further addressed in the Final EIR. However, this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project. Please refer to Master Response 2, Non-CEQA Issues Not Addressed in Final EIR, in Section 2, Master Responses, of this document. Master Response 2 provides additional information

on the scope of CEQA and any non-CEQA issues are not further discussed in the Final EIR. No further response is required.

*Response to GRUDKOWSKI 2-5*
The comment is noted. As discussed in Section 6.7, Alternatives Rejected from Further Consideration, of the Draft EIR, a single-story alternative was initially considered but rejected from further consideration because this alternative would not reduce any of the significant impacts of the proposed project. A Shadow Study was performed for the proposed project, as detailed in Section 3.1, Aesthetics, Light, and Glare, of the Draft EIR. The Shadow Study determined that the proposed project would not have a significant impact on solar energy systems on adjacent homes. As such, this alternative would not reduce any significant impacts of the proposed project and was rejected from further consideration. Furthermore, a single-story alternative would reduce the density of the project, and therefore, would not meet the project objectives related to the development of additional housing opportunities in the County to the same degree that the proposed project would.

Similarly, increased setbacks from the existing residential neighborhood would not reduce any of the significant impacts of the proposed project and would not meet the project objectives related to the development of additional housing opportunities in the County to the same degree that the proposed project would. No further response is required.

*Response to GRUDKOWSKI 2-6*
The comment is noted. As previously discussed, privacy concerns are not further discussed in the Draft EIR. Additionally, as discussed in Section 3.1, Aesthetics, Light, and Glare, the proposed project would not have a significant impact on solar panels based on the shadow study prepared for the proposed project. Please refer to Master Response 8, Clarifying Information on the Aesthetics, Light, and Glare EIR Section and the Shadow Study, in Section 2, Master Responses, of this document. Master Response 8 provides additional clarifying information on the analysis contained within the Draft EIR's section on Aesthetics, Light, and Glare and the Shadow Study.

Furthermore, as discussed in Section 3.1.3, Regulatory Framework, in Section 3.1, Aesthetics, Light, and Glare, of the Draft EIR, the Solar Shade Control Act (Public Resources Code, Chapter 12) describes specific and limited controls on trees and shrubs. It prohibits the owner of another property to allow a tree or shrub to be placed or grow to the extent that it casts shadow greater than 10 percent of the collector absorption area upon a solar collector's surface at any one time between the hours of 10:00 a.m. and 2:00 p.m. However, the Solar Shade Control Act applies specifically to trees and shrubs and would not apply to buildings being created pursuant to the proposed project. No further response is required.

*Response to GRUDKOWSKI 2-7*
The comment is noted. Please refer to *Response to GRUDKOWSKI 2-3*. No further response is required.

*Response to GRUDKOWSKI 2-8*
The comment is noted. Please refer to *Response to GRUDKOWSKI 1-7.* No further response is required.

*Response to GRUDKOWSKI 2-9*
The comment is noted. The NOA of the Draft EIR was sent to all property owners within 1,000 feet of the project site, as well as anyone who commented during the Draft EIR NOP scoping period. No further response is required.

*Response to GRUDKOWSKI 2-10*
The comment is noted. Please refer to Master Response 1, Request for Extension of Comment Period, in Section 2, Master Responses, of this document. Master Response 1 discusses how the County voluntarily extended the public review period from 45 days to 60 days.

Additionally, note that Section 3.8, Hazards and Hazardous Materials, discusses the proposed soil fill on-site; Section 3.12, Noise, of the Draft EIR, discusses noise impacts; and Section 3.16, Transportation, discusses traffic impacts. No further response is required.

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## Rachel Krusenoski

**From:** Rose, Aubrey, CDA <Aubrey.Rose@acgov.org>
**Sent:** Thursday, September 19, 2024 3:16 PM
**To:** Rachel Krusenoski
**Subject:** FW: Questions on Arroyo Lago Solar Shadowing
**Attachments:** EIR Shadowing T Grudkowski 9 19 24.pdf

**Follow Up Flag:** Follow up
**Flag Status:** Flagged

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**From:** Tom Grudkowski <tgrudkowski@gmail.com>
**Sent:** Thursday, September 19, 2024 2:53 PM
**To:** Rose, Aubrey, CDA <Aubrey.Rose@acgov.org>; BOS District 4 <bosdist4@acgov.org>; Haubert, David, Supv BOS Dist 1 <David.Haubert@acgov.org>
**Subject:** Questions on Arroyo Lago Solar Shadowing

Dear Aubrey and Supervisors:

See the attached questions concerning the Solar Shadowing study provided in the Draft EIR. Mainly, has the differential height of the ground level, as shown in your referenced website, been taken into account in this Solar Shadowing study? There is no mention of that being taken into account. It would make a large difference I believe. 1

Thank you
Tom Grudkowski
1594 Chatham Place
Pleasanton, CA 94566

Resident, The Village At Ironwood
4082421920

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Tom Grudkowski EIR Comment subjects -9 26 24

Solar shading study:

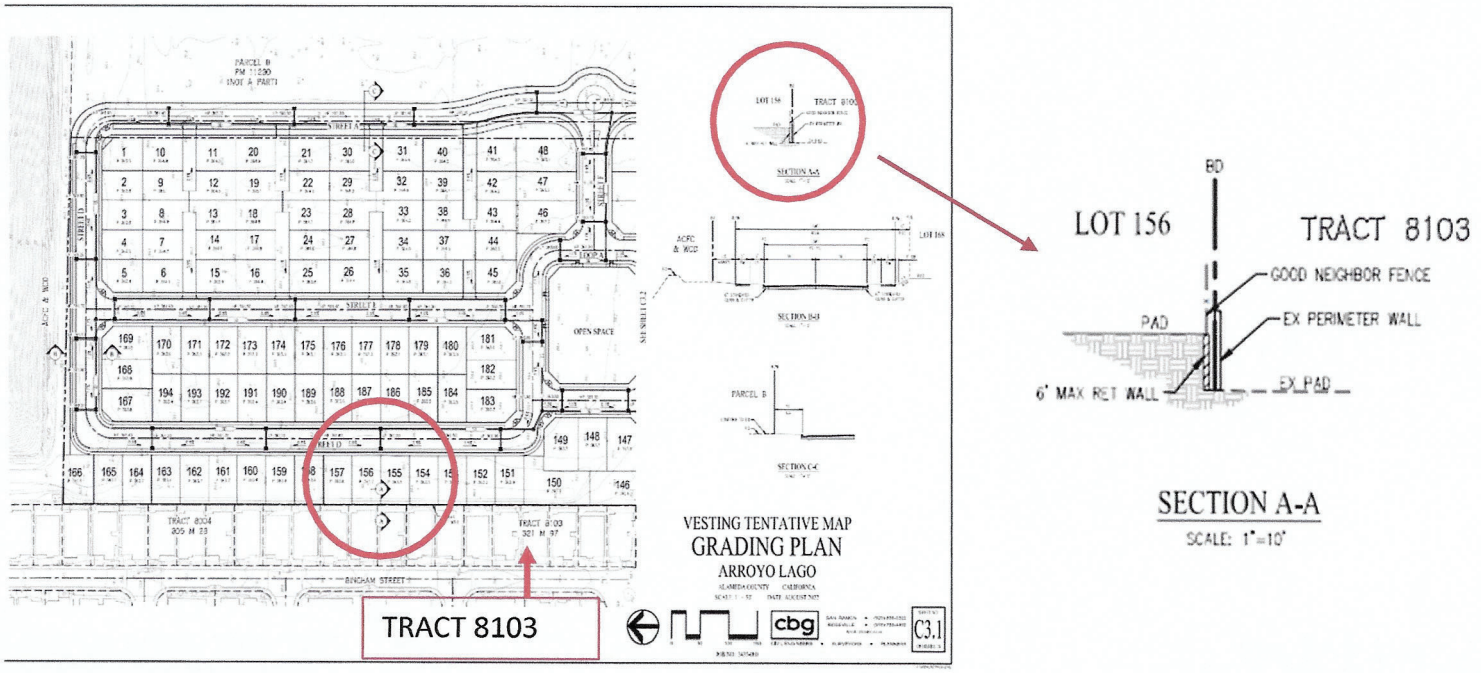
a. Please explain and show the cross-sectional views that were used for the shadowing study, showing the ground height levels on both sides of the boundary wall, and also the proposed house elevation views that were used in the study. Is there an existing plan for the location of the new housing types that would be next to the Village East Wall? Were the ground levels for the study of equal height on both sides of the boundary wall, or was there a height difference?

b. There does not seem to be analysis of the shadowing effects where the difference in ground level is 6 ft on the East and West sides of the East wall, as shown in the Grading Plan on the website. The Grading Plan referenced below shows the **section A – A between Lot 156 and Existing TRACT 8103. (See Plan C3.1 - )** 2

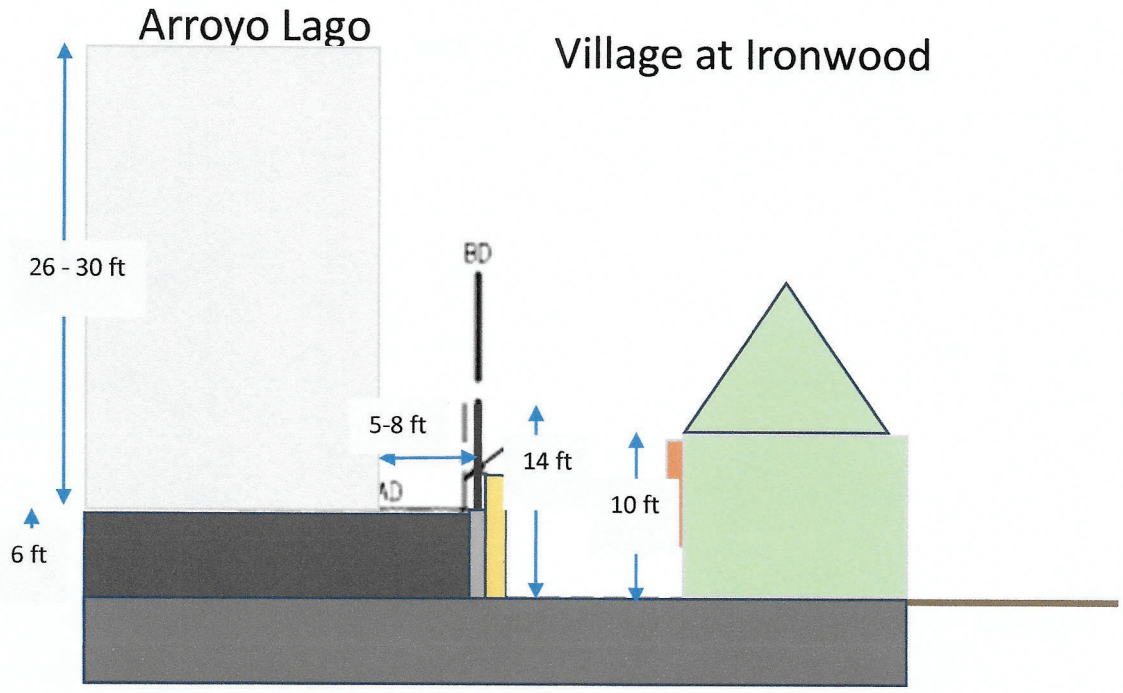
c. Note also that recent grading has also raised the ground level on the East side about 5-6 ft compared to the existing Village ground level back yards. The existing Village perimeter East Wall is about 7' to 8' high now as seen from the Village side, and much less as seen from the East side of the wall, or as observed in the A-A sectional view seen in the document below. **THERE probably NEEDS to be additional study and assessment of shadowing with the 6 ft ground height difference taken into account plus the 26 – 30 ft height of the shadowing houses, depending on the models that would be built.**

d. From The Village side of the boundary, the height of the wall and "good neighbor fence" is 8' plus the 6' retention wall = 14 ft difference between existing and new ground levels on opposite sides of the wall. This seems to be Quite an unusual height facing the rear of the Village Homes only about 13 ft from many homes. (See rough sketch below.)

e. ALSO NOTE THAT Tract 8103 is labeled next to Bingham Street. This is wrong. This street is Chatham Place then becomes Chatham Court to the south. 3



acgov.org/cda/planning/landuseprojects/documents/ArroyopLago_plans-8-17-22-1-19-23-updates




SECTION A-A

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## *Tom Grudkowski (Third Letter) (GRUDKOWSKI 3)*

*Response to GRUDKOWSKI 3-1*

The comment is noted. Note that the solar study prepared for the proposed project did analyze the proposed grade change to the project site and that was discussed in Section 3.1, Aesthetics, Light, and Glare, in the Draft EIR. Please refer to Master Response 8, Clarifying Information on the Aesthetics, Light, and Glare EIR Section and the Shadow Study, in Section 2, Master Responses, of this document. Master Response 8 provides additional clarifying information on the analysis contained within the Draft EIR's section on Aesthetics, Light, and Glare and the Shadow Study. No further response is required.

*Response to GRUDKOWSKI 3-2*

The comment is noted. Please refer to Master Response 8, Clarifying Information on the Aesthetics, Light, and Glare EIR Section and the Shadow Study, in Section 2, Master Responses, of this document. Master Response 8 provides additional clarifying information on the analysis contained within the Draft EIR's section on Aesthetics, Light, and Glare and the Shadow Study. This Master Response explains the methodology and purpose of the shadow study included in the Draft EIR. No further response is required.

*Response to GRUDKOWSKI 3-3*

The comment is noted, and this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project. No environmental issues have been raised, and thus, no further response is required.

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## Rachel Krusenoski

**From:** Rose, Aubrey, CDA <Aubrey.Rose@acgov.org>
**Sent:** Tuesday, September 24, 2024 4:38 PM
**To:** Rachel Krusenoski
**Subject:** FW: Arroyo Lago Comment concerning DRAFT EIR
**Attachments:** T Grudkowski ADU and living condition related Questions 9 24 2024.pdf

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**From:** Tom Grudkowski <tgrudkowski@gmail.com>
**Sent:** Tuesday, September 24, 2024 3:58 PM
**To:** Rose, Aubrey, CDA <Aubrey.Rose@acgov.org>
**Cc:** Tom Grudkowski <tgrudkowski@gmail.com>
**Subject:** Arroyo Lago Comment concerning DRAFT EIR

Dear Aubrey,

First, Thanks again for allowing more time for the study of the DRAFT EIR. This is quite a task and we will need all of the time allowed.

Please find attached my comment on:

ADU and living condition related questions in response to the Draft EIR For the proposed Arroyo Lago Project.

1

Best regards

Tom Grudkowski, PhD
Resident, The Village at Ironwood
408 242 1920

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T. Grudkowski 9 24 24; ADU and Living Condition - related questions in response to the Draft EIR For the proposed Arroyo Lago Project

To: Aubrey Rose

Dear Aubrey,

Please address the questions below, mainly regarding the ADUs and/or Junior ADU. The most urgent concerns noted here have been voiced by the residents which live next to the East Wall of The Village at Ironwood. The Proposed unbelievably close proximity of additional Arroyo Lago residents could severely affect the mental well-being, health & safety of the existing nearby Village residents. Imagine homes with an additional ADU only 5 to 8 ft in back of the East Wall, with residents of all ages generating noise and other potential pollutants including BBQ smoke, cigarette smoke, waste, trash etc. at such close proximity to that wall! Quality of life / mental health for Village at Ironwood 55+ residents would very likely be significantly degraded. 2

Please have the following facts provided.

1) Are there any Junior ADUs located in the proposal next to the East Wall of the Village at Ironwood? 3
2) Please show the location of the ADUs or Junior ADUs on the proposed Project layout.
3) What model designs of any type are proposed adjacent to the East Wall of The Village at Ironwood?
4) Will there be any parking allowed near this East Wall, closer than on a proposed street? 4
5) What will be additional restrictions on the use, ownership or rental of the ADUs as compared to the rest of the proposed dwellings or part of any proposed dwelling? 5
6) What would be the differences between the proposed property HOA rules as compared to our existing Village HOA rules which could impact our residents' living conditions? 6
7) What, if any, additional nuisance or health impacts would be suspected to 55+ residences of The Village at Ironwood because of the proposed dwellings or occupants of the proposed dwellings, whether caused by ADU or by the standard housing occupants or by their belongings such as cars or motorcycles? These might include noise and other environmental, light pollution, and the like, would be caused by potential residents of ADUs or of the entire house units? 7
8) Note that older residents of the Village are more susceptible to degraded environmental conditions and have likely moved to The Village at Ironwood because of its suitable present environmental conditions rather than to that of a less suitable community. 8

Sincerely

Tom Grudkowski, PhD

Resident, The Village at Ironwood
1594 Chatham Place
Pleasanton, CA
408-242-1920 cell

## *Tom Grudkowski (Fourth Letter) (GRUDKOWSKI 4)*

*Response to GRUDKOWSKI 4-1*
The comment is noted. No environmental issues are raised, and no response is required. However, this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

*Response to GRUDKOWSKI 4-2*
The comment is noted. Note that privacy and social concerns do not constitute physical impacts on the environment, and thus, are not further addressed in the Final EIR. Please refer to Master Response 3, Health and Safety Issues Not Addressed in the Final EIR, in Section 2, Master Responses, of this document. Master Response 3 provides additional information related to health and safety issues that are not further discussed in the Final EIR.

Additionally, please refer to Master Response 4, General Opposition Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. Master Response 4 provides a response to comments that express general opposition or disapproval of the proposed project. No further response is required.

*Response to GRUDKOWSKI 4-3*
The comment is noted. As detailed in Chapter 2, Project Description, of the Draft EIR, the lots adjacent to the western boundary of the project site would be developed to "50x80 Lot Development Standards", which are outlined in Table 2-1 of the Draft EIR. The proposed project would include three housing unit types for the 50x80 Lot Development Standards, which range in size from 2,991 to 3,398 square feet with one attached garage, 4 to 5 bedrooms, and 3 to 4.5 bathrooms. The specific housing unit types are further described in Chapter 2, Project Description, of the Draft EIR. Note that the location of the ADUs may either be located either within, attached to, or detached from the proposed residential dwelling. However, environmental impacts related to the proposed ADUs have been analyzed throughout the Draft EIR.

Please refer to Master Response 2, Non-CEQA Issues Not Addressed in Final EIR, in Section 2, Master Responses, of this document. Master Response 2 provides additional information on the scope of CEQA and any non-CEQA issues are not further discussed in the Final EIR. No further response is required.

*Response to GRUDKOWSKI 4-4*
The comment is noted. In addition to the 2-car garages attached to each proposed single-family home and the parking available within the driveway, the proposed project would also provide parking on internal streets. Primary vehicular access to the project site would be provided by connecting the existing Busch Road to the proposed internal circulation Street A and Street B, as shown on Exhibits 2-5a and 2-5 of the Draft EIR. No further response is required.

*Response to GRUDKOWSKI 4-5*
The comment is noted. Please refer to Master Response 2, Non-CEQA Issues Not Addressed in Final EIR, in Section 2, Master Responses, of this document. Master Response 2 provides additional information on the scope of CEQA and any non-CEQA issues are not further discussed in the Final EIR. No further response is required.

*Response to GRUDKOWSKI 4-6*
The comment is noted. Please refer to Master Response 2, Non-CEQA Issues Not Addressed in Final EIR, in Section 2, Master Responses, of this document. Master Response 2 provides additional information on the scope of CEQA and any non-CEQA issues are not further discussed in the Final EIR. No further response is required.

*Response to GRUDKOWSKI 4 -7*
The comment is noted. Potential impacts to noise and light pollution are discussed in Sections 3.1, Aesthetics, Light, and Glare, and 3.12, Noise, of the Draft EIR. Please refer to Master Response 3, Health and Safety Issues Not Addressed in the Final EIR, in Section 2, Master Responses, of this document. Master Response 3 provides additional information related to health and safety issues that are not further discussed in the Final EIR. No further response is required.

*Response to GRUDKOWSKI 4 -8*
The comment is noted. No environmental issues are raised, and no response is required. However, this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

Tom Grudkowski EIR Comment subjects -9 26 24

Solar shading study:

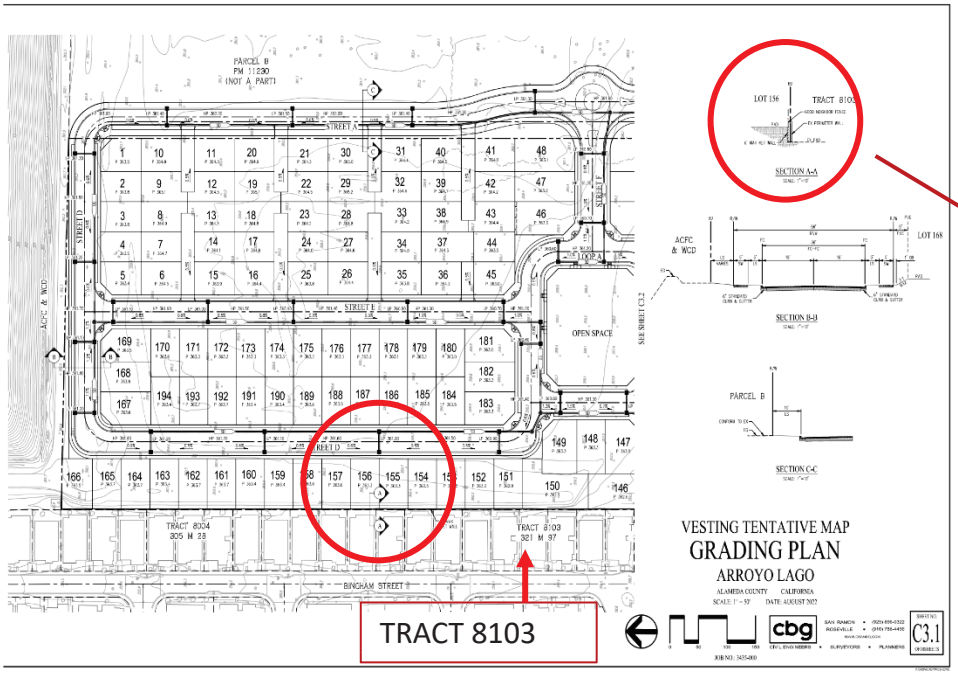
a. Please explain and show the cross-sectional views that were used for the shadowing study, showing the ground height levels on both sides of the boundary wall, and also the proposed house elevation views that were used in the study. Is there an existing plan for the location of the new housing types that would be next to the Village East Wall? Were the ground levels for the study of equal height on both sides of the boundary wall, or was there a height difference?

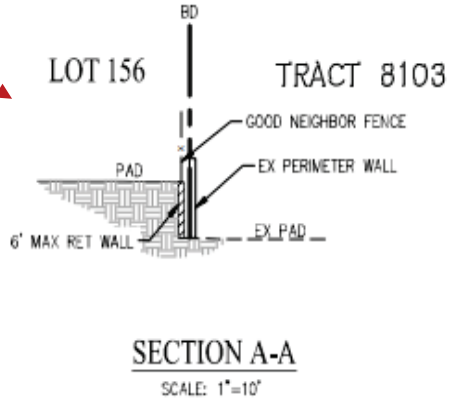
b. There does not seem to be analysis of the shadowing effects where the difference in ground level is 6 ft on the East and West sides of the East wall, as shown in the Grading Plan on the website. The Grading Plan referenced below shows the **section A – A between Lot 156 and Existing TRACT 8103. (See Plan C3.1 - )** 1

**c.** Note also that recent grading has also raised the ground level on the East side about 5-6 ft compared to the existing Village ground level back yards. The existing Village perimeter East Wall is about 7’ to 8’ high now as seen from the Village side, and much less as seen from the East side of the wall, or as observed in the A-A sectional view seen in the document below. **THERE probably NEEDS to be additional study and assessment of shadowing with the 6 ft ground height difference taken into account plus the 26 – 30 ft height of the shadowing houses, depending on the models that would be built.**

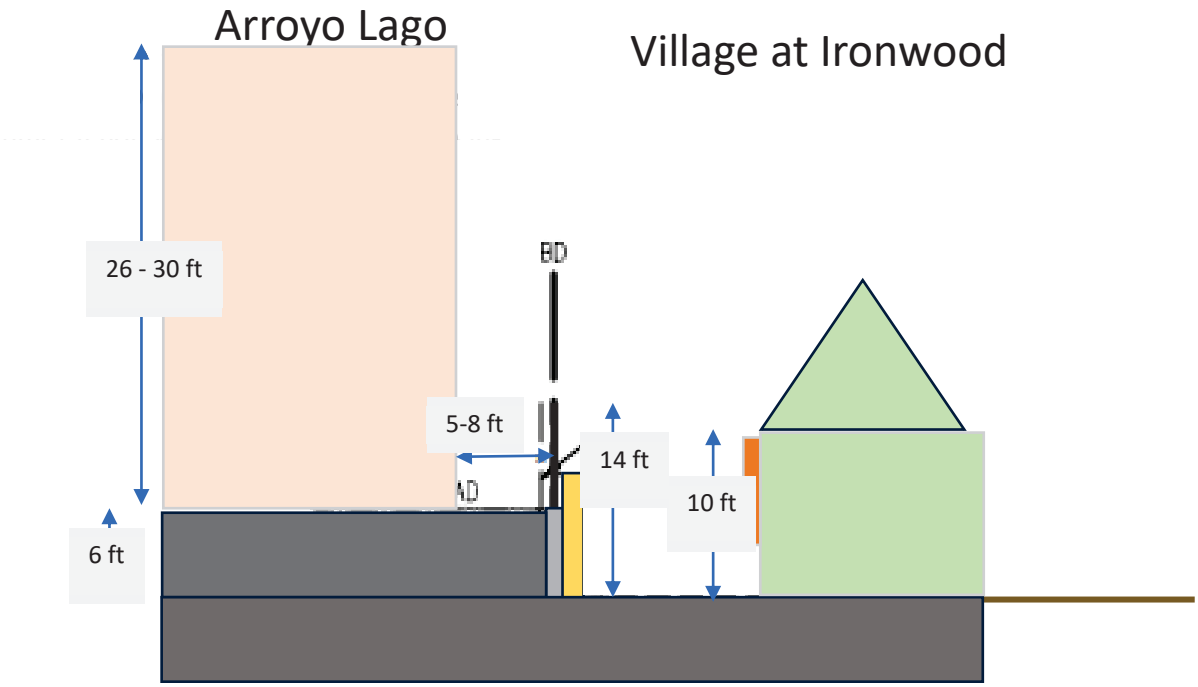
d. From The Village side of the boundary, the height of the wall and “good neighbor fence” is 8’ plus the 6’ retention wall = 14 ft difference between existing and new ground levels on opposite sides of the wall. This seems to be Quite an unusual height facing the rear of the Village Homes only about 13 ft from many homes. (See rough sketch below.)

e. ALSO NOTE THAT Tract 8103 is labeled next to Bingham Street on the C3.1 drawing. This is wrong. This street is Chatham Place then becomes Chatham Court to the south. 2



**acgov.org/cda/planning/landuseprojects/documents/ArroyopLago_plans-8-17-22-1-19-23-updates**




SECTION A-A

## *Tom Grudkowski (Fifth Letter) (GRUDKOWSKI 5)*

*Response to GRUDKOWSKI 5-1*

The comment is noted. Please refer to Master Response 8, Clarifying Information on the Aesthetics, Light, and Glare EIR Section and the Shadow Study, in Section 2, Master Responses, of this document. Master Response 8 provides additional clarifying information on the analysis contained within the Draft EIR's section on Aesthetics, Light, and Glare and the Shadow Study. This Master Response explains the methodology and purpose of the shadow study included in the Draft EIR. No further response is required.

*Response to GRUDKOWSKI 5-2*

The comment is noted, and this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project. No environmental issues have been raised, and thus, no further response is required.

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November 5, 2024

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Karla Brown, City of Pleasanton Mayor, and City Council members
Gerry Beaudin, Pleasanton City Manager
Ellen Clark, Pleasanton Dir. of Community Development

**Subject**: Arroyo Lago Residential Project– Comment Letter on the Draft EIR
**Public Health and Safety Concerns –** Misleading Draft EIR Categories to Less than Significant

*Categories Considered "less than significant after mitigation" at this present Draft EIR stage should instead be titled* **"Uncertain mitigation with still potentially significant adverse effects."**

This Draft EIR relates uncertain mitigation steps such as plans and tests, but goes ahead and concludes that the subject issue is "not significant with mitigation", as it graduates the issue to a more positive stage. **This practice is common for many sections of 3.6 and elsewhere.**

**As an example:**

EARTHQUAKES" Quote: Page 3.18-19… "The proposed project could directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death…".

"Before Mitigation: Potentially significant Impact."

"After Mitigation: Less than significant impact with mitigation incorporated".

1

Mitigation Measures: **MM GEO-1**: Design-Level Geotechnical Study Prior to issuance of building and grading permits, an updated design-level geotechnical exploration and assessment shall be performed by a qualified Geotechnical Engineer. The design-level exploration and reporting shall include (but would not be limited to) the following items:

- Hollow-stem auger borings, including matched-pair borings.
- Soil sample collection at depths relevant to building-specific foundation design …
- Testing …
- …Design-level features required for landslides. The recommendations included in the Design-Level Geotechnical Report shall be implemented during construction activities, including grading and excavation.

……

The ES-1 Table's column-heading of "Less than significant impact with mitigation" as in the case of earthquakes, would lead the reader to perceive that there is a likely positive mitigation result. **There should be another column in this extensive table such as**

**"Uncertain mitigation with still potentially significant adverse effects."**

Conclusions should include these to be significant issues, unmitigated until planning, testing and analysis are completed.

1
CONT

Please confirm that no work would begin or EIR approved, prior to completion of ALL mitigation items, each having a positive *known* mitigating effect, for any section of the Draft EIR.

2

Thank you for your attention to these concerns.

Tom Grudkowski, PhD Stanford
The Village at Ironwood
1594 Chatham Place
Pleasanton, CA 94566
Cell: 408 242 1920

## *Tom Grudkowski (Sixth Letter) (GRUDKOWSKI 6)*

*Response to GRUDKOWSKI 6-1*
The comment is noted, and this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

Under CEQA, the County may rely on future studies to devise the specific design of a mitigation measure when the results of later studies are used to tailor mitigation measures to fit on-the-ground environmental conditions. The details of mitigation measures may be left to later design or engineering work if mitigation that can meet a specified performance standard is known to be available. (*Oakland Heritage Alliance v. City of Oakland* (2011) 195 CA4th 884 (design of structure in conformance with seismic design codes coupled with review by engineers and building officials was sufficient to ensure mitigation of seismic impacts)).

As described in Section 3.6, Geology and Soils, of the Draft EIR, a Preliminary Geotechnical Report was prepared for the residential project site on May 18, 2023, and a Geotechnical Feasibility Report was prepared for the off-site improvement areas on February 12, 2024, by ENGEO incorporated (ENGEO). The project-specific geotechnical reports, while being preliminary, concluded that the project site and associated off-site improvement areas are suitable for the proposed development from a geotechnical standpoint, provided that various measures and recommendations would be implemented. No severe geologic or soil-related concerns were identified that would preclude development of the project site for the proposed project. The primary geotechnical issues to be considered during project design on the residential project site include the presence of undocumented fill, settlement of moderately compressible layers due to proposed fill and building loads, and strong ground motions. The primary geotechnical issues to be considered during the project design of the off-site improvements include potentially expansive soil, static consolidation settlement from compressible fill, long-term compression from existing fill, potential for slope instability along El Charro Road, and potentially corrosive soil.

The design and construction of the improvements at the project site would be subject to the mandatory requirements and standards of the CBC, which identify site preparation and construction techniques to attenuate the effects of strong ground shaking and seismic-related ground failure. The CBC identifies seismic factors that must be considered in structural design. Further, MM GEO-1 requires the preparation of an updated design-level geotechnical exploration and the implementation of all recommendations included in that report, prior to issuance of building and grading permits to ensure impacts are less than significant. Building and grading permits shall not be issued prior to the completion of the updated design-level geotechnical exploration, including review and approval by the County as part of the grading and building permit process. No further response is required.

*Response to GRUDKOWSKI 6-2*
The comment is noted. See *Response to GRUDKOWSKI 6-2*. Mitigation measures would be required to be implemented according to the timeline identified within the mitigation measure and Mitigation Monitoring and Reporting Program (MMRP) adopted upon project approval. No further response is required.

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Karla Brown, City of Pleasanton Mayor, and City Council members
Gerry Beaudin, Pleasanton City Manager
Ellen Clark, Pleasanton Dir. of Community Development

Subject: Arroyo Lago Residential Project– Comment Letter on the Draft EIR
**Hydrogen Sulfide (H2S) Danger from Sewer treatment and other toxic sources**

Ref: OSHA: Hydrogen Sulfide - Hazards | OSHA.gov | Occupational Safety and Health Administration**Error! Bookmark not defined.**

Aubry:

Please note prior letters from residents of Ironwood concerning the dangers of H2S. I add to their documents per the OSHA reference above. The following table is from the referenced document which contains many other references and workplace issues including Sewer Treatment facilities.

| Short-term (also called acute) symptoms and effects | |
|---|---|
| **Concentration (ppm)** | **Symptoms/Effects** |
| 0.00011-0.00033 | Typical background concentrations |
| 0.01-1.5 | Odor threshold (when rotten egg smell is first noticeable to some). Odor becomes more offensive at 3-5 ppm. Above 30 ppm, odor described as sweet or sickeningly sweet. |
| 2-5 | Prolonged exposure may cause nausea, tearing of the eyes, headaches or loss of sleep. Airway problems (bronchial constriction) in some asthma patients. |

1

| Short-term (also called acute) symptoms and effects | |
|---|---|
| **Concentration (ppm)** | **Symptoms/Effects** |
| 20 | Possible fatigue, loss of appetite, headache, irritability, poor memory, dizziness. |
| 50-100 | Slight conjunctivitis ("gas eye") and respiratory tract irritation after 1 hour. May cause digestive upset and loss of appetite. |
| 100 | Coughing, eye irritation, loss of smell after 2-15 minutes (olfactory fatigue). Altered breathing, drowsiness after 15-30 minutes. Throat irritation after 1 hour. Gradual increase in severity of symptoms over several hours. Death may occur after 48 hours. |
| 100-150 | Loss of smell (olfactory fatigue or paralysis). |
| 200-300 | Marked conjunctivitis and respiratory tract irritation after 1 hour. Pulmonary edema may occur from prolonged exposure. |
| 500-700 | Staggering, collapse in 5 minutes. Serious damage to the eyes in 30 minutes. Death after 30-60 minutes. |
| 700-1000 | Rapid unconsciousness, "knockdown" or immediate collapse within 1 to 2 breaths, breathing stops, death within minutes. |
| 1000-2000 | Nearly instant death |

1
CONT

NOTE THAT THE DRAFFT EIR dismisses H2S as a concern: It uses SFBAAB as its source of information which is an air-quality reference for normal environments apparently.
The concern here is about Sewer Treatment and its impact on the local environment and that spread from the abnormal source of sewer treatment by wind. It is highly flammable and hazardous to health if not contained or burned off or otherwise removed by costly methods/ Those methods do not seem to be addressed in the Draft EIR.

1) Section 3.2: **Regional Air Quality: "H2S is regulated as a nuisance based on its odor detection level. If the standard were based on adverse health effects, it would be set at a much higher level."**

2) Section 3.2.6: **Toxic Air Contaminants**: for those being considered: Mitigation (not including H2S) **Less than significant** with mitigation measures (AIR-1 and AIR-3)

Although I have not completely read the > 8500 pages of the Draft EIR including appendices, I have tried to locate the areas that address this concern and am not satisfied with the conclusion reached. I am generally unimpressed by the movement from potentially significant to less than significant in many areas, based on a potential plan and potential testing as mitigation procedures. Mitigation should be considered positive only after such studies, testing and analysis, not just a plan for doing so. **In this case, there is not even a plan for potential release or of H2S in the proposed Sewer Treatment Facility and that facility plan should be abandoned.** 1 CONT

The additional concerns about the effect of a waste treatment facility in such close proximity to Pleasanton's rater supply is, in itself, too concerning to be risked by this potential hazard of the Sewer material itself. 2

Thank you for your attention to these concerns.

Tom Grudkowski, PhD Stanford
The Village at Ironwood
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Cell: 408 242 1920

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## *Tom Grudkowski (Seventh Letter) (Grudkowski 7)*

*Response to GRUDKOWSKI 7-1*

The comment is noted. The proposed WWTP would not result in the emission of hydrogen sulfide as discussed in Mater Response 10. Please refer to Master Response 10, Clarifying Information on Wastewater Treatment Plant Operation and Maintenance, in Section 2, Master Responses, of this document. Master Response 10 provides additional clarifying information on the operation and maintenance of the proposed WWTP, including who would operate it, what permits would be required, and details regarding odor, sizing, PFAS, and discharge of biosolids and byproducts. No further response is required.

*Response to GRUDKOWSKI 7-2*

The comment is noted. The proposed WWTP would not result in significant impacts related to water quality. Please refer to Master Response 10, Clarifying Information on Wastewater Treatment Plant Operation and Maintenance, in Section 2, Master Responses, of this document. Master Response 10 provides additional clarifying information on the operation and maintenance of the proposed WWTP, including who would operate it, what permits would be required, and details regarding odor, sizing, PFAS, and discharge of biosolids and byproducts.

Additionally, please refer to Master Response 11, Clarifying Information on Wastewater Effluent, in Section 2, Master Responses, of this document. Master Response 11 provides additional clarifying information regarding the potential for runoff from the proposed WWTP and agricultural irrigation spray fields to impact downstream surface water quality, groundwater quality, and the adjacent lakes. No further response is required.

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November 5, 2024

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Ellen Clark, Pleasanton Dir. of Community Development (eclark@cityofpleasantonca.gov)

Subject: Arroyo Lago Residential Project– Comment Letter on the Draft EIR
**Public Health and Safety Concerns – Elder Abuse – for elder residents of Ironwood under California Penal Code § 368 PC**.

**Reference Attached:** Prior submittal by of June 21, 2023 on impact of elderly residents

Aubry,

Please note that the Draft EIR considers that elder abuse is N /A in Section 1.2, page 1-28. This does not seriously address the referenced prior submittal and other concerns.

1

**Penal Code § 368 PC** defines **elder abuse** in California as the **physical or emotional abuse**, **neglect**, or **financial exploitation** of a victim **65 years of age or older**. Detail impacts resulting from the proposed Arroyo Lago development, as described in the Draft EIR and in supporting documents on that website, are almost certain to be wrought on elder residents are enumerated briefly below, as examples:

Resident Age: The average age of residents along the East Wall of the (55+) Village at Ironwood is about 76 (and getting older), while for the Ironwood Garden Community is in the 70's. I myself am over 76 years old. Many residents of the Ironwood communities suffer from age-related issues such as difficulty in walking, sight impairment, parkinsonism, recent surgeries causing slow movement, etc. which is mitigated by spending quality quiet time outdoors in sunlight when possible. Hearing issues are exacerbated by construction noise of earth moving equipment, building processes, etc. and increased traffic when using common electric scooters for transportation. These would impact physical as well as emotional well-being.

2

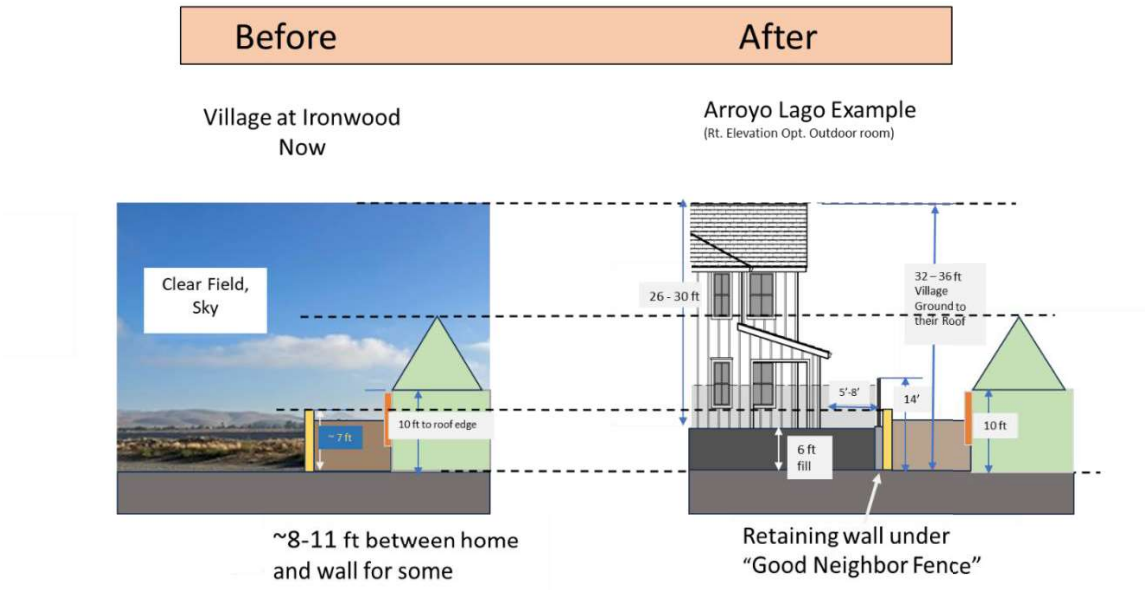
Physical Abuse: The increases in traffic (already very bad) could increase the frequency of traffic-related accidents, hearing impairment due to construction and resulting noise from such physically close (see figure below) to new homes with young families, accidental physical invasion from new backyards into the existing Village back areas, possible rupture of the 6 ft raised land on the new lots possibly from earthquakes or other ground movement from weakened or failing soil fill during construction or later causing encroachment of landfill into existing Village backyards and possible physical harm. , etc.

3

Emotional abuse or fear / anxiety: Existing residents are already exhibiting emotional anxiety and distress at the possibility of the ruin of their peaceful lifestyle which was expected and purchased in the Ironwood communities. Their ability to relax in the sun is feared to be eliminated, and rightfully their expectation would come to pass. Just the thought of such mental anguish and disturbing atmosphere within several feet of their property is stressful and emotionally harmful. The actual construction, environmental dust / contaminant pollution and land disturbance / movement and drainage issues and invasion of privacy would certainly cause distress and potential mental harm. Close proximity construction noise, ground shaking, unavoidable invasion onto existing Village property by overfly construction materials and soil, could likely disrupt sleep patters of the elderly. 4

Financial Abuse: Loss of home value will likely result from decrease in property sales values for those near the proposed development because of the tremendous loss of enjoyable location and increase undoubtedly in noise from such close neighbors, both children and adults. Their back yards will be only several feet from a 14 ft fence and will suffer from a prison-like atmosphere as well as extremely annoying likely behavior only feet from their back walls. 5
Other Ironwood homes, not next to the East Wall of the Village, would likely or certain to suffer from the more-impacted "comparables" when putting a house up for sale, since "comps" are used in evaluating market value of similar properties in the general area.

**THIS APPARENT ABUSE WOLD BE A WILLFUL ACT, KNOWING THE SITUATION OF THE ELDERLY RESIDENTS NEARBY and should be subject to elder abuse under the subject California Penal code and harsh Health & Safety environmental, both during years of construction, as well as for their (possibly reduced) lifetimes**. 6




Thank you for your attention to these issues, which are not allowed under 386 PC..

Tom Grudkowski
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1594 Chatham Place, Pleasanton, CA 94566 Cell: 408 242 1920

## *Tom Grudkowski (Eighth Letter) (GRUDKOWSKI 8)*

*Response to GRUDKOWSKI 8-1*
The comment is noted. Note that there is no specific requirement in the Public Resources Code, CEQA Guidelines, or case law related to additional analysis required for projects that may affect nearby elderly populations. However, this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

The purpose of the Draft EIR is to evaluate physical impacts on the environment and thus does not analyze social concerns. Please refer to Master Response 2, Non-CEQA Issues Not Addressed in Final EIR, in Section 2, Master Responses, of this document. Master Response 2 provides additional information on the scope of CEQA and any non-CEQA issues are not further discussed in the Final EIR. No further response is required.

*Response to GRUDKOWSKI 8-2*
The comment is noted. Please refer to *Response to GRUDKOWSKI 8-1.* Section 3.12, Noise, of the Draft EIR fully analyzed potential impacts related to noise during construction and operation of the proposed project. The Draft EIR determined that impacts related to noise would be less than significant with mitigation incorporated. Mitigation would include the implementation of requirements related to construction schedule, equipment, and staging. The Draft EIR also analyzed operational noise impacts and found that impacts related to traffic and mechanical equipment would be less than significant. No further response is required.

*Response to GRUDKOWSKI 8-3*
The comment is noted, and this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

**Transportation**
The Draft EIR provides a detailed analysis of transportation and traffic impacts, including those related to safety, emergency access, and geometric design hazards.

The potential for the proposed project to impact safety was evaluated in terms of the adequacy of sight distance and need for turn lanes at the project access points as well as the adequacy of dedicated turn lanes at the study intersections to accommodate additional queueing due to adding project-generated trips and need for additional right-of-way controls. The Draft EIR determined that there is adequate corner sight distance at the project access points on Busch Road for the posted speed limit of 35 miles per hour (mph). However, the Draft EIR determined that impacts related to queueing would be significant and unavoidable, as the mitigation measure which requires adjustments to signal timing has been deemed unenforceable because the City of Pleasanton is not the Lead Agency for the proposed project, and thus the County cannot ensure that the required adjustments to signal timing will be made.

Impacts TRANS-4 determined that the proposed project would be designed to accommodate emergency response vehicles and would not impede emergency access, resulting in less than significant impacts related to emergency access.

Impact TRANS-2 explains that the VMT associated with a project is the basis for determining traffic impacts under CEQA. The proposed project would result in significant and unavoidable impacts related to VMT, even with the implementation of all feasible mitigation measures. Feasible mitigation measures would be required as MM TRANS-2, as noted in Chapter 5, Errata, of this Final EIR, which requires the implementation of traffic calming elements. MM TRANS-2b, which required approximately 1,000 feet of off-site sidewalk and bicycle lane improvements along Busch Road, has been removed as a mitigation measure and instead remains in Chapter 2, Project Description, of the Draft EIR. However, removal of this mitigation measure does not change any of the significance findings in the document as it will be implemented as part of the proposed project regardless. Impacts to VMT would remain significant and unavoidable. Related revisions are identified in Chapter 5, Errata, of this Final EIR.

**Noise**

Section 3.12, Noise, of the Draft EIR fully analyzed potential impacts related to noise during construction and operation of the proposed project. The Draft EIR determined that impacts related to noise would be less than significant with mitigation incorporated. Mitigation would include the implementation of requirements related to construction schedule, equipment, and staging. The Draft EIR also analyzed operational noise impacts and found that impacts related to traffic and mechanical equipment would be less than significant.

**Geology and Soils**

As detailed in Section 3.6, Geology and Soils, of the Draft EIR, the proposed project would be required to implement MM GEO-1, which requires adherence to the implementation of site-specific engineering measures recommended by a Design-Level Geotechnical Report. With the implementation of MM GEO-1 and the County of Alameda overseeing the proposed project, impacts related to strong seismic ground shaking would be less than significant, including those related to the proposed retaining wall.

The Preliminary Geotechnical Report does not identify any landslide-related hazards at the project site. According to the California Earthquake Hazards Zone Application (EQ Zapp), the project site is not within a landslide zone, except for the areas adjacent to the Zone 7 Chain of Lakes and surrounding the Busch Pit area. Additionally, geologic mapping does not indicate the presence of current or historic landslides in proximity to the project site. Given the relatively flat topography at the project site and the available data, the proposed project would not result in landslides. Additionally, as discussed above, implementation of MM GEO-1 would require an updated design-level geotechnical assessment of geologic and geotechnical hazards. If landslide hazards are identified at the project site, recommendations for addressing such hazards would be provided in a Design-Level Geotechnical Report. Adherence to the design recommendations provided in a Design-Level Geotechnical Report, as reviewed and verified by the County as part of the grading and building permit process, would ensure that the proposed project would not result in impacts associated with landslides. The impact would be less than significant.

Therefore, impacts related to geology and soils, including earthquakes and landslides, were sufficiently analyzed and disclosed in the Draft EIR. No further response is required.

*Response to GRUDKOWSKI 8-4*
The comment is noted, and this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project. Please refer to Master Response 3, Health and Safety Issues Not Addressed in the Final EIR, in Section 2, Master Responses, of this document. Master Response 3 provides additional information related to health and safety issues that are not further discussed in the Final EIR. No further response is required.

*Response to GRUDKOWSKI 8-5*
The comment is noted. As previously discussed, financial concerns do not constitute physical impacts on the environment, and thus, are not further discussed in the Final EIR. Please refer to Master Response 2, Non-CEQA Issues Not Addressed in Final EIR, in Section 2, Master Responses, of this document. Master Response 2 provides additional information on the scope of CEQA and any non-CEQA issues are not further discussed in the Final EIR. No further response is required.

*Response to GRUDKOWSKI 8-6*
The comment is noted. No environmental issues are raised, and no response is required. However, this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

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November 7, 2024

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Ellen Clark, Pleasanton Dir. of Community Development

**Subject**: Draft EIR Arroyo Lago Underestimated impact on Quality of Life, Health & Safety and Hazards to neighboring communities

Aubrey:

We live in a 55+ community at The Village at Ironwood. At least half of the residents are 65-75 years old or older. I am deeply concerned about the likely reduced quality of life and seriously degraded health and safety which would impact the existing residents of the Ironwood community by even considering the proposed Arroyo Lago development.

Such development will undoubtedly have an impact on physical and mental health; both of which are real concerns for real people. The proposed development would seriously impact our lives as elderly citizens of California. **Upon further research into this matter, it is very hard to conceive a condition in which the current residents of the Village at Ironwood and surrounding communities would not be harmed by this ill-conceived development plan.** 1

Specific areas of concern, not seriously discussed in the Draft EIR in our opinion, should include information about the history of the proposed construction site as well as likely future harm to new residents of the proposed development. 2

<u>In particular</u>,

1. <u>Fugitive dust</u> is recognized as a major contaminant and dispersal while trucks hauling any particulate materials or by traveling on roads which are dusty, even at low speeds or on windy days. Exposure to such dust can exacerbate existing health conditions, especially for the elderly, and increase the risk of new health problems, especially in vulnerable groups. A major source of PFAS – related contaminants is known to be ingested by respiratory processes. Since the construction process is projected to take years and would especially impact residents in the Ironwood neighborhoods which have 55+ residents, and some residents in their 90s. We will undoubtedly be harmed by such traffic, no matter what mitigations are suggested in the Draft EIR. For example, previous ground leveling west of the Village at Ironwood EAST wall created very noticeable and irritating dust. It can be predicted with some certainty that years of construction by 3

trucks and grading machine activity will certainly impact the physical and mental health of Ironwood residents! 3 CONT

2. Mitigation of Fugitive dust is considered in section 3.2 of the EIR and is unlikely to resolve this issue since prior truck and grading activity has already resulted in annoying dust and would be totally unacceptable for a continuous condition over years, especially for the elderly, or for anyone for that matter who is exposed. If a truck traveling 15 mph is considered mitigation, then the evaluation of this SEIR should visit for an hour and see how dusty their car is afterwards. 4
3. This is a landfill area which has had and probably still has contaminants from external fill, having heavy metal and production process contaminants from local sources as well as of imported soil. The limit levels for the elderly are much lower than for the average population. Such discussion will be dealt with in another letter specific to that issue. 5
4. It will create the potential for a harmful living environment for the future residents of Arroyo Lago with regards while living in such a reclaimed landfill. Its history would undoubtedly need to be disclosed on any purchase agreement. 6
5. It will provide likely contaminant sources of pollution for Pleasanton drinking water through the proposed sewer water treatment facility which could contaminate nearby water storage for its neighbors, 7
6. The addition of added traffic including cars, motorcycles, trucks etc. will become a source for enormous traffic congestion, not only for the proposed development, but for all normal traffic and intersections leading to and from this proposed development, 8
7. It will be joined by other prospective developments in the nearby East Pleasanton area for even more of the above which will include this Arroyo Lago development as victims, putting them in the position which we now find ourselves in several cases. 9
8. More of the same will impact the other perceived communities which would be on the East of your Arroyo Lago development as currently planned. No mention of those additional communities is seriously described in the Draft EIR or their impact addressed. 10

The above are general issues that must be considered and are not discussed seriously in the Draft EIR, but they are real and affect the mental and physical health and safety of all existing residents of the Village at Ironwood as well as neighboring Ironwood communities which currently have access on the same entry / exit routes and will breathe the same air and drink the same water during and after the multiple years of the envisioned construction. 11

Thank you for your consideration of these general implications for existing and potentially future residents and we request that serious consideration be given to these concerns in all of the relevant sections of the Draft EIR.

Sincerely

Tom Grudkowski, PhD Stanford
The Village at Ironwood
1594 Chatham Place
Pleasanton, CA 94566  Cell: 408 242 1920

## *Tom Grudkowski (Ninth Letter) (GRUDKOWSKI 9)*

*Response to GRUDKOWSKI 9-1*
The comment is noted. Please refer to Master Response 3, Health and Safety Issues Not Addressed in the Final EIR, in Section 2, Master Responses, of this document. Master Response 3 provides additional information related to health and safety issues that are not further discussed in the Final EIR. No further response is required.

*Response to GRUDKOWSKI 9-2*
The comment is noted. No environmental issues are raised, and no response is required. However, this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

*Response to GRUDKOWSKI 9-3*
The comment is noted. As discussed in Section 3.3, Air Quality, of the Draft EIR, the proposed project would require the implementation of MM AIR-1, which requires implementing BAAQMD BMPs to control dust during construction, including watering exposed surfaces, covering haul trucks transporting loose material, cleaning mud and dirt on adjacent public roads, limiting vehicle speeds, and several other measures. Consequently, implementation of MM AIR-1 would sufficiently maintain project construction emissions and fugitive dust to less than significant levels.

Additionally, the County has the discretion under CEQA to weigh the evidence relating to the accuracy and sufficiency of the information in the EIR and to decide whether to accept it. The County may adopt the environmental conclusions reached by the experts that prepared the EIR even though others may disagree with the underlying data, analysis, or conclusions. (*Laurel Heights* 47 C3d 376, 408; *State Water Resources Control Bd. Cases* (2006) 136 CA4th 674, 795). The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure. (CEQA Guidelines § 15151). Differing opinions is not a basis for finding the EIR to be inadequate; the County has the discretion to resolve a dispute among experts about the accuracy of the EIR's environmental forecasts. (*Laurel Heights*, *supra*, 6 Cal.4th at 1120,; *Association of Irritated Residents v. County of Madera* (2003) 107 CA4th 1383, 1397).

A lead agency may also reject lay or non-expert criticism on an issue as long as its determination is supported by substantial evidence. (*East Sacramento Partnership for a Livable City v. City of Sacramento* (2016) 5 CA5th 281, 297. "[I]n the absence of a specific factual foundation in the record, dire predictions by nonexperts regarding the consequences of a project do not constitute substantial evidence."; *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359, 1417. "Unsubstantiated opinions, concerns, and suspicions about a project, though sincere and deeply felt, do not rise to the level of substantial evidence . . . .' [Citation.] Thus, 'project opponents must produce . . . evidence, other than their unsubstantiated opinions, that a project will produce a particular adverse effect."; *Banker's Hill, Hillcrest, Park West Community Preservation Group v. City of San Diego* (2006) 139 Cal.App.4th 249, 274 (internal citations omitted)). No further response is required.

*Response to GRUDKOWSKI 9-4*
The comment is noted. Please see *Response to GRUDKOWSKI 9-4*, which discusses impacts and mitigation related to fugitive dust. No further response is required.

*Response to GRUDKOWSKI 9-5*
The comment is noted. As identified in Section 3.8, Hazards and Hazardous Materials, of the Draft EIR and the Phase I ESA prepared for the proposed project, information related to the project site's inclusion on the Cortese List was obtained from the State Water Board's GeoTracker database. The GeoTracker database states that the cleanup status of the project site is "Open – Long Term Management as of 7/18/2017." A detailed description of the Cleanup Status History is available on GeoTracker's website, but there have been no updates to the Cleanup Status History since July 18, 2017.[10] The Draft EIR also provides a brief description of the site history, cleanup actions overseen by the ACDEH, and the conditions of approval for subsequent entitlement, permitting, grading, and development of a land use other than Water Management, Agriculture, or Open Space.

Moreover, the Draft EIR explains that a Final Soil Report was submitted to ACDEH on March 23, 2020, and the ACDEH determined that the Final Soil Report met the first condition of approval on July 19, 2023. The remaining conditions (which pertain to corrective actions and soil management protocols *during* site redevelopment, schedule, and soil import and export) are included as HAZ COA-4a through HAZ COA-4e. As required by ACDEH, these requirements shall be met prior to site grading, soil import, or soil export, respectively. Therefore, impacts related to potentially hazardous soil would be less than significant. No further response is required.

*Response to GRUDKOWSKI 9-6*
The comment is noted. Please see *Response to GRUDKOWSKI 9-5*, which discusses potential impacts related to hazardous soils. No further response is required.

*Response to GRUDKOWSKI 9-7*
The comment is noted. The proposed WWTP would not have a significant impact on water quality as discussed in the Draft EIR. Please refer to Master Response 10, Clarifying Information on Wastewater Treatment Plant Operation and Maintenance, in Section 2, Master Responses, of this document. Master Response 10 provides additional clarifying information on the operation and maintenance of the proposed WWTP, including who would operate it, what permits would be required, and details regarding odor, sizing, PFAS, and discharge of biosolids and byproducts.

Additionally, please refer to Master Response 11, Clarifying Information on Wastewater Effluent, in Section 2, Master Responses, of this document. Master Response 11 provides additional clarifying information regarding the potential for runoff from the proposed WWTP and agricultural irrigation spray fields to impact downstream surface water quality, groundwater quality, and the adjacent lakes. No further response is required.

*Response to GRUDKOWSKI 9-8*
The comment is noted. The Draft EIR provides a detailed analysis of transportation and traffic impacts. Impact TRANS-2 explains that the VMT associated with a project is the basis for determining traffic impacts under CEQA. The proposed project would result in significant and unavoidable impacts related to VMT, even with the implementation of all feasible mitigation measures. Feasible mitigation measures would be required as MM TRANS-2, as noted in Chapter 5,

[10] California State Water Resources Control Board (State Water Board). GeoTracker. Cleanup Status History. Website: https://geotracker.waterboards.ca.gov/profile_report_include?global_id=T10000009398&tabname=regulatoryhistory. Accessed December 18, 2024.

Errata, of this Final EIR, which requires the implementation of traffic calming elements. MM TRANS-2b, which required approximately 1,000 feet of off-site sidewalk and bicycle lane improvements along Busch Road, has been removed as a mitigation measure and instead remains in Chapter 2, Project Description, of the Draft EIR. However, removal of this mitigation measure does not change any of the significance findings in the document as it will be implemented as part of the proposed project regardless. Impacts to VMT would remain significant and unavoidable. Related revisions are identified in Chapter 5, Errata, of this Final EIR. No further response is required.

*Response to GRUDKOWSKI 9-9*
The comment is noted, and this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project. Potential cumulative impacts arising from the proposed project in conjunction with reasonably foreseeable future development in the project vicinity are discussed throughout the Draft EIR, and future development projects in the project vicinity would be required to analyze potential environmental impacts pursuant to CEQA as a part of the project approval process.

Under CEQA, lead agencies generally are not required to analyze the impact of existing environmental conditions on a project's future residents or users (i.e., "CEQA-in-reverse") but, instead are legally required to focus on potential adverse impacts the project may have on the environment. This requirement was upheld in *Ballona Wetlands Land Trust et al. v. City of Los Angeles* (2001) 201 Cal.App.4th 455, which holds that CEQA is concerned with the impact of the project on the environment, not vice-versa.

Please refer to Master Response 6, Clarifying Information on Cumulative Projects, in Section 2, Master Responses, of this document. Master Response 6 provides additional information on the cumulative projects, including the Senior East County Lakes Project, identified and analyzed within the Draft EIR. No further response is required.

*Response to GRUDKOWSKI 9-10*
The comment is noted. Please refer to Master Response 6, Clarifying Information on Cumulative Projects, in Section 2, Master Responses, of this document. Master Response 6 provides additional information on the cumulative projects, including the Senior East County Lakes Project, identified and analyzed within the Draft EIR. No further response is required.

*Response to GRUDKOWSKI 9-11*
The comment is noted. No environmental issues are raised, and no response is required. However, this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project. Please refer to Master Response 3, Health and Safety Issues Not Addressed in the Final EIR, in Section 2, Master Responses, of this document. Master Response 3 provides additional information related to health and safety issues that are not further discussed in the Final EIR. No further response is required.

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**Laura Campion**

**Subject:** FW: Arroyo Lago project

**From:** Sandeep Gupta <sgen@yahoo.com>
**Sent:** Friday, November 8, 2024 3:26 PM
**To:** Rose, Aubrey, CDA <aubrey.rose@acgov.org>
**Subject:** Arroyo Lago project

Hello Aubrey

We are residents in Ironwood community. We are very concerned about the Arroyo Lago project and the sewer treatment plant plans near our neighborhood. We are strongly opposed to this development due to the impact on our neighborhood. We urge the town and county planners to reconsider their plans. 1

best wishes
Sandeep and Ruchira Gupta
1058 Nolan Ct
Pleasanton CA 94566

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## *Sandeep and Ruchira Gupta (GUPTA)*

*Response to GUPTA-1*

The comment is noted, and this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project. Please refer to Master Response 10, Clarifying Information on Wastewater Treatment Plant Operation and Maintenance, in Section 2, Master Responses, of this document. Master Response 10 provides additional clarifying information on the operation and maintenance of the proposed WWTP, including who would operate it, what permits would be required, and details regarding odor, sizing, PFAS, and discharge of biosolids and byproducts. No further response is required.

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## Rachel Krusenoski

**From:** Rose, Aubrey, CDA <Aubrey.Rose@acgov.org>
**Sent:** Friday, September 13, 2024 12:57 PM
**To:** Rachel Krusenoski
**Subject:** FW: Arroyo Largo

Caution: This is an external email and may contain suspicious subject or content. Please take care when clicking links or opening attachments. When in doubt, please contact your IT Department

FYI

-----Original Message-----
From: HARRIET FONG <tfongo@aol.com>
Sent: Friday, September 13, 2024 12:31 PM
To: Rose, Aubrey, CDA <Aubrey.Rose@acgov.org>
Subject: Arroyo Largo

As a resident of the Village at Ironwood, I request a delay of deadline for registering our concerns at your scheduled meeting on September 26th.

Not sure you have all the reviews, or comments and concerns sent in the past, or all the concerns spoken directly to Steel Wave. But the delay of citizen even receiving notice of this meeting is reason to delay to give residents time to put the meeting in their calendar and gather one's thoughts and suggestions. 1

Sadly, it does not seem that Steel Wave heard or honored any of our concerns in their recent proposal.

I am personally out of town September 26th and ask that you delay at least a couple of months so we can work our calendar to be at the meeting.

Sincerely.

Harriet Fong
1344 Chatham Ct
Pleasanton,Ca 94566

Sent from my iPhone
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## *Harriet Fong (H.FONG)*

*Response to H.FONG-1*

The comment is noted. Please refer to Master Response 1, Request for Extension of Comment Period, in Section 2, Master Responses, of this document. Master Response 1 discusses how the County voluntarily extended the public review period from 45 days to 60 days. No further response is required.

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**Laura Campion**

**Subject:** FW: Proposed Arroyo Lago Residential Project - Community Comment
**Attachments:** image002.emz; image004.emz

**From:** Heather Liang <heather.liang@yahoo.com>
**Sent:** Sunday, October 6, 2024 1:23 PM
**To:** Rose, Aubrey, CDA <Aubrey.Rose@acgov.org>
**Cc:** Joe Liang <joe.liang@rocketmail.com>
**Subject:** Proposed Arroyo Lago Residential Project - Community Comment

Hi Aubrey,

My name is Heather Liang and I live in the Ironwood community in very close proximity to the draft EIR in Pleasanton.

My contact information is below:
heather.liang@yahoo.com
408-406-8594
1104 Baur Ct
Pleasanton, CA 94566

I'm writing this email to you to today in vehement opposition to the draft EIR. Below are my reasons:

1. Quality of Life - Per the below article and study, families that live close to sewer treatment plants have significant risk for symptoms such as headaches, tiredness, & concentration. An increased possibility for respiratory and skin diseases were also reported; along with higher cases of moodiness and gastrointestinal symptoms. This study was based on a plant 500m away from the inhabitants which is about the exact distance away that my family will live from the proposed plant. This is absolutely unacceptable that the city would even consider endangering families that bought houses and have supported the Pleasanton Community for almost 20 years with this plan. 1

2. Investment impact - In the below study about when to be concerned about your housing value, states that "If you discover a wastewater treatment plant more than a mile or two from a prospective home, you can assume it will have little impact on the property's value and your quality of life. If the plant is closer than that, however, you should give the purchase some thought" The proposed plan is less than a mile away from my house which means prospective buyers will have second thoughts on wanting to buy homes in our community. Investing in a house in Pleasanton for my retirement was a main reason for our family to move here. I could understand if you want to sell the new houses being built at a discount for being so close to the treatment plant but it should be built at least 2 miles away from existing communities who didn't know about this prospective development when we bought our house. 2

3. Smell - This article also states that smells will be most noticeable on hot days if you live in such close proximity to a plant. I'm sure you've noticed that global warming has had an immense impact to how hot Pleasanton gets now during the summer. I'm writing you this email after a week of prolonged 100+ degree weather. There is no doubt that we will have smell given how hot the weather is now in the community. I grew up in Milpitas and refuse to let my beautiful city of Pleasanton become another Milpitas. Nobody wants to live in Milpitas because of the smell and it is the main reason I moved from 3

there. On a hot day, you can't even be outside walking from your car to the grocery store because it smells so bad. I urge Pleasanton to not make this mistake!! 3 CONT

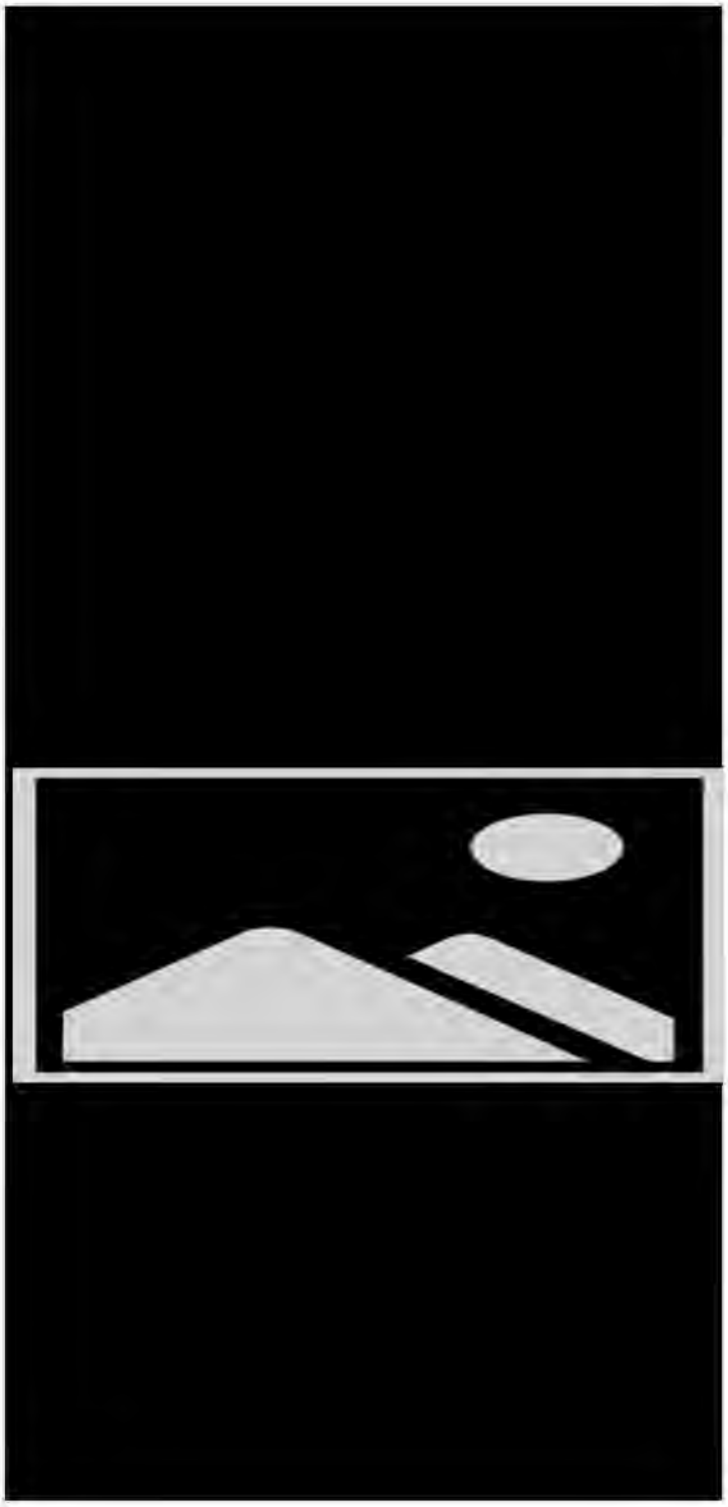
4. Traffic - I would not suggest building more homes in this area without also investing in road widening down 1st/Sunol through downtown. I commute to Silicon Valley and spend 45 mins just getting from my house and onto 680 in the morning. I can't imagine how impacted this area is going to be if we build hundreds of new homes with families that no doubt will be commuting and going down the same roads. We are setting ourselves up for for failure for the East Side of Pleasanton and our beautiful downtown. 4

5. Greed - The land owners are putting together this plan as it will bring them the most profit, not because its the best plan for the city and residents of Pleasanton. I was part of the community that fought back the last EIR (and remember these land owners vividly) - I was very happy the plan was shelved. During that time though the plans at least included beautiful parks and walking/biking areas. Why in this new proposal, all of that is gone and instead we have practically the worst proposal I've ever seen with a sewer treatment plant? Do the right thing and use this land for GOOD. Build a school, build a park, build SOMETHING other than houses and treatment facilities we don't need. Just because we live on the east side of the city doesn't mean we should have to accept such a crappy (literally and figuratively!) proposal. I guarantee this plan would never be proposed or even considered near the multi-million dollar homes in West Pleasanton. Do NOT allow these land owners to poison our community with this plan just to make money. 5

I'll be at the public meeting on 10/29 to verbally comment as well. 6

Thanks, Heather

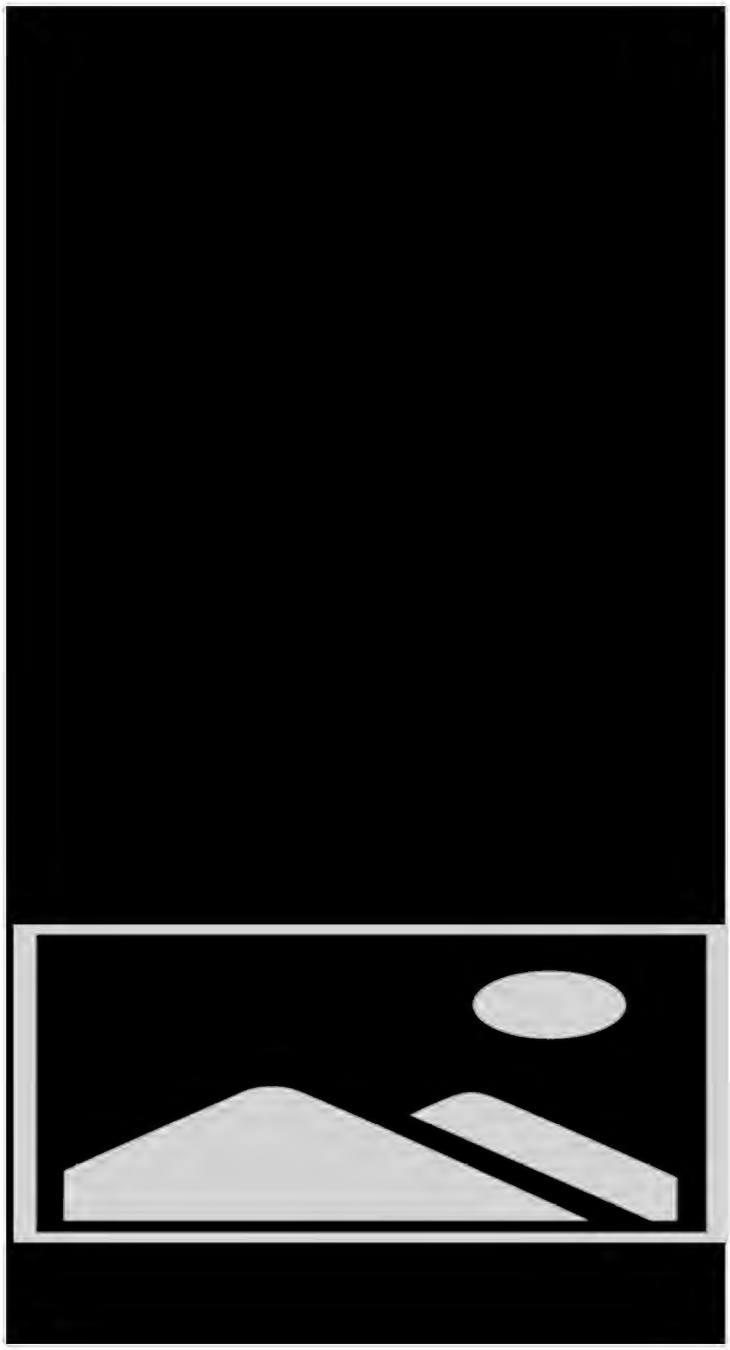
Impact on the Quality of Life When Living Close to a Municipal Wastewater Treatment Plant - PubMed
Should You Be Concerned by a Wastewater Plant Near Your Home?



**Should You Be Concerned by a Wastewater Plant Near Your Home?**

Renee Fregenal

How concerned should you be if there's a wastewater treatment plant nearby? If a new one is proposed, should you...





**Impact on the Quality of Life When Living Close to a Municipal Wastewate...**

The objective of the study was to investigate the impact on the quality of life of people living close to a muni...

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## *Heather Liang (First Letter) (H.LIANG 1)*

*Response to H.LIANG 1-1*
The comment is noted. The proposed WWTP's technology and design ensures that the proposed WWTP would not release harmful emissions . This is further explained in Master Response 10. Please refer to Master Response 10, Clarifying Information on Wastewater Treatment Plant Operation and Maintenance, in Section 2, Master Responses, of this document. Master Response 10 provides additional clarifying information on the operation and maintenance of the proposed WWTP, including who would operate it, what permits would be required, and details regarding odor, sizing, PFAS, and discharge of biosolids and byproducts. No further response is required.

*Response to H.LIANG 1-2*
The comment is noted. Note that economic and social concerns are not considered physical impacts on the environment and thus are not further addressed in the Final EIR. Please refer to Master Response 2, Non-CEQA Issues Not Addressed in Final EIR, in Section 2, Master Responses, of this document. Master Response 2 provides additional information on the scope of CEQA and any non-CEQA issues are not further discussed in the Final EIR. No further response is required.

*Response to H.LIANG 1-3*
The comment is noted. The proposed WWTP's technology and design ensures that odorous emissions would not impact existing and future residents. Please refer to Master Response 10, Clarifying Information on Wastewater Treatment Plant Operation and Maintenance, in Section 2, Master Responses, of this document. Master Response 10 provides additional clarifying information on the operation and maintenance of the proposed WWTP, including who would operate it, what permits would be required, and details regarding odor, sizing, PFAS, and discharge of biosolids and byproducts. No further response is required.

*Response to H.LIANG 1-4*
The comment is noted. As discussed in Section 3.16, Transportation, of the Draft EIR, the use of LOS, which describes traffic congestion on by assigning grades to road segments to analyze impacts under CEQA, was replaced with the evaluation of VMT in 2013. SB 743, which was signed into law by former Governor Brown and codified in Public Resources Code Section 21099, tasked OPR with establishing new criteria for determining the significance of transportation impacts under CEQA. SB 743 requires the new criteria to "promote the reduction of GHG emissions, the development of multimodal transportation networks, and a diversity of land uses." SB 743 changes the way that public agencies evaluate the transportation impacts of projects under CEQA, recognizing that roadway congestion, while an inconvenience to drivers, is not itself an environmental impact (see PRC § 21099(b)(2)). In December 2018, OPR circulated its most recent Technical Advisory on Evaluating Transportation Impacts in CEQA, which provides recommendations and describes various options for assessing VMT for transportation analysis purposes. VMT refers to the amount and distance of automobile travel attributable to a project. Other relevant considerations may include the effects of the project on transit or non-motorized travel. Please refer to Master Response 12, Clarifying Information on Transportation Analysis, in Section 2, Master Responses, of this document. Master Response 12 provides additional clarifying information on the methodology used to evaluate traffic impacts as it related to VMT.

Impact TRANS-2 in Section 3.16, Transportation, of the Draft EIR explained that the VMT associated with a project is the basis for determining traffic impacts under CEQA. The proposed project would result in significant and unavoidable impacts related to VMT, even with the implementation of all feasible mitigation measures. Feasible mitigation measures would be required as MM TRANS-2, as noted in Chapter 5, Errata, of this Final EIR, which requires the implementation of traffic calming elements. MM TRANS-2b, which required approximately 1,000 feet of off-site sidewalk and bicycle lane improvements along Busch Road, has been removed as a mitigation measure and instead remains in Chapter 2, Project Description, of the Draft EIR. However, removal of this mitigation measure does not change any of the significance findings in the document as it will be implemented as part of the proposed project regardless. Impacts to VMT would remain significant and unavoidable. Related revisions are identified in Chapter 5, Errata, of this Final EIR. No further response is required.

*Response to H.LIANG 1-5*

The comment is noted. No environmental issues are raised, and no response is required. However, this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

*Response to H.LIANG 1-6*

The comment is noted. No environmental issues are raised, and no response is required. However, this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

11/8/2024

Heather Liang – resident of Ironwood Classics, next to proposed Arroyo Lago Project

1104 Baur Ct

Pleasanton, CA 94566

Heather.liang@yahoo.com

**Topic: Traffic Congestion and School impact (Arroyo Lago Residential EIR)**

Hi Aubrey,

I hope this letter find you well. I've spent time reading the responses to the proposed EIR and I'd like to request a study to be conducted to truly understand the impact of this project to our already congested public schools and streets to those schools in the area. Using the Census as a guide and the fact that I moved to Pleasanton for the good schools for my own kids, I predict that many of the new residents that will move to the Arroyo Lago Community will have kids that will want to attend our highly recognized school district. With the plan to build 194 single family homes with 49 ADUs (243 houses) combined with the US Census Bureau statistics, I would expect approximately 160 children moving in and needing to attend one of our elementary, middle or high schools. If the number of potential students is less than this; please document in detail how that study was conducted. All I can glean so far is that the EIR under Section 3.13 (Population and Housing) states that the proposed project would have a less than significant cumulative impact related to population and housing and that NO mitigation measures are needed. It also states that only I-580 would experience the most traffic volume as compared to other roadways in the vicinity. 1 2

I really don't understand the validity of these statements and what data points were used to form that conclusion. 160 additional children and the traffic caused by those families needing to drive those children to school, will cause an impact to our already congested roadways around East Pleasanton, primarily around Valley and Santa Rita. These schools that these new kids will attend, are NOT anywhere near I-580, which I should know, as I drove my kids to each of them. 3

I have raised both of my children in Pleasanton – they attended the Montessori preschool on Busch Rd, Mohr Elementary, Harvest Park Middle School and they are currently both attending Amador Valley Highschool.

These schools would be impacted with this new student population as well as the impacted routes/streets to those schools. The builder can't only look at the impact of the 4

intersection between Valley/Busch or around i-580 with this new development. It must look at the impact to the streets parents must drive down to get to these schools, primarily Valley and Santa Rita where waits at the stop lights can be upwards of 15 minutes at peak times. It would take me almost 45 mins roundtrip to manage drop off in the morning and pickup in the afternoon (the drive is 3 miles roundtrip). It was faster for my kids to ride their bikes, which they did for a few years. However, I was always worried about their safety with all the cars on the road (which will just increase with more houses being built). The city needs to mitigate these safety issues with dedicated crosswalks, metered lights based on traffic and people crossing the street, etc on the routes from the community to these schools. Larger sidewalks, bike lanes and one metered light on Busch currently outlined in the EIR is NOT going to cut it. If traffic congestion issues and the safety of our children who need to attend all three schools can't be mitigated, the project should not be allowed to proceed.

4 CONT

Also, I'd like to understand where the City is going to get the funds needed to support our schools in which these kids will attend. Amador Valley Highschool is over 100 years old and is in desperate need of repair. The Theater is condemned, some schools won't play us in sports in our large gym because it doesn't have air conditioning, and the buildings with old wiring is a fire hazard (the small gym burned down just last year). Let alone our class sizes have been increasing every year – my kids sometimes had 35 kids in their elementary classes and this was years ago. If we aren't planning to build new schools for the new residents moving into this property or investing in upgrades to our existing schools we are doing our children a HUGE disservice.

5

Thank you for your consideration,

Heather Liang

## *Heather Liang (Second Letter) (H.LIANG 2)*

*Response to H.LIANG 2-1*
The comment is noted. As discussed in Section 3.14, Public Services, of the Draft EIR, the proposed project would be expected to generate approximately 148 students with approximately 79 students attending Alisal Elementary School, approximately 34 students attending Harvest Park Middle School, and approximately 36 students attending Amador Valley High School. The number of expected students was provided by PUSD on May 16, 2023, via email.

As discussed in Section 3.14, Public Services, of the Draft EIR, the proposed project identified a potentially significant impact to Alisal Elementary School due to the increase in students and through consultation with the PUSD. As discussed in the Draft EIR, the project applicant would be required to pay developer fees to the PUSD pursuant to Government Code Section 65996, as a condition of approval for the proposed project. The provisions in Government Code Section 65996 are deemed to provide full and complete school facilities mitigation related to the school district's ability to accommodate enrollment. With payment of applicable developer fees, impacts on school facilities related to the proposed project would be mitigated to less than significant levels.

Additionally, an email provided by PUSD on May 16, 2023, identified that Harvest Park Middle School and Amador Valley High School should be able to accommodate the expected growth caused by the proposed project. Therefore, impacts related to Harvest Park Middle School and Amador Valley High School would be less than significant.

As for cumulative impacts related to school facilities, the Draft EIR determined that all cumulative development projects would be required to pay applicable development impact fees toward school district facilities. With payment of school impact fees, cumulative projects would not result in additional need for new or altered school facilities not already analyzed within the applicable General Plan, and impacts would be less than significant. No further response is required.

*Response to H.LIANG 2-2*
The comment is noted. Please refer to *Response to H. LIANG 2-1*. The comment does not indicate a specific concern regarding the population and housing analysis included in the Draft EIR. Please refer to Master Response 4, General Opposition Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. Master Response 4 provides a response to comments that express general opposition or disapproval of the proposed project. No further response is required.

*Response to H.LIANG 2-3*
The comment is noted. First, the reference in Section 3.2, Air Quality, of the Draft EIR that refers to I-580 experiencing the highest traffic volumes compared to other roadways in the project vicinity is because it is a larger roadway compared to other surrounding roadways.

Impact TRANS-2 in Section 3.16, Transportation, of the Draft EIR explained that the VMT associated with a project is the basis for determining traffic impacts under CEQA. The proposed project would result in significant and unavoidable impacts related to VMT, even with the implementation of all feasible mitigation measures. Feasible mitigation measures would be required as MM TRANS-2, as noted in Chapter 5, Errata, in this Final EIR, which requires the implementation of traffic calming

elements. MM TRANS-2b, which required approximately 1,000 feet of off-site sidewalk and bicycle lane improvements along Busch Road, has been removed as a mitigation measure and instead remains in Chapter 2, Project Description, of the Draft EIR. However, removal of this mitigation measure does not change any of the significance findings in the document as it will be implemented as part of the proposed project regardless. Impacts to VMT would remain significant and unavoidable. Related revisions are identified in Chapter 5, Errata, of this Final EIR. Therefore, the Draft EIR sufficiently analyzed transportation impacts, and no changes to the Draft EIR are required. Please refer to Master Response 12, Clarifying Information on Transportation Analysis, in Section 2, Master Responses, of this document. Master Response 12 provides additional clarifying information on the methodology used to evaluate traffic impacts as it relates to VMT. No further response is required.

*Response to H.LIANG 2-4*
The comment is noted, and this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

First, please refer to *Response to H.LIANG 2-4*, which provides a discussion on the evaluation of transportation impacts in CEQA.

Next, Section 3.16, Transportation, of the Draft EIR explains that the potential for the proposed project to impact safety was evaluated in terms of the adequacy of sight distance and need for turn lanes at the project access points as well as the adequacy of dedicated turn lanes at the study intersections to accommodate additional queueing due to adding project-generated trips and need for additional right-of-way controls. The Draft EIR determined that there is adequate corner sight distance at the project access points on Busch Road for the posted speed limit of 35 miles per hour (mph). However, the Draft EIR determined that impacts related to queueing would be significant and unavoidable, as the mitigation measure which requires adjustments to signal timing has been deemed unenforceable because the City of Pleasanton is not the Lead Agency for the proposed project, and thus the County cannot ensure that the required adjustments to signal timing will be made.

Impact TRANS-2 explains that the VMT associated with a project is the basis for determining traffic impacts under CEQA. The proposed project would result in significant and unavoidable impacts related to VMT, even with the implementation of all feasible mitigation measures. Feasible mitigation measures would be required as MM TRANS-2, as noted in Chapter 5, Errata, of this Final EIR, which requires the implementation of traffic calming elements. MM TRANS-2b, which required approximately 1,000 feet of off-site sidewalk and bicycle lane improvements along Busch Road, has been removed as a mitigation measure and instead remains in Chapter 2, Project Description, of the Draft EIR. However, removal of this mitigation measure does not change any of the significance findings in the document as it will be implemented as part of the proposed project regardless. Impacts to VMT would remain significant and unavoidable. Related revisions are identified in Chapter 5, Errata, of this Final EIR. Additionally, please refer to Master Response 12, Clarifying Information on Transportation Analysis, in Section 2, Master Responses, of this document. Master Response 12 provides additional clarifying information on the methodology used to evaluate traffic impacts as it related to VMT.

Last, as discussed in the Draft EIR, the project applicant would be required to pay developer fees to the PUSD pursuant to Government Code Section 65996, as a condition of approval for the proposed project. The provisions in Government Code Section 65996 are deemed to provide full and complete school facilities mitigation related to the school district's ability to accommodate enrollment. With payment of applicable developer fees, impacts on school facilities related to the proposed project would be mitigated to less than significant levels. No further response is required.

*Response to H.LIANG 2-5*

The comment is noted. As discussed in the Draft EIR, the project applicant would be required to pay developer fees to the PUSD pursuant to Government Code Section 65996, as a condition of approval for the proposed project. The provisions in Government Code Section 65996 are deemed to provide full and complete school facilities mitigation related to the school district's ability to accommodate enrollment. With payment of applicable developer fees, impacts on school facilities related to the proposed project would be mitigated to less than significant levels. No further response is required.

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11/8/2024

Heather Liang – resident of Ironwood Classics, next to proposed Arroyo Lago Project

1104 Baur Ct

Pleasanton, CA 94566

Heather.liang@yahoo.com

**Topic: Air Quality & its effects on health/mental health (Arroyo Lago Residential EIR)**

Hi Aubrey,

I hope this letter find you well. I've spent time reading the responses to the proposed EIR and I'd like to highlight the short- and long-term Air Quality impacts that will be inflicted on the residents around the proposed plan, specifically the Ironwood communities.

There are approx. 300 homes and 172 apartments in the Ironwood neighborhoods that border this new proposed project. The 55 and older community has 111 homes in the neighborhood and the 172 apartments are for seniors aged 62+. The rest of the community would most likely follow the Pleasanton Demographics median age of 41.5 with 42% of the community under the age of 18.

Toxic air quality as described in the EIR from the materials found in the soil and the greenhouse gasses that will be emitted during construction and once the Sewer Plant is active, will have negative consequences to this community—an established community that has been here for 20 years, who shouldn't be brushed aside for the sake of development. The bad Air Quality will have the most negative effect on the seniors that live here, but it will also have negative consequences to our children and the young adults who live in the Ironwood neighborhoods. I urge the city to please think about the people that live in these Ironwood communities and the impacts to their health that would be inflicted to them, that could be easily rectified with the current alternate proposals that do not include the sewer plant and lessened construction:

- There are 283 units with people that are 55+ and about 60% of those people are 62+.
- The approximate 500 people living in the rest of the homes in the community have an avg age of 41 and there are at least a 100+ children under 18 using the US Census data as a guide.
- My daughter (age 15) and I both have anxiety. The thought of all this construction, increased traffic, potential health hazards from bad air quality, smells from the sewer plant, and loss of property value from my house if this construction is approved is enough to give me an ulcer. My daughter is also worried about what this

1

project means to her well-being, on top of her normal teenage stressors. My husband and I don't normally talk about negative "adult" issues around our kids, but we are very upset about the prospects of over 2 years of construction, a smelly Sewer Plant less than a mile away from us and the potential loss of property value & poor health conditions it will cause. This anxiety and fear (and the construction hasn't even started!) are affecting my whole family. If the project gets approved as-is, the smells and bad air quality from the sewer plant will also add to the abnormally high rate of headaches and stomachaches my daughter and I both get, which is commonly associated with anxiety. 1 CONT 2

- There are children in this neighborhood fighting rare diseases & cancers. My best friend's daughter had Leukemia at the age of 3 and was immune compromised for 3 years. I have first-hand knowledge of how difficult it is to protect children when they are in those situations and would never support an initiative that could increase the health risk to that population. 3
- There are many children and adults in this neighborhood who have asthma and allergies. My son (age 17) and I both suffer from allergies which will be exacerbated by the dust from the construction short-term and the smells once the Sewer Plant is built long -term. 4

As noted above, this community is comprised of older adults, children, immunocompromised persons, and anxiety/asthma sufferers. These health conditions should not be taken lightly per the CDC as asthma symptoms can be triggered by exposure to **irritants in the air** (such **chemical fumes** or **strong odors**). Children, older adults, persons **with** asthma, and **immunocompromised** persons are most vulnerable to **air quality** impacts. Anxiety is also the leading mental health issue among Americans these days. [1] 5

If toxic gasses are unavoidable with this project, as well as odors from the sewer plant once built, we must stop the development and approve a healthier option for the current residents. The City must protect its citizens health and mental health over potential profits.

Thank you for your consideration,

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[1] In 2021, the CDC reported 7.7% of Americans have asthma. Of these roughly 24.9 million, 20.2 million are adults and 4.6 million are children. More than 3,500 people die of asthma each year, nearly a third of whom are age 65 or older. Asthma symptoms can be triggered by exposure to an allergen, **irritants in the air** (such as smoke, **chemical fumes** or **strong odors**) or extreme weather conditions. Children, older adults, persons **with** asthma, and **immunocompromised** persons are most vulnerable to **air quality** impacts.

Per the CDC, Anxiety is the leading mental health issue among American youths these days. In 2012, 11.6% of kids had anxiety, but by 2021, that number had nearly doubled to 20.5%. And not just our youth, but 31% of adults will have an anxiety disorder at some point in their lives. Anxiety disorders are the most common mental health issue in the United States.

Heather Liang

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## *Heather Liang (Third Letter) (H.LIANG 3)*

*Response to H.LIANG 3-1*

The comment is noted, and this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

**Air Quality**

As detailed in Section 3.2, Air Quality, of the Draft EIR, the proposed project would result in less than significant impacts to air quality with mitigation incorporated. As detailed in the Draft EIR, the proposed project would be required to implement MM AIR-1, which requires the implementation of construction BMPs recommended by the BAAQMD. With the implementation of MM AIR-1, project construction emissions would be less than significant. Additionally, the implementation of MM AIR-3, which requires that all applicable construction equipment utilized in mass grading, paving, and building construction phases to be Tier IV or Tier IV equivalent, would ensure that the cancer risk resulting from project construction would be below the BAAQMD health risk threshold and therefore less than significant. As such, the Draft EIR sufficiently analyzes and discloses potential impacts related to air pollution and construction pollution related to the implementation of the proposed project.

**Hazards and Hazardous Materials**

As identified in Section 3.8, Hazards and Hazardous Materials, of the Draft EIR and the Phase I ESA prepared for the proposed project, information related to the project site's inclusion on the Cortese List was obtained from the State Water Board's GeoTracker database. The GeoTracker database states that the cleanup status of the project site is "Open – Long Term Management as of 7/18/2017." A detailed description of the Cleanup Status History is available on GeoTracker's website, but there have been no updates to the Cleanup Status History since July 18, 2017. The Draft EIR also provides a brief description of the site history, cleanup actions overseen by the ACDEH, and the conditions of approval for subsequent entitlement, permitting, grading, and development of a land use other than Water Management, Agriculture, or Open Space.

Moreover, the Draft EIR explains that a Final Soil Report was submitted to ACDEH on March 23, 2020, and the ACDEH determined that the Final Soil Report met the first condition of approval on July 19, 2023. The remaining conditions (which pertain to corrective actions and soil management protocols during site redevelopment, schedule, and soil import and export) are included as HAZ COA-4a through HAZ COA-4e. As required by ACDEH, these requirements shall be met prior to site grading, soil import, or soil export, respectively. Therefore, impacts related to potentially hazardous soil would be less than significant.

**Utilities and Service Systems**

As previously discussed, the proposed WWTP's technology and design ensures that harmful emissions are not released during operation. Please refer to Master Response 10, Clarifying Information on Wastewater Treatment Plant Operation and Maintenance, in Section 2, Master Responses, of this document. Master Response 10 provides additional clarifying information regarding the operation and maintenance of the proposed WWTP, including who would operate it, what permits would be required, and details regarding odor, sizing, PFAS, and discharge of biosolids and byproducts.

Additionally, note that mental health concerns are not considered physical impacts on the environment and thus are not further addressed in the Final EIR. However, this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project. Please refer to Master Response 3, Health and Safety Issues Not Addressed in the Final EIR, in Section 2, Master Responses, of this document. Master Response 3 provides additional information related to health and safety issues that are not further discussed in the Final EIR. No further response is required.

*Response to H.LIANG 3-2*
The comment is noted. As previously discussed, the proposed WWTP's technology and design ensures that harmful emissions are not released during operation. Please refer to Master Response 10, Clarifying Information on Wastewater Treatment Plant Operation and Maintenance, in Section 2, Master Responses, of this document. Master Response 10 provides additional clarifying information to respond to questions about the operation and maintenance of the proposed WWTP, including who would operate it, what permits would be required, and details regarding odor, sizing, PFAS, and discharge of biosolids and byproducts. No further response is required.

*Response to H.LIANG 3-3*
The comment is noted. As previously discussed, the proposed project would not have significant impacts to air quality, including risk to human health. As detailed in Section 3.2, Air Quality, of the Draft EIR, the proposed project evaluated air quality impacts related to vehicle emissions during project operation. As detailed in the Draft EIR, the proposed project would be required to implement MM AIR-1, which requires the implementation of construction BMPs recommended by the BAAQMD. With the implementation of MM AIR-1, project construction emissions would be less than significant. Additionally, the implementation of MM AIR-3, which requires that all applicable construction equipment utilized in mass grading, paving, and building construction phases to be Tier IV or Tier IV equivalent, would ensure that the cancer risk resulting from project construction would be below the BAAQMD health risk threshold and therefore less than significant. As such, the Draft EIR sufficiently analyzes and discloses potential impacts related to air pollution and construction pollution related to the implementation of the proposed project. No changes to the Draft EIR are required. No further response is required.

*Response to H.LIANG 3-4*
The comment is noted. As discussed in Section 3.3, Air Quality, of the Draft EIR, the proposed project would require the implementation of MM AIR-1, which requires implementing BAAQMD BMPs to control dust during construction, including watering exposed surfaces, covering haul trucks transporting loose material, cleaning mud and dirt on adjacent public roads, limiting vehicle speeds, and several other measures. Consequently, implementation of MM AIR-1 would sufficiently maintain project construction emissions and fugitive dust to less than significant levels.

Additionally, as previously discussed, the proposed WWTP's technology and design ensures that harmful emissions are not released during operation. Please refer to Master Response 10, Clarifying Information on Wastewater Treatment Plant Operation and Maintenance, in Section 2, Master Responses, of this document. Master Response 10 provides additional clarifying information on the operation and maintenance of the proposed WWTP, including who would operate it, what permits

would be required, and details regarding odor, sizing, PFAS, and discharge of biosolids and byproducts. No further response is required.

*Response to H.LIANG 3-5*

The comment is noted, and this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project. Please refer to *Response to H.LIANG 3-1* through *Response to H.LIANG 3-4*. No further response is required.

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11/8/2024

Heather Liang – resident of Ironwood Classics, next to proposed Arroyo Lago Project

1104 Baur Ct

Pleasanton, CA 94566

Heather.liang@yahoo.com

**Topic: Outdated Caltrans' peak hour volume data & VMT Rates (Arroyo Lago Residential EIR)**

Hi Aubrey,

I hope this letter find you well. I've spent time reading the responses to the proposed EIR and I'd like to request a NEW study to be conducted to truly understand peak hour volume data of traffic from the proposed EIR site to and from I-680. I believe many of the new residents will need to commute thru the corridors of Valley, Stanley/First/Sunol, to the Sunol freeway entrance of I-680 during peak hours to get to their offices in the Bay Area, given companies have asked their workforce to Return to Office in 2024. 1

Per the EIR, the study being used was from Caltrans and was published in 2022 and the VMT Rate of 30 miles is from 2020. I also didn't see notated the hours of the day that was used for the AM/PM trips. I'd like to understand the actual hours of the day and the day of the week the study was conducted. 2

The amount of traffic in 2020 and in 2022 (while in COVID) is so far from the current traffic conditions, it really can't be used. I am a Director of Product and have worked for technology companies in the bay area for the last 18 years, while living in Pleasanton and in this community. Starting with COVID in 2020 up until August 2024, firms in the bay area let their employees work from home 100% of the time, with the ask to come in maybe a few times a month. My only trips during the 2020-2022 which were used in the study were dropping my kids to/from school (when there actually was school – remember schools were closed for a whole year during this period), grocery shopping and short trips. As a community we were basically on lockdown. 3

However, as you've read in the news, most technology firms are now demanding Return to Office (RTO) from their workforce to 5 days a week. My commute to Sunnyvale (a similar destination for most executives living in Pleasanton) is 30 miles EACH WAY (not the total 30 miles VMT rate cited) and before August 2024 would have taken approximately 45mins – 1 hour each way. After August 2024 with the new RTO mandates and kids back in school, it takes me 45 mins to just leave my house, go thru downtown Stanley/First/Sunol, get on the

I-680 South and go 2 miles (a total of 8 miles and I'm still in Pleasanton/Sunol). I strongly suggest city council leaders try this commute on a Tues/Thurs (the most congested days) and leave from the current Ironwood community around 7:30am to see how incredibly bad the traffic is and imagine 500+ more cars on the road (which is only 50% of the predicted cars per household from this project.[1]), let alone all the other cars that will be coming from the other planned communities in the area. The traffic hours in the evening, coming from the opposite direction should also be evaluated. I would also suggest another study be done in 2025 as even more RTO mandates will be in place and inclement weather during Winter will add to the traffic time and congestion. The commute hours I'd suggest studying are the following: 7:30am-9:30am; 3:30pm-6:30pm and either on a Tues or Thurs and while school is in session.

3 CONT

I moved to Pleasanton for the good schools and beautiful neighborhood 18 years ago, even though the traffic at the time could take me 45 mins each way door to door. But now, I currently spend 1.5-2 hours commuting each way (3-4 hours total in traffic) the equivalent of a part-time job. I'm telling people to not move to Pleasanton if they must commute because the I-680 corridor is so bad and the roads within Pleasanton to I-680 can't accommodate the current population, let alone an explosion of housing and new residents who will also be commuting that is being proposed.

4

Please conduct a new traffic study during these peak traffic hours and include a viable solution to the impacted streets across the east side of Pleasanton. What is being proposed is very short sited to include just Valley/Busch and is using outdated data. If our current infrastructure can't accommodate the influx, the project should be delayed until it can or not be built at all.

5

Thank you for your consideration,

Heather Liang

[1] US Census

- **243 houses multiplied by the average people per household in Pleasanton of 2.81 = 682 people**
  - **Of those new 682 people**
    - **23.5% will be under 18 years old = 160 children that would need to go to Pleasanton schools**
    - **682 people -160 children = 522 adults with 2 cars per household (national average) = 1044 cars**
    - **Lets say 50% of the adults per house works in the bay area, that's 500 extra cars on the road during peak hours just commuting to their jobs. This doesn't count the trips being made to take children to school during the same time periods.**

6

## *Heather Liang (Fourth Letter) (H.LIANG 4)*

*Response to H.LIANG 4-1*
The comment is noted. As discussed in Section 3.16, Transportation, of the Draft EIR, the study areas for analysis of the proposed project varies depending on topics. Impacts to traffic is calculated through analysis of the project's VMT. VMT is calculated using a travel demand model based on countywide vehicle travel. As 1-580 is one of the major roadways that provide regional access to the project area, it is considered within the modeling completed to measure VMT for the proposed project.

*Response to H.LIANG 4-2*
The comment is noted. As detailed in Appendix I of the Draft EIR, the AM peak-hour occurs between 7:00 and 9:00 a.m. and reflects conditions during the home to work or school commute, while the PM peak-hour occurs between 4:00 and 6:00 p.m. and typically reflects the highest level of congestion during the homeward bound commute. Counts were obtained for the study intersections in both 2019 and 2023 during February, March, and April (when school is in session) during the AM and PM peak periods. No further response is required.

*Response to H.LIANG 4-3*
The comment is noted. Please refer to *Response to H. LIANG 4-1 and H. LIANG 4-2*. As discussed in Section 3.16, Transportation, the anticipated trip generation for the proposed project was estimated using standard rates published by the Institute of Transportation Engineers (ITE) in Trip Generation Manual, 11th Edition, 2021. Rates for "Single-Family Detached Housing" (ITE LU No. 210) were used for the 194 single-family residential units, including those that would have Junior Accessory Dwelling Units (JADUs) attached. "Multi-family Housing (Low-Rise)" (ITE No. 220) rates were applied to the 49 JADUs. This is the industry standard for calculation of trip generated by a project. Operating conditions during the a.m. and p.m. peak periods were evaluated to capture the highest potential impact for the proposed project as well as the highest volumes on the local transportation network. These peak periods are consistent with the industry standard for analyzed peak periods.

However, as noted above, traffic impacts from the proposed project are calculated using VMT. The proposed project's overall daily VMT of 29.9 per capita would need to be reduced by 13.4 percent to avoid significant impacts. Therefore, implementation of MM TRANS-2, as noted in Chapter 5, Errata, of this Final EIR, would help to reduce the proposed project's VMT but would not reduce impacts to a less than significant level. MM TRANS-2b, which required approximately 1,000 feet of off-site sidewalk and bicycle lane improvements along Busch Road, has been removed as a mitigation measure and instead remains in Chapter 2, Project Description, of the Draft EIR. However, removal of this mitigation measure does not change any of the significance findings in the document as it will be implemented as part of the proposed project regardless. Impacts to VMT would remain significant and unavoidable. Related revisions are identified in Chapter 5, Errata, of this Final EIR. No further response is required.

*Response to H.LIANG 4-4*
The comment is noted. No environmental issue is raised. Please refer to Master Response 4, General Opposition Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document.

Master Response 4 provides a response to comments that express general opposition or disapproval of the proposed project. No further response is required.

*Response to H.LIANG 4-5*
The comment is noted, and this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project. Please refer to *Response to H.LIANG 4-1* through *Response to H.LIANG 4-4.* No further response is required.

*Response to H.LIANG 4-6*
The comment is noted. As disclosed in Section 3.13, Population and Housing, of the Draft EIR, direct population growth is a result of developing residential units. The proposed project would result in the construction of 194 single-family residential units and would also allow up to 49 ADUs, resulting in up to 243 total residential units. According to the 2023-2031 Adopted Housing Element Update: Initial Study/Mitigated Negative Declaration (IS/MND), unincorporated Alameda County has an average of 2.84 residents per household. The Draft EIR used this figure as a multiplier and concluded that the proposed project could result in up to 691 new residents in unincorporated Alameda County.

The County has the discretion under CEQA to weigh the evidence relating to the accuracy and sufficiency of the information in the EIR and to decide whether to accept it. The County may adopt the environmental conclusions reached by the experts that prepared the EIR even though others may disagree with the underlying data, analysis, or conclusions. (*Laurel Heights* 47 C3d 376, 408; *State Water Resources Control Bd. Cases* (2006) 136 CA4th 674, 795). The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure. (CEQA Guidelines § 15151). Differing opinions is not a basis for finding the EIR to be inadequate; the County has the discretion to resolve a dispute among experts about the accuracy of the EIR's environmental forecasts. (*Laurel Heights, supra*; *Association of Irritated Residents v. County of Madera* (2003) 107 CA4th 1383, 1397).

A lead agency may also reject lay or non-expert criticism on an issue as long as its determination is supported by substantial evidence. (*East Sacramento Partnership for a Livable City v. City of Sacramento* (2016) 5 CA5th 281, 297. "[I]n the absence of a specific factual foundation in the record, dire predictions by nonexperts regarding the consequences of a project do not constitute substantial evidence."; *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359, 1417. "Unsubstantiated opinions, concerns, and suspicions about a project, though sincere and deeply felt, do not rise to the level of substantial evidence . . . .' [Citation.] Thus, 'project opponents must produce . . . evidence, other than their unsubstantiated opinions, that a project will produce a particular adverse effect."; *Banker's Hill, Hillcrest, Park West Community Preservation Group v. City of San Diego* (2006) 139 Cal.App.4th 249, 274 (internal citations omitted)). No further response is required.

**Rachel Krusenoski**

**From:** Rose, Aubrey, CDA <Aubrey.Rose@acgov.org>
**Sent:** Monday, September 16, 2024 5:10 PM
**To:** Rachel Krusenoski
**Subject:** FW: Arroyo Lago

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FYI

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**From:** John Harrell <johngaye@att.net>
**Sent:** Monday, September 16, 2024 1:50 PM
**To:** Rose, Aubrey, CDA <Aubrey.Rose@acgov.org>
**Subject:** Arroyo Lago

Hello Mr. Rose. My wife and I would like to voice our support for a postponement of the town meeting on the Arroyo Lago Development. We have many concerns and feel more time is needed to go through all the information provided. 1

Thank you for your consideration.

John and Gaye Harrell
Village at Ironwood
3218 Denton Court
Pleasanton CA
925 425-7483

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## *John and Gaye Harrell (First Letter) (HARRELL 1)*

*Response to HARRELL 1-1*

The comment is noted. Please refer to Master Response 1, Request for Extension of Comment Period, in Section 2, Master Responses, of this document. Master Response 1 discusses how the County voluntarily extended the public review period from 45 days to 60 days. No further response is required.

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**Laura Campion**

**Subject:** FW: Arroyo Lago Residential Project

**From:** John Harrell <johngaye@att.net>
**Sent:** Friday, November 8, 2024 1:36 PM
**To:** Rose, Aubrey, CDA <aubrey.rose@acgov.org>
**Subject:** Arroyo Lago Residential Project

Re: Impact on health & well-being

Dear Mr. Rose,
We have lived in The Village at Ironwood for 10+ years. While our house is not one of the 27 along the east wall, we are extremely concerned about the direct impact the Arroyo Lago project will have on these neighbors.

The floor plan of our homes is long and narrow with the great room and primary bedroom facing the back. Therefore, your main living space, backyard and patio are in the back of the house. This is where one would spend the majority of their time. The proposal for a 14' wall/fence and two-story homes upon 6' of landfill, which would be within 10' of our neighbor's backyard is inconceivable. This would be akin to walling them off, plus a two-story house behind them would not allow any privacy in their main living area. It would be like living in a fishbowl. 1

We would request that anyone involved in reviewing and approving this project, actually go inside any one of these homes. Then they could get a sense of the detrimental impact this would have.

We urge you to carefully consider these concerns before proceeding with development approval.

The Village at Ironwood
John & Gaye Harrell
3218 Denton Court
Pleasanton, CA 94566

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## *John and Gaye Harrell (Second Letter) (HARRELL 2)*

*Response to HARRELL 2-1*

The comment is noted, and this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project. Note that privacy concerns do not constitute impacts on the physical environment and thus are not further addressed in the Final EIR. Please refer to Master Response 2, Non-CEQA Issues Not Addressed in Final EIR, in Section 2, Master Responses, of this document. Master Response 2 provides additional information on the scope of CEQA and any non-CEQA issues are not further discussed in the Final EIR. No further response is required.

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**Laura Campion**

**Subject:** FW: Arroyo Lago Residential Project

**From:** John Harrell <johngaye@att.net>
**Sent:** Friday, November 8, 2024 1:36 PM
**To:** Rose, Aubrey, CDA <aubrey.rose@acgov.org>
**Subject:** Arroyo Lago Residential Project

Re: Waste Management Plant

Dear Mr. Rose,
We were quite concerned to see the draft EIR dismissed Hydrogen Sulfide (H2S), danger from sewer treatment and other toxic sources. We know firsthand the ill effects of living in a city with foul odor. We often experienced the effects of H2S with respiratory issues, eye irritation and headaches.

Prior to moving to the Village at Ironwood we lived in Milpitas for 30 years. As you may know, Milpitas is infamously known for the foul air smell. The exact source of the offensive odor is difficult to pinpoint, however, the Newby Island Landfill/Composting Operation and the San Jose Wastewater Treatment Plant are two known culprits. Unfortunately, Milpitas has no jurisdiction over any of the sources as they are not within their city limits. We assume this would be the same for an Arroyo Lago sewage plant which would reside outside of Pleasanton. 1

Thank you for your attention to our concerns about a Waste Management Plant and the potential negative effects.

The Village at Ironwood
John & Gaye Harrell
3218 Denton Court
Pleasanton, CA 94566

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## *John and Gaye Harrell (Third Letter) (HARRELL 3)*

*Response to HARRELL 3-1*

The comment is noted. The proposed WWTP would not result in hydrogen sulfide emission and the technology and design of the proposed WWTP would prevent odor. Please refer to Master Response 10, Clarifying Information on Wastewater Treatment Plant Operation and Maintenance, in Section 2, Master Responses, of this document. Master Response 10 provides additional clarifying information on the operation and maintenance of the proposed WWTP, including who would operate it, what permits would be required, and details regarding odor, sizing, PFAS, and discharge of biosolids and byproducts. No further response is required.

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Herbert Hu and Yuying Liu
1588 Chatham Place, Pleasanton CA 94566

10/15/24

Alameda County
Attn: Aubrey Rose

We have lived at the Ironwood Village for 12 years and have enjoyed the friendly and quiet neighborhood very much. The EIR of Arroyo Lago project indicates that 2 story homes will be built on a 6 feet raised ground behind us and only 5 feet away from the fence. In addition, a wooden wall will be built approximately 8 feet above the filled area. This will definitely have a major impact to our quality of life, such as the solar panel shadowing, our privacy next to East Wall, the flooding possibility from the raise dirt ground to our back yard, the view from our family room, and the noise level raised to our quiet senior living environment. 1

Please forward our concerns to the developer to address these issues.

Sincerely,

Herbert Hu and Yuying Liu

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## *Herbert Hu and Yuying Liu (HU AND LIU)*

*Response to HU AND LIU-1*

The comment is noted. Please refer to Master Response 8, Clarifying Information on the Aesthetics, Light, and Glare EIR Section and the Shadow Study, in Section 2, Master Responses, of this document. Master Response 8 provides additional clarifying information on the analysis contained within the Draft EIR's section on Aesthetics, Light, and Glare and the Shadow Study. This Master Response addresses the methodology of the shadow study and how shadow is analyzed in the Draft EIR.

Note that concerns regarding quality of life and privacy do not constitute physical impacts on the environment and thus are not further addressed in the Final EIR. Please refer to Master Response 2, Non-CEQA Issues Not Addressed in Final EIR, in Section 2, Master Responses, of this document. Master Response 2 provides additional information on the scope of CEQA and any non-CEQA issues are not further discussed in the Final EIR.

Additionally, the Draft EIR found that the proposed project would not have a significant impact on flooding. As discussed in Section 3.9, Hydrology and Water Quality, of the Draft EIR, the proposed project's drainage systems for the two drainage areas have sufficient capacity to convey the flow of stormwater from the proposed development and the off-site area east of the project site to the bioretention areas. Furthermore, the bioretention areas and retaining wall would be designed in accordance with all applicable standards and would have adequate capacity to accommodate stormwater flows from the project site during storm events to ensure that no flooding would result and that there would be no net increase in off-site flow of stormwaters. No further response is required.

Finally, noise impacts were analyzed in the Draft EIR in Section 3.12, Noise. The Draft EIR fully analyzed potential impacts related to noise during construction and operation of the proposed project. The Draft EIR determined that impacts related to noise would be less than significant with mitigation incorporated. Mitigation would include the implementation of requirements related to construction schedule, equipment, and staging. The Draft EIR also analyzed operational noise impacts and found that impacts related to traffic and mechanical equipment would be less than significant. No further response is required.

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**Laura Campion**

**Subject:** FW: Arroyo Lago Project- Comment

**From:** Preeti Joshi (Allocation) <Preeti.Joshi@ros.com>
**Sent:** Friday, November 8, 2024 9:24 AM
**To:** Rose, Aubrey, CDA <aubrey.rose@acgov.org>
**Subject:** Arroyo Lago Project- Comment

Hello Aubrey,
I am a longtime Pleasanton resident and I live in the Ironwood neighborhood. I wanted to let you know of my firm opposition to the planned Sewer plant in the Arroyo Lago Project. The sewer plant would be too near to the residential area. The noxious fumes will be hazardous to the residents in this area. The residents health can be impacted. Please consider moving the sewer plant location away from the city limits and residential housing. 1

Thank you,

Preeti Joshi

Cell phone : 859-420-4909

** This email was sent from an external source. If you do not know the sender, do not click on links or attachments. **

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## *Preeti Joshi (JOSHI)*

*Response to JOSHI-1*

The comment is noted. Please refer to Master Response 10, Clarifying Information on Wastewater Treatment Plant Operation and Maintenance, in Section 2, Master Responses, of this document. Master Response 10 provides additional clarifying information on the operation and maintenance of the proposed WWTP, including who would operate it, what permits would be required, and details regarding odor, sizing, PFAS, and discharge of biosolids and byproducts. This Master Response specifically addresses concerns regarding harmful emissions and odors. No further response is required.

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**From:** Rose, Aubrey, CDA
**To:** Rachel Krusenoski; Laura Campion
**Subject:** FW: Arroyo Lago Proposed Building Project
**Date:** Wednesday, October 2, 2024 2:35:06 PM

**Caution:** This is an external email and may contain suspicious subject or content. Please take care when clicking links or opening attachments. When in doubt, please contact your IT Department

FYI:

**From:** Linda Romatz <dandlromatz@comcast.net>
**Sent:** Wednesday, October 2, 2024 2:03 PM
**To:** Rose, Aubrey, CDA <Aubrey.Rose@acgov.org>
**Cc:** Thomas Grudkowski <tgrudkowski@gmail.com>
**Subject:** Arroyo Lago Proposed Building Project

Dear Aubrey,

I am writing to you from the Village at Ironwood, a 55 and older community on Pleasanton's east side, adjacent to the proposed home development project called Arroyo Lago.

Most of us living here in the Village are much older than 55 - some of us in our 80s or 90s - who have invested in the last home we had hoped to live in during our "twilight years." And so far, we have enjoyed this quiet, peaceful, private, and sunlit neighborhood.

But should the Arroyo Lago housing development of nearly 200 homes, adjacent to our Village, be adopted as proposed, our quality of life would drastically change, especially for those of us whose homes abut the east wall of our community. 1

Our homes are constructed so that we basically "live" in the back of our homes along the east wall, where our family kitchens and master bedrooms are located. The builders of Arroyo Lago have proposed not only to build all two-story homes along our east wall, which would already invade our privacy and cut off our access to the light, but they have proposed a 10 foot tall "good neighbor fence" - which would appear even taller since it would be built on 4 feet of ground already raised above our Village ground level. So now we are talking about a 14 foot high "good neighbor fence" raised behind - and a mere 5 feet away - from our wall. Not only would this proposed fence be aesthetically displeasing, but it evokes the image of a prison wall, darkening the entire area where we "live." So much for enjoying the early morning sunlight in our homes - or any sunlight for that matter. Forget about growing plants in our backyards, as they need sunlight as well. So much for our privacy.

In addition to the loss of sunlight and privacy is the noise factor. To start, we would most likely have 1 - 2 years of construction noise. But that is only the beginning. As proposed, the nearly 200 homes would be two stories with several bedrooms, obviously attracting large families.This plan suggests multiple vehicles for each home, increasing the noise levels from cars and most likely other motorized vehicles, like motorcycles. If that weren't enough, nearly 50 of these proposed homes are to have attached ADUs—rental units serving as low income housing. This proposal would increase the already augmented noise level, by 50 to 100 more vehicles. So much for the treasured quality of life we now enjoy in the peaceful, quiet, private and sunlit neighborhood we seniors bought into. 2

If I may, I'd like to offer a few suggestions that might alleviate some of our lost quality of life. It is a consensus among our neighbors, that building one-story homes, instead of two-story homes, adjacent to our east wall should address the privacy factor. I'd also like to propose lowering the height of the new fence and setting it back farther than the proposed 5 feet, hopefully giving us more sunlight. I also suggest that no ADUs be built adjacent to our wall, but rather farther east into the project. 3

Thank you for your consideration.

Linda Romatz
The Village at Ironwood

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## *Linda Romatz (L.ROMATZ)*

*Response to L.ROMATZ-1*
The comment is noted. Please refer to Master Response 4, General Opposition Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. Master Response 4 provides a response to comments that express general opposition or disapproval of the proposed project.

Note that concerns related to privacy and quality of life do not constitute physical impacts on the environment and thus are not further addressed in the Final EIR. Please refer to Master Response 2, Non-CEQA Issues Not Addressed in Final EIR, in Section 2, Master Responses, of this document. Master Response 2 provides additional information on the scope of CEQA and any non-CEQA issues are not further discussed in the Final EIR. No further response is required.

*Response to L.ROMATZ-2*
The comment is noted. Section 3.12, Noise, of the Draft EIR fully analyzed potential impacts related to noise during construction and operation of the proposed project. The Draft EIR determined that impacts related to noise would be less than significant with mitigation incorporated. Mitigation would include the implementation of requirements related to construction schedule, equipment, and staging. The Draft EIR also analyzed operational noise impacts and found that impacts related to traffic and mechanical equipment would be less than significant. No further response is required.

*Response to L.ROMATZ-3*
The comment is noted. As discussed in Section 6.7, Alternatives Rejected from Further Consideration, of the Draft EIR, a single-story alternative was initially considered but rejected from further consideration because this alternative would not reduce any of the significant impacts of the proposed project. A Shadow Study was performed for the proposed project, as detailed in Section 3.1, Aesthetics, Light, and Glare, of the Draft EIR. The Shadow Study determined that the proposed project would not have a significant impact on solar energy systems on adjacent homes. As such, this alternative would not reduce any significant impacts of the proposed project and was rejected from further consideration. Furthermore, a single-story alternative would reduce the density of the project, and therefore, would not meet the project objectives related to the development of additional housing opportunities in the County to the same degree that the proposed project would.

Similarly, increased setbacks from the existing residential neighborhood would not reduce any of the significant impacts of the proposed project and would not meet the project objectives related to the development of additional housing opportunities in the County to the same degree that the proposed project would. No further response is required.

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Date: October 29, 2024
From: Hal LaFlash
To: Alameda County Planning Department
Re: Draft EIR Comments

My name is Hal LaFlash. I'm here to discuss how this County-jurisdictional project would impact the health and safety of Pleasanton residents. My focus will be on traffic and emergency services.

I'm a 35-year resident of Pleasanton with the last 10 years in the Village at Ironwood. I'm one of the approximately 900 people who live in the 420 residences in the four Ironwood communities with Busch Road as the only entrance to their home or exit to safety in an emergency. That road is also currently used by garbage trucks, transfer station customers, industrial haulers, fire engines going to training, and parents of preschoolers. Ambulances frequently use Busch to respond to emergencies at the two senior communities that make up two-thirds of the residences. On a recent normal day, more than 3,900 vehicles used that road. 1

The Arroyo Lago Draft EIR expects another 2,159 vehicles per day to use that road. The health and safety of the Ironwood residents as well as that of the residents of the new development will require major changes to the roads and emergency services within Pleasanton.

Busch Road connects to Valley Avenue. Northbound and southbound traffic on Valley would also be impacted by the additional vehicles. The draft EIR projects that traffic turning left from Santa Rita Road to Valley Avenue would be impacted sufficiently to require changing the timing on the traffic lights to make the flow of traffic manageable. 2

The Draft EIR assumes the consequences of traffic going the other direction and turning right from Valley onto Santa Rita Road can also be magically resolved by changing light timing. That traffic is currently controlled by a finite-length dedicated turn lane. The Draft EIR analysis assumes that light timing alone is sufficient to reduce the queue at that corner from 115% of available space to 98%. That is too close a call when the model doesn't consider that there is a crosswalk at that turn lane. As a frequent user of that crosswalk, I can attest that there are far more factors that affect traffic flow at that corner than considered in the model. Therefore, the increased volume of vehicles would require that the entrance to that lane would have to be physically lengthened to avoid blocking the other through lanes on Valley. The model also lacks consideration of the school crossing at Koln and Valley, which is used during two daily peak periods, five days per week. It would also impact traffic flows on Valley. 3

The left turn lane from Valley to Busch backs up every afternoon under current conditions. During the afternoon peak, the project would increase traffic on Busch by 60% - to 549 vehicles per hour. That much additional peak traffic would make the left turn lane back up to block one of the two through lanes on Valley. The Draft EIR recognizes the problem, but since the model says it would only be 97% full it offers no solution. The Draft EIR shows in a table that there have been eight accidents at Valley and Busch, but then does nothing to address the additional 4 5

accidents that will result due to greatly increased traffic at that intersection. The intersection is notorious for redlight runners, which will only get worse as the intersection becomes more congested. In the past, accidents at Valley and Busch have created traffic jams that have prevented residents from being able to enter or leave Ironwood. If an emergency vehicle had to respond at that time, it wouldn't have been possible. Greatly increased hourly and daily trips will result in more accidents at that intersection, which will make such occurrences more likely. 5 CONT

The Draft EIR for this project also does not address the other impacts on traffic and health and safety of other projects connecting to Busch Road. In addition to the 243 dwelling units in this project, the Draft EIR's list of "Cumulative Projects" shows an additional 959 dwelling units and 715,000 square feet of Amazon distribution center to be connected to Busch Road. Any changes to Busch Road, Valley Avenue, Santa Rita Road, and Stanley Boulevard in the City of Pleasanton must consider all the relevant projects. 6

This doesn't even address the chaos that is likely during project construction, which according to the proposed schedule has dump trucks and other construction vehicles using Busch Road before any road improvements could be implemented. 7

The Draft EIR acknowledges that more traffic at the Santa Rita and Stanley intersections will inevitably result in more accidents. Those accidents will be responded to by emergency staff and vehicles from Pleasanton at a time when Pleasanton is considering reducing staff in those areas.

Those same emergency services staff and vehicles will also respond to emergencies in Arroyo Lago when they are closer than County services due to a mutual aid agreement between Alameda County Fire and the Livermore Pleasanton Fire Department as noted in the Draft EIR, which states "The proposed project, through current automatic aid agreements with ACFD, would be served primarily by fire resources from the City of Pleasanton (LPFD)". The Draft EIR also states that "...the County Sheriff has not met this performance objective in the last 30 years. *However, if there is a life-threatening emergency, the County Sheriff can request Pleasanton PD* to help address the emergency until the County Sheriff's Office can arrive on the scene." 8

All of the above additional physical and service expenses would be incurred by the City of Pleasanton at a time when funding for existing services is in question.

Several times the Draft EIR recognizes that "...because the City of Pleasanton is not the lead agency of this proposed project, the mitigation measure has been deemed unenforceable and, therefore, cannot be implemented as part of the proposed project." 9

The Draft EIR also depends on Pleasanton parks and Pleasanton Unified School District.

Here is a case where, if approved, the County would force additional unfunded costs on a city. If this was the State imposing costs on the County, it would be prohibited by the State constitution, which prohibits unfunded mandates. 10

Clearly, this project should not be approved under County jurisdiction. If additional health and safety expenses and physical road improvement costs are to be imposed on the City of

Pleasanton, Pleasanton should be the responsible jurisdiction controlling the development of the property.

10
CONT



Hal LaFlash
3206 Denton Ct
Pleasanton, CA 94566
hal@laflash.com
925-222-0124

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## *Hal LaFlash (First Letter) (LAFLASH 1)*

*Response to LAFLASH 1-1*
The comment is noted. Section 3.16, Transportation, of the Draft EIR provides a detailed analysis of transportation and traffic impacts, including those related to safety, emergency access, and geometric design hazards. The potential for the proposed project to impact safety was evaluated in terms of the adequacy of sight distance and need for turn lanes at the project access points as well as the adequacy of dedicated turn lanes at the study intersections to accommodate additional queueing due to adding project-generated trips and need for additional right-of-way controls.

Furthermore, Section 3.14, Public Services, of the Draft EIR analyzed impacts related to emergency services and found less than significant impacts. Please refer to Master Response 9, Clarifying Information on Public Services EIR Section, in Section 2, Master Responses, of this document. Master Response 9 provides additional clarifying information on the analysis contained within the Draft EIR's section on Public Services, including details related to fire protection, police protection, schools, parks, and libraries. No further response is required.

*Response to LAFLASH 1-2*
The comment is noted. No environmental issues are raised, and no response is required.

*Response to LAFLASH 1-3*
The comment is noted. As discussed in Section 3.16, Transportation, of the Draft EIR, the City of Pleasanton and County of Alameda do not prescribe thresholds of significance regarding queue lengths. Therefore, for the purposes of the analysis in the Draft EIR, an increase in queue length due to project traffic was considered a potentially significant impact if the increase would cause the queue to extend out of a dedicated turn lane into a through traffic lane, or the back of queue into a visually restricted area, such as a blind corner. If queues would already be expected to extend past a dedicated turn lane or into a visually restricted area without project traffic, the addition of project traffic was considered to constitute a potentially adverse effect only if it would cause a new unacceptable condition; in other words, if the queue were already beyond the turn lane and the project would cause it to stack into an adjacent intersection or a visually restricted area, and that would not occur without the project, that would be considered an impact.

As discussed in the Draft EIR, with the existing volumes, the addition of project traffic would create a potentially significant impact on queues in the westbound right-turn lane at Santa Rita Road/Valley Avenue and northbound right-turn lane at Stanley Boulevard/Valley Avenue-Bernal Avenue during the AM peak-hour. Traffic associated with the proposed project would also create a potentially significant impact under baseline conditions in the eastbound and westbound left turn lanes at Stanley Boulevard/Valley Avenue-Bernal Avenue during the AM peak-hour. However, because these signals are located within the City of Pleasanton and the City is not the Lead Agency for the proposed project, implementation of mitigation measures that would retime these the traffic signals at Santa Rita Road/Valley Avenue and Stanley Boulevard/Valley Avenue-Bernal Avenue to accommodate queues associated with trips anticipated to be generated by the proposed project has been deemed unenforceable, and therefore cannot be implemented as part of the proposed project. Therefore, impacts would be significant and unavoidable.

The proposed project would have potentially significant impacts on-site access as well as potentially significant impacts on queueing at the intersections of Santa Rita Road/Valley Avenue and Stanley Boulevard/Valley Avenue-Bernal Avenue. Installing channelized eastbound left turn lanes at both project street connections to Busch Road has been included as part of the project design and would address significant impacts related to on-site access.

CEQA allows lead agencies to use their own thresholds of significance in their environmental documents. There is no requirement that the County was required to use a different threshold suggested by commenter on the Draft EIR. CEQA also allows a lead agency to select and explain the manner for assessing impacts and does not direct any specific methodology for determining queueing impacts. The Draft EIR clearly identifies and explains the methodology used and concludes based on substantial evidence that the proposed project would result in a significant and unavoidable impact due to queueing as no feasible mitigation is available.

The projected 95th percentile queues in turn pockets at the study intersections were determined using the SIMTRAFFIC application of Synchro and averaging the 95th percentile projected queue for each of 10 runs. Copies of the SIMTRAFFIC projections are contained in Appendix J, Transportation Supporting Information, of the Draft EIR. The County has accepted this data as sufficient to analyze queueing impacts.

The County has the discretion under CEQA to weigh the evidence relating to the accuracy and sufficiency of the information in the EIR and to decide whether to accept it. The County may adopt the environmental conclusions reached by the experts that prepared the EIR even though others may disagree with the underlying data, analysis, or conclusions. (*Laurel Heights* 47 C3d 376, 408; *State Water Resources Control Bd. Cases* (2006) 136 CA4th 674, 795). The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure. (CEQA Guidelines § 15151). Differing opinions is not a basis for finding the EIR to be inadequate; the County has the discretion to resolve a dispute among experts about the accuracy of the EIR's environmental forecasts. (*Laurel Heights*, *supra*; *Association of Irritated Residents v. County of Madera* (2003) 107 CA4th 1383, 1397).

A lead agency may also reject lay or non-expert criticism on an issue as long as its determination is supported by substantial evidence. (*East Sacramento Partnership for a Livable City v. City of Sacramento* (2016) 5 CA5th 281, 297. "[I]n the absence of a specific factual foundation in the record, dire predictions by nonexperts regarding the consequences of a project do not constitute substantial evidence."; *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359, 1417. "Unsubstantiated opinions, concerns, and suspicions about a project, though sincere and deeply felt, do not rise to the level of substantial evidence . . . .' [Citation.] Thus, 'project opponents must produce . . . evidence, other than their unsubstantiated opinions, that a project will produce a particular adverse effect."; *Banker's Hill, Hillcrest, Park West Community Preservation Group v. City of San Diego* (2006) 139 Cal.App.4th 249, 274 (internal citations omitted)). No further response is required.

*Response to LAFLASH 1-4*
The comment is noted. Please refer to *Response to LAFLASH 1-3.* No further response is required.

*Response to LAFLASH 1-5*
The comment is noted. Please refer to *Response to LAFLASH 1-3.* No further response is required.

*Response to LAFLASH 1-6*
The comment is noted. The Draft EIR includes a cumulative analysis of transportation impacts in Section 3.16, Transportation, of the Draft EIR. The geographic context for the cumulative analysis is the nine Bay Area counties (Marin, Sonoma, Napa, Solano, San Mateo, San Francisco, Santa Clara, Alameda, and Contra Costa) that fall under the purview of the Metropolitan Planning Organization (MPO), the Bay Area Metropolitan Transportation Commission. The analysis also considers the foreseeable development projects listed in Chapter 3, Environmental Impact Analysis, Table 3-1, Cumulative Projects, in unincorporated Alameda County and the surrounding cities, in addition to the proposed project. The nearest cumulative project from that table is adjacent the project site (Cumulative Projects No. 4 and No. 5). As found in the Draft EIR, the proposed project, in conjunction with other planned and approved projects, would result in a significant and unavoidable cumulative impact with respect to VMT.

The proposed project's contribution to alternative transportation impacts would not be cumulatively considerable. As such, the proposed project, in conjunction with other planned and approved projects, would result in a less than significant cumulative impact with respect to transit, bicycle, and pedestrian circulation and facilities. Additionally, the proposed project, in conjunction with other planned and approved projects, would result in a significant and unavoidable cumulative impact with respect to roadway hazards. However, the Draft EIR notes that all future development in the project area would also need to complete their own environmental review and consider traffic impacts if applicable. No further response is required.

*Response to LAFLASH 1-7*
The comment is noted. As previously discussed, the VMT associated with a project is the basis for determining traffic impacts under CEQA. Because the County has not yet adopted a standard of significance for evaluating VMT, guidance provided by the OPR in the publication Transportation Impacts (SB 743) CEQA Guidelines Update and Technical Advisory, 2018, was used. This document indicates that a residential project generating vehicle travel that is 15 or more percent below the existing regional or citywide residential VMT per capita may indicate a less than significant transportation impact. Because this methodology only applies to operational impacts, construction impacts related to traffic were not analyzed and are considered temporary and therefore not a significant impact.

Moreover, as discussed un Section 3.8, Hazards and Hazardous Materials, of the Draft EIR, if construction work encroaches within the public right-of-way, a traffic control plan would be submitted for vehicles that conforms to standards and guidelines provided by the California Manual on Uniform Traffic Control Devices (CA-MUTCD) and/or Caltrans Standard Plans. Proposed project construction would not include any road closures or roadwork that would impair or interfere with an adopted emergency response or evacuation plan. Adherence to applicable County regulations in place to regulate traffic control would ensure the proposed project would not impair or interfere with an adopted emergency response or evacuation plan, and the impact would be less than significant. Development and growth under the proposed project could result in an increase in

demand for emergency response services. New development under the proposed project would be considered in the context of the Alameda County EOP and is not expected to impair implementation of or physically interfere with the Alameda County EOP because the proposed project would not block evacuation routes and would adhere to all applicable County regulations that regulate traffic control. Therefore, the Draft EIR concluded that impacts would be less than significant.

*Response to LAFLASH 1-8*
The comment is noted. The Draft EIR found that impacts to emergency services would result in a less than significant impact in Section 3.14, Public Services, of the Draft EIR. Please refer to Master Response 9, Clarifying Information on Public Services EIR Section, in Section 2, Master Responses, of this document. Master Response 9 provides additional clarifying information on the analysis contained within the Draft EIR's section on Public Services, including details related to fire protection, police protection, schools, parks, and libraries. No further response is required.

*Response to LAFLASH 1-9*
The comment is noted. No environmental issues are raised, and no response is required. However, this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

*Response to LAFLASH 1-10*
The comment is noted. No environmental issues are raised, and no response is required. However, this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project. Please refer to Master Response 9, Clarifying Information on Public Services EIR Section, in Section 2, Master Responses, of this document. Master Response 9 provides additional clarifying information on the analysis contained within the Draft EIR's section on Public Services, including details related to fire protection, police protection, schools, parks, and libraries. No further response is required.

handed out 10-29-24

Date: October 29, 2024
From: Hal LaFlash
To: Alameda County Planning Department
Re: Draft EIR Comments

My name is Hal LaFlash. I'm here to discuss how this County-jurisdictional project would impact the health and safety of Pleasanton residents. My focus will be on traffic and emergency services.

I'm a 35-year resident of Pleasanton with the last 10 years in the Village at Ironwood. I'm one of the approximately 900 people who live in the 420 residences in the four Ironwood communities with Busch Road as the only entrance to their home or exit to safety in an emergency. That road is also currently used by garbage trucks, transfer station customers, industrial haulers, fire engines going to training, and parents of preschoolers. Ambulances frequently use Busch to respond to emergencies at the two senior communities that make up two-thirds of the residences. On a recent normal day, more than 3,900 vehicles used that road.

The Arroyo Lago Draft EIR expects another 2,159 vehicles per day to use that road. The health and safety of the Ironwood residents as well as that of the residents of the new development will require major changes to the roads and emergency services within Pleasanton.

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1

The Draft EIR assumes the consequences of traffic going the other direction and turning right from Valley onto Santa Rita Road can also be magically resolved by changing light timing. That traffic is currently controlled by a finite-length dedicated turn lane. The Draft EIR analysis assumes that light timing alone is sufficient to reduce the queue at that corner from 115% of available space to 98%. That is too close a call when the model doesn't consider that there is a crosswalk at that turn lane. As a frequent user of that crosswalk, I can attest that there are far more factors that affect traffic flow at that corner than considered in the model. Therefore, the increased volume of vehicles would require that the entrance to that lane would have to be physically lengthened to avoid blocking the other through lanes on Valley. The model also lacks consideration of the school crossing at Koln and Valley, which is used during two daily peak periods, five days per week. It would also impact traffic flows on Valley.

The left turn lane from Valley to Busch backs up every afternoon under current conditions. During the afternoon peak, the project would increase traffic on Busch by 60% - to 549 vehicles per hour. That much additional peak traffic would make the left turn lane back up to block one of the two through lanes on Valley. The Draft EIR recognizes the problem, but since the model says it would only be 97% full it offers no solution. The Draft EIR shows in a table that there have been eight accidents at Valley and Busch, but then does nothing to address the additional

accidents that will result due to greatly increased traffic at that intersection. The intersection is notorious for redlight runners, which will only get worse as the intersection becomes more congested. In the past, accidents at Valley and Busch have created traffic jams that have prevented residents from being able to enter or leave Ironwood. If an emergency vehicle had to respond at that time, it wouldn't have been possible. Greatly increased hourly and daily trips will result in more accidents at that intersection, which will make such occurrences more likely.

The Draft EIR for this project also does not address the other impacts on traffic and health and safety of other projects connecting to Busch Road. In addition to the 243 dwelling units in this project, the Draft EIR's list of "Cumulative Projects" shows an additional 959 dwelling units and 715,000 square feet of Amazon distribution center to be connected to Busch Road. Any changes to Busch Road, Valley Avenue, Santa Rita Road, and Stanley Boulevard in the City of Pleasanton must consider all the relevant projects.

This doesn't even address the chaos that is likely during project construction, which according to the proposed schedule has dump trucks and other construction vehicles using Busch Road before any road improvements could be implemented.

The Draft EIR acknowledges that more traffic at the Santa Rita and Stanley intersections will inevitably result in more accidents. Those accidents will be responded to by emergency staff and vehicles from Pleasanton at a time when Pleasanton is considering reducing staff in those areas.

Those same emergency services staff and vehicles will also respond to emergencies in Arroyo Lago when they are closer than County services due to a mutual aid agreement between Alameda County Fire and the Livermore Pleasanton Fire Department as noted in the Draft EIR, which states "The proposed project, through current automatic aid agreements with ACFD, would be served primarily by fire resources from the City of Pleasanton (LPFD)". The Draft EIR also states that "...the County Sheriff has not met this performance objective in the last 30 years. However, if there is a life-threatening emergency, the County Sheriff can request Pleasanton PD to help address the emergency until the County Sheriff's Office can arrive on the scene." 1 CONT

All of the above additional physical and service expenses would be incurred by the City of Pleasanton at a time when funding for existing services is in question.

Several times the Draft EIR recognizes that "...because the City of Pleasanton is not the lead agency of this proposed project, the mitigation measure has been deemed unenforceable and, therefore, cannot be implemented as part of the proposed project."

The Draft EIR also depends on Pleasanton parks and Pleasanton Unified School District.

Here is a case where, if approved, the County would force additional unfunded costs on a city. If this was the State imposing costs on the County, it would be prohibited by the State constitution, which prohibits unfunded mandates.

Clearly, this project should not be approved under County jurisdiction. If additional health and safety expenses and physical road improvement costs are to be imposed on the City of

Pleasanton, Pleasanton should be the responsible jurisdiction controlling the development of the property.

1
CONT



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## *Hal LaFlash (Second Letter) (LAFLASH 2)*

*Response to LAFLASH 2-1*

The commenter submitted an identical letter to LAFLASH 1. Please refer to *Responses to LAFLASH 1-1* through *Response to LAFLASH 1-10.* No further response is required.

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Date: November 5, 2024
From: Hal LaFlash
To: Aubrey Rose, Alameda County Planning Department
Re: Arroyo Lago Draft EIR Comments

This is a more-extensive, more-detailed, and footnoted version of my comments at the public meeting held October 29, 2024, in Pleasanton. While this project is currently under the jurisdiction of Alameda County, almost all its impacts are on the health and safety of Pleasanton residents.

Looking specifically at traffic and emergency services, the proposed Arroyo Lago community's only connection to the rest of the world requires the use of roads located in and maintained by the City of Pleasanton. Busch Road would be the first road affected by Arroyo Lago and all 243 residences, with an estimated population of 691 individuals[1].

There are approximately 900 people who live in the 420 residences in the four Ironwood communities where Busch Road is the only entrance to their home or exit to safety in an emergency. That road is also currently used by garbage trucks, transfer station customers, industrial haulers, fire engines going to training, and parents of preschoolers. Ambulances frequently use Busch to respond to emergencies at the two senior communities that make up two-thirds of the residences. On a recent normal day, more than 3,900 vehicles used that road[2]. 1

The Arroyo Lago Draft EIR expects another 2,159 vehicles per day to use that road[3]. The health and safety of the Ironwood residents as well as that of the residents of the new development will require major changes to the roads and emergency services within Pleasanton.

Busch Road connects to Valley Avenue. Northbound and southbound traffic on Valley would also be impacted by the additional vehicles. The draft EIR projects that traffic turning left from Santa Rita Road to Valley Avenue would be impacted sufficiently to require changing the timing on the traffic lights to make the flow of traffic manageable. 2

The Draft EIR assumes the consequences of traffic going the other direction and turning right from Valley onto Santa Rita Road can also be magically resolved by changing light timing. That traffic is currently controlled by a finite-length dedicated turn lane. The Draft EIR analysis assumes that light timing alone is sufficient to reduce the queue at that corner from 115% of available space to 98%.[4] That is too close a call when the model doesn't consider that there is a crosswalk at that turn lane. That crosswalk is used frequently, especially during the peak am and pm hours, which coincide with use by high school pedestrians and bicyclists. There are far more factors that affect traffic flow at that corner than considered in the model. Therefore, the 3

[1] Draft EIR, page 5-4, Direct Population Growth
[2] Email dated October 25, 2024 from Mike Tassano, Deputy Director of Community Development, Transportation, City of Pleasanton (attached)
[3] Draft EIR, Table 3.16-3: Trip Generation Summary, page 3.16-14
[4] Draft EIR, page 6-21

increased volume of vehicles would require that the entrance to that lane would have to be physically lengthened to avoid blocking the other through lanes on Valley. The model also lacks consideration of the school crossing at Koln and Valley, which is used during the two daily peak periods, five days per week. That crosswalk would also impact traffic flows on Valley. 3 CONT

The left turn lane from Valley to Busch backs up every afternoon under current conditions. During the afternoon peak, the project would increase traffic on Busch by 60% - to 549 vehicles per hour.[5] That much additional peak traffic would make the left turn lane back up to block one of the two through lanes on Valley. The Draft EIR recognizes the problem, but since the model says it would only be 97% full it offers no solution. The Draft EIR shows in a table that there have been eight accidents at Valley and Busch, but then does nothing to address the additional accidents that will result due to greatly increased traffic at that intersection. The intersection is notorious for redlight runners, which will only get worse as the intersection becomes more congested. In the past, accidents at Valley and Busch have created traffic jams that have prevented residents from being able to enter or leave Ironwood. If an emergency vehicle had to respond at that time, it wouldn't have been possible. Greatly increased hourly and daily trips will result in more accidents at that intersection, which will make such occurrences more likely. 4 5

The Draft EIR for this project also does not address the other impacts on traffic and health and safety of other projects connecting to Busch Road. In addition to the 243 dwelling units in this project, the Draft EIR's list of "Cumulative Projects" shows an additional 959 dwelling units and 715,000 square feet of Amazon distribution center to be connected to Busch Road[6]. Any changes to Busch Road, Valley Avenue, Santa Rita Road, and Stanley Boulevard in the City of Pleasanton must consider all the relevant projects. 6

This doesn't even address the chaos that is likely during project construction, which according to the proposed schedule has dump trucks and other construction vehicles using Busch Road before any road improvements could be implemented. 7

The Draft EIR acknowledges that more traffic at the Santa Rita and Stanley intersections will inevitably result in more accidents. Those accidents will be responded to by emergency staff and vehicles from Pleasanton at a time when Pleasanton is considering reducing staff in those areas.

Those same emergency services staff and vehicles will also respond to emergencies in Arroyo Lago when they are closer than County services due to a mutual aid agreement between Alameda County Fire and the Livermore Pleasanton Fire Department as noted in the Draft EIR, which states "The proposed project, through current automatic aid agreements with ACFD,[7] would be served primarily by fire resources from the City of Pleasanton (LPFD)". The Draft EIR also states that "…the County Sheriff has not met this performance objective in the last 30 years. 8

[5] See footnotes 2 and 3
[6] Draft EIR, Table 3-1: Cumulative Projects, page 3-7
[7] Draft EIR, Impact Analysis, page 3.14-10

However, if there is a life-threatening emergency, the County Sheriff can request Pleasanton PD to help address the emergency until the County Sheriff's Office can arrive on the scene."

All of the above additional physical and service expenses would be incurred by the City of Pleasanton at a time when funding for existing services is in question. 8 CONT

The Arroyo Lago project would violate Alameda County's Policy 193 – "The County shall ensure that new development pays for roadway improvements necessary to mitigate the exceedance of traffic Level of Service standards caused directly by the development." But since the roadway improvements needed are all within the City of Pleasanton, it can't be corrected. 9

Several times the Draft EIR recognizes that "…because the City of Pleasanton is not the lead agency of this proposed project, the mitigation measure has been deemed unenforceable and, therefore, cannot be implemented as part of the proposed project."[8] 10

The Draft EIR also depends on Pleasanton parks and Pleasanton Unified School District.

Here is a case where, if approved, the County would force additional unfunded costs on a city. If this was the State imposing costs on the County, it would be prohibited by the State constitution, which prohibits unfunded mandates.

Clearly, this project should not be approved under County jurisdiction. If additional health and safety expenses and physical road improvement costs are to be imposed on the City of Pleasanton, Pleasanton should be the responsible jurisdiction controlling the development of the property. 11

As First Carbon identified in its October 29, 2024 presentation, transportation was one of two "Significant and Unavoidable Impacts". The fact that traffic mitigation measures have been deemed unenforceable and cannot be implemented should be sufficient cause to deny this project.

Hal LaFlash
3206 Denton Ct
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hal@laflash.com
925-222-0124

[8] Draft EIR, page 3.16-27

## Hal LaFlash

**From:** Mike Tassano <MTassano@cityofpleasantonca.gov>
**Sent:** Friday, October 25, 2024 8:51 PM
**To:** hal@laflash.com
**Cc:** Mark Candland
**Subject:** Fwd: Busch Road traffic counts
**Attachments:** image001.png; image002.png; image003.png; image004.png; image005.png; image006.png; image007.png; Busch Road at Ironwood 24 hour count 10-24-2024.pdf

Begin forwarded message:

> **From:** Mark Candland <MCandland@cityofpleasantonca.gov>
> **Date:** October 25, 2024 at 4:18:33 PM PDT
> **To:** Mike Tassano <mtassano@cityofpleasantonca.gov>
> **Subject: RE: Busch Road traffic counts**
>
> Mike,
>
> I have attached the manual count of the video collected yesterday. One thing to note is the EBL includes quite a few U-turns in the AM peak and the PM for the school on the north side of Busch Rd. Also, on the hourly count you will see it say "break" where we have 15-minute periods with no vehicles. Not sure why it does not just list the zeros.
>
> -Mark
>
> ---
>
> **From:** Mike Tassano <MTassano@cityofpleasantonca.gov>
> **Sent:** Wednesday, October 23, 2024 4:10 PM
> **To:** hal@laflash.com
> **Cc:** jim@vlamis.us; Mark Candland <MCandland@cityofpleasantonca.gov>; Eric Kurz <ekurz@cityofpleasantonca.gov>; Ty Gosiengfiao <tgosiengfiao@cityofpleasantonca.gov>
> **Subject:** RE: Busch Road traffic counts
>
> Hal – Great question - Sorry I didn't look at those volumes more closely. I don't really pay much attention to the daily trip volumes. I am more interested in the busiest times of day for my streets, so I tend to only look at the counts completed by the traffic consultant. They just do the AM and PM peak hours.
>
> I had my signal technician pull up the location – he has informed me that we don't use our detection cameras to count there… we use the less reliable pavement loop detection.
>
> I went back through the data and it looks like the southbound right turn detector is not counting all of the vehicles. As you noted, that number is low. It isn't due to the RTOR, but just due to a bad loop.

12

I am sorry to have given you bad data. I am going to have my intern place a camera there tomorrow and have him manually count the vehicles from the video.

I assume you want the data prior to next week's open house? It is on the 28th correct?

**Mike Tassano** (he/him)
*Deputy Director of Community Development, Transportation*
D: 925-931-5670
F: 925-931-5478
mtassano@cityofpleasantonca.gov

City of Pleasanton | P.O. Box 520, Pleasanton, CA 94566

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**From:** Hal LaFlash <hal@laflash.com>
**Sent:** Wednesday, October 23, 2024 3:18 PM
**To:** Mike Tassano <MTassano@cityofpleasantonca.gov>
**Cc:** jim@vlamis.us
**Subject:** RE: Busch Road traffic counts

***** [EXTERNAL] This message comes from an external organization. Exercise caution when opening attachments or clicking links, especially from unknown senders. *****

Mike,

Thanks for the traffic count information.

I do have a question on a couple of the statistics. Eastbound Left turns (EBL) would be all the turns from Eastbound Busch onto Ironwood Drive. Your data shows 1,068 for EBL. If you go into the Ironwood development, you have to leave it via the same road since there are no other exits. Exits from Ironwood Drive would be Southbound Right turns (SBR). SBR shows as only 376. I'm having a problem understanding why there is such a huge difference between those figures.

There are a lot of U-turns at that intersection, mainly parents picking up at the Montessori school and Meridian residents taking a shortcut. U-turns would show up as EBL, but not SBR. However, there aren't enough of those combined to explain the difference of 692. Is it possible that some of the those making right-turns on red from Ironwood to Busch aren't showing up as SBR?

What am I missing?

Thanks,

Hal LaFlash
925-222-0124

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**From:** James Vlamis <jim@vlamis.us>
**Sent:** Wednesday, October 23, 2024 1:25 PM
**To:** 'Mike Tassano' <MTassano@cityofpleasantonca.gov>
**Cc:** Hal LaFlash <hal@laflash.com>
**Subject:** RE: Busch Road traffic counts

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CONT

Mike,
I am so sorry I missed your call.
I had left my phone in the car while attending a meeting that finished about an hour ago. I just got home and sat down to catch up on emails and saw your response.
Thank you very much for what you have provided. None of us on the committee had any idea that traffic lights can multi-task in this fashion. 😊
Hal LaFlash is the gentlemen, copied on this email, that is now putting the tweaks to our rebuttal, and I have forwarded your email to him.
I asked him is there is anything else he might need and I awaiting a response.
I will give you a call in the morning if he needs anything further.

Jim

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CONT

**From:** Mike Tassano <MTassano@cityofpleasantonca.gov>
**Sent:** Tuesday, October 22, 2024 9:26 AM
**To:** Jim Vlamis <jim@vlamis.us>
**Subject:** Busch Road traffic counts

Jim,

I will give you a call in a few minutes.

You asked for traffic counts on Busch Road.

Our Traffic Signal at Busch and Ironwood counts the cars every day. In March of every year we collect the counts so we can compare them to the prior year.

Here is March 12, 2024 counts. The hour is on the left and the columns are the by movement. The westbound through is a combination of the through and right, but the right turn volume is small and would be similar to the SBL of 48 vehicles (about .5%)

These numbers are checked for accuracy with manual peak hour counts that we perform every year.
AM Peak:

PM Peak

**Mike Tassano** (he/him)
*Deputy Director of Community Development, Transportation*
D: 925-931-5670
F: 925-931-5478
mtassano@cityofpleasantonca.gov

City of Pleasanton | P.O. Box 520, Pleasanton, CA 94566

<image001.png>
<image002.png>
<image003.png>
<image004.png>

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CONT

# City of Pleasanton

Traffic Engineering

Groups Printed- Unshifted

| | IRONWOOD From North | | | | | BUSCH From East | | | | | IRONWOOD From South | | | | | BUSCH From West | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Start Time | Right | Thru | Left | Peds | App. Total | Right | Thru | Left | Peds | App. Total | Right | Thru | Left | Peds | App. Total | Right | Thru | Left | Peds | App. Total | Int. Total |
| 12:00 AM | 0 | 0 | 0 | 0 | 0 | 0 | 4 | 0 | 0 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 1 | 5 |
| 12:15 AM | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 1 | 1 |
| *** BREAK *** | | | | | | | | | | | | | | | | | | | | | |
| Total | 0 | 0 | 0 | 0 | 0 | 0 | 4 | 0 | 0 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 2 | 6 |
| 01:00 AM | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 1 | 3 |
| *** BREAK *** | | | | | | | | | | | | | | | | | | | | | |
| 01:45 AM | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| Total | 0 | 0 | 0 | 0 | 0 | 0 | 3 | 0 | 0 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 1 | 4 |
| 02:00 AM | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 4 | 1 | 0 | 5 | 5 |
| 02:15 AM | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | 0 | 0 | 3 | 4 |
| 02:30 AM | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 2 | 4 |
| 02:45 AM | 0 | 0 | 0 | 0 | 0 | 0 | 3 | 0 | 0 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 1 | 4 |
| Total | 0 | 0 | 0 | 0 | 0 | 0 | 6 | 0 | 0 | 6 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 1 | 0 | 11 | 17 |
| 03:00 AM | 0 | 0 | 0 | 0 | 0 | 0 | 4 | 0 | 0 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | 0 | 0 | 3 | 7 |
| 03:15 AM | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 2 | 4 |
| 03:30 AM | 0 | 0 | 0 | 0 | 0 | 0 | 4 | 0 | 0 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 5 | 0 | 0 | 5 | 9 |
| 03:45 AM | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 2 | 4 |
| Total | 0 | 0 | 0 | 0 | 0 | 0 | 12 | 0 | 0 | 12 | 0 | 0 | 0 | 0 | 0 | 0 | 12 | 0 | 0 | 12 | 24 |
| 04:00 AM | 1 | 0 | 0 | 0 | 1 | 0 | 1 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 7 | 0 | 0 | 7 | 9 |
| 04:15 AM | 0 | 0 | 0 | 0 | 0 | 0 | 5 | 0 | 0 | 5 | 0 | 0 | 0 | 0 | 0 | 0 | 6 | 0 | 0 | 6 | 11 |
| 04:30 AM | 2 | 0 | 0 | 0 | 2 | 0 | 3 | 0 | 0 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 15 | 0 | 0 | 15 | 20 |
| 04:45 AM | 3 | 0 | 0 | 0 | 3 | 0 | 3 | 0 | 0 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 22 | 2 | 0 | 24 | 30 |
| Total | 6 | 0 | 0 | 0 | 6 | 0 | 12 | 0 | 0 | 12 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 2 | 0 | 52 | 70 |
| 05:00 AM | 1 | 0 | 0 | 0 | 1 | 0 | 10 | 0 | 0 | 10 | 0 | 0 | 0 | 0 | 0 | 0 | 12 | 1 | 0 | 13 | 24 |
| 05:15 AM | 1 | 0 | 0 | 0 | 1 | 0 | 4 | 0 | 0 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 12 | 0 | 0 | 12 | 17 |
| 05:30 AM | 0 | 0 | 0 | 0 | 0 | 0 | 3 | 0 | 0 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 14 | 0 | 0 | 14 | 17 |
| 05:45 AM | 1 | 0 | 0 | 0 | 1 | 0 | 14 | 0 | 0 | 14 | 0 | 0 | 0 | 0 | 0 | 0 | 23 | 1 | 0 | 24 | 39 |
| Total | 3 | 0 | 0 | 0 | 3 | 0 | 31 | 0 | 0 | 31 | 0 | 0 | 0 | 0 | 0 | 0 | 61 | 2 | 0 | 63 | 97 |
| 06:00 AM | 7 | 0 | 0 | 0 | 7 | 0 | 11 | 0 | 0 | 11 | 0 | 0 | 0 | 0 | 0 | 0 | 22 | 1 | 0 | 23 | 41 |
| 06:15 AM | 3 | 0 | 0 | 0 | 3 | 0 | 5 | 0 | 0 | 5 | 0 | 0 | 0 | 0 | 0 | 0 | 27 | 1 | 0 | 28 | 36 |
| 06:30 AM | 3 | 0 | 0 | 0 | 3 | 0 | 10 | 0 | 0 | 10 | 0 | 0 | 0 | 0 | 0 | 0 | 14 | 0 | 0 | 14 | 27 |
| 06:45 AM | 8 | 0 | 0 | 0 | 8 | 0 | 9 | 0 | 0 | 9 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 2 | 0 | 15 | 32 |
| Total | 21 | 0 | 0 | 0 | 21 | 0 | 35 | 0 | 0 | 35 | 0 | 0 | 0 | 0 | 0 | 0 | 76 | 4 | 0 | 80 | 136 |
| 07:00 AM | 11 | 0 | 0 | 0 | 11 | 0 | 15 | 0 | 0 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 8 | 0 | 21 | 47 |
| 07:15 AM | 9 | 0 | 0 | 0 | 9 | 1 | 19 | 0 | 0 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 14 | 7 | 0 | 21 | 50 |
| 07:30 AM | 14 | 0 | 0 | 0 | 14 | 0 | 13 | 0 | 0 | 13 | 0 | 0 | 0 | 0 | 0 | 0 | 17 | 16 | 0 | 33 | 60 |
| 07:45 AM | 22 | 0 | 0 | 0 | 22 | 0 | 9 | 0 | 0 | 9 | 0 | 0 | 0 | 0 | 0 | 0 | 20 | 13 | 0 | 33 | 64 |
| Total | 56 | 0 | 0 | 0 | 56 | 1 | 56 | 0 | 0 | 57 | 0 | 0 | 0 | 0 | 0 | 0 | 64 | 44 | 0 | 108 | 221 |
| 08:00 AM | 15 | 0 | 0 | 0 | 15 | 0 | 16 | 0 | 0 | 16 | 0 | 0 | 0 | 0 | 0 | 0 | 12 | 17 | 0 | 29 | 60 |
| 08:15 AM | 30 | 0 | 1 | 0 | 31 | 0 | 15 | 0 | 0 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 15 | 29 | 0 | 44 | 90 |
| 08:30 AM | 36 | 0 | 0 | 0 | 36 | 0 | 20 | 0 | 0 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 18 | 48 | 0 | 66 | 122 |
| 08:45 AM | 13 | 0 | 1 | 0 | 14 | 1 | 22 | 0 | 0 | 23 | 0 | 0 | 0 | 0 | 0 | 0 | 15 | 40 | 0 | 55 | 92 |
| Total | 94 | 0 | 2 | 0 | 96 | 1 | 73 | 0 | 0 | 74 | 0 | 0 | 0 | 0 | 0 | 0 | 60 | 134 | 0 | 194 | 364 |
| 09:00 AM | 14 | 0 | 0 | 0 | 14 | 0 | 13 | 0 | 0 | 13 | 0 | 0 | 0 | 0 | 0 | 0 | 16 | 25 | 0 | 41 | 68 |
| 09:15 AM | 9 | 0 | 0 | 0 | 9 | 0 | 16 | 0 | 0 | 16 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 14 | 0 | 27 | 52 |

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CONT

# City of Pleasanton

Traffic Engineering

Groups Printed- Unshifted

| | IRONWOOD From North | | | | | BUSCH From East | | | | | IRONWOOD From South | | | | | BUSCH From West | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Start Time | Right | Thru | Left | Peds | App. Total | Right | Thru | Left | Peds | App. Total | Right | Thru | Left | Peds | App. Total | Right | Thru | Left | Peds | App. Total | Int. Total |
| 09:30 AM | 16 | 0 | 0 | 0 | 16 | 0 | 14 | 0 | 0 | 14 | 0 | 0 | 0 | 0 | 0 | 0 | 14 | 13 | 0 | 27 | 57 |
| 09:45 AM | 19 | 0 | 0 | 0 | 19 | 0 | 15 | 0 | 0 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 33 | 14 | 0 | 47 | 81 |
| Total | 58 | 0 | 0 | 0 | 58 | 0 | 58 | 0 | 0 | 58 | 0 | 0 | 0 | 0 | 0 | 0 | 76 | 66 | 0 | 142 | 258 |
| 10:00 AM | 15 | 0 | 1 | 0 | 16 | 0 | 26 | 0 | 0 | 26 | 0 | 0 | 0 | 0 | 0 | 0 | 23 | 10 | 0 | 33 | 75 |
| 10:15 AM | 22 | 0 | 0 | 0 | 22 | 0 | 19 | 0 | 0 | 19 | 0 | 0 | 0 | 0 | 0 | 0 | 19 | 20 | 0 | 39 | 80 |
| 10:30 AM | 19 | 0 | 1 | 2 | 22 | 2 | 17 | 0 | 0 | 19 | 0 | 0 | 0 | 0 | 0 | 0 | 23 | 9 | 0 | 32 | 73 |
| 10:45 AM | 14 | 0 | 0 | 0 | 14 | 0 | 16 | 0 | 0 | 16 | 0 | 0 | 0 | 0 | 0 | 0 | 18 | 18 | 0 | 36 | 66 |
| Total | 70 | 0 | 2 | 2 | 74 | 2 | 78 | 0 | 0 | 80 | 0 | 0 | 0 | 0 | 0 | 0 | 83 | 57 | 0 | 140 | 294 |
| 11:00 AM | 19 | 0 | 1 | 0 | 20 | 1 | 18 | 0 | 0 | 19 | 0 | 0 | 0 | 0 | 0 | 0 | 16 | 15 | 0 | 31 | 70 |
| 11:15 AM | 10 | 0 | 1 | 0 | 11 | 0 | 15 | 0 | 0 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 23 | 17 | 0 | 40 | 66 |
| 11:30 AM | 23 | 0 | 0 | 0 | 23 | 0 | 22 | 0 | 0 | 22 | 0 | 0 | 0 | 0 | 0 | 0 | 28 | 22 | 0 | 50 | 95 |
| 11:45 AM | 10 | 0 | 0 | 1 | 11 | 0 | 23 | 0 | 0 | 23 | 0 | 0 | 0 | 0 | 0 | 0 | 28 | 12 | 0 | 40 | 74 |
| Total | 62 | 0 | 2 | 1 | 65 | 1 | 78 | 0 | 0 | 79 | 0 | 0 | 0 | 0 | 0 | 0 | 95 | 66 | 0 | 161 | 305 |
| 12:00 PM | 15 | 0 | 0 | 1 | 16 | 0 | 39 | 0 | 0 | 39 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 15 | 0 | 47 | 102 |
| 12:15 PM | 10 | 0 | 0 | 1 | 11 | 0 | 20 | 0 | 0 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 15 | 23 | 0 | 38 | 69 |
| 12:30 PM | 14 | 0 | 0 | 1 | 15 | 1 | 24 | 0 | 0 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 19 | 16 | 0 | 35 | 75 |
| 12:45 PM | 10 | 0 | 0 | 0 | 10 | 0 | 24 | 0 | 0 | 24 | 0 | 0 | 0 | 0 | 0 | 0 | 24 | 20 | 0 | 44 | 78 |
| Total | 49 | 0 | 0 | 3 | 52 | 1 | 107 | 0 | 0 | 108 | 0 | 0 | 0 | 0 | 0 | 0 | 90 | 74 | 0 | 164 | 324 |
| 01:00 PM | 18 | 0 | 0 | 0 | 18 | 2 | 27 | 0 | 0 | 29 | 0 | 0 | 0 | 0 | 0 | 0 | 23 | 21 | 0 | 44 | 91 |
| 01:15 PM | 16 | 0 | 0 | 0 | 16 | 0 | 22 | 0 | 0 | 22 | 0 | 0 | 0 | 0 | 0 | 0 | 26 | 17 | 0 | 43 | 81 |
| 01:30 PM | 14 | 0 | 0 | 0 | 14 | 1 | 24 | 0 | 0 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 20 | 19 | 0 | 39 | 78 |
| 01:45 PM | 17 | 0 | 0 | 0 | 17 | 0 | 21 | 0 | 0 | 21 | 0 | 0 | 0 | 0 | 0 | 0 | 16 | 23 | 0 | 39 | 77 |
| Total | 65 | 0 | 0 | 0 | 65 | 3 | 94 | 0 | 0 | 97 | 0 | 0 | 0 | 0 | 0 | 0 | 85 | 80 | 0 | 165 | 327 |
| 02:00 PM | 16 | 0 | 0 | 0 | 16 | 0 | 25 | 0 | 0 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 26 | 18 | 0 | 44 | 85 |
| 02:15 PM | 17 | 0 | 0 | 0 | 17 | 1 | 35 | 0 | 0 | 36 | 0 | 0 | 0 | 0 | 0 | 0 | 26 | 25 | 0 | 51 | 104 |
| 02:30 PM | 15 | 0 | 0 | 0 | 15 | 0 | 13 | 0 | 0 | 13 | 0 | 0 | 0 | 0 | 0 | 0 | 6 | 14 | 0 | 20 | 48 |
| 02:45 PM | 14 | 0 | 1 | 0 | 15 | 0 | 15 | 0 | 0 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 16 | 22 | 0 | 38 | 68 |
| Total | 62 | 0 | 1 | 0 | 63 | 1 | 88 | 0 | 0 | 89 | 0 | 0 | 0 | 0 | 0 | 0 | 74 | 79 | 0 | 153 | 305 |
| 03:00 PM | 18 | 0 | 0 | 0 | 18 | 0 | 24 | 0 | 0 | 24 | 0 | 0 | 0 | 0 | 0 | 0 | 19 | 25 | 0 | 44 | 86 |
| 03:15 PM | 12 | 0 | 1 | 0 | 13 | 0 | 16 | 0 | 0 | 16 | 0 | 0 | 0 | 0 | 0 | 0 | 16 | 34 | 0 | 50 | 79 |
| 03:30 PM | 15 | 0 | 1 | 0 | 16 | 0 | 29 | 0 | 0 | 29 | 0 | 0 | 0 | 0 | 0 | 0 | 17 | 36 | 0 | 53 | 98 |
| 03:45 PM | 17 | 0 | 0 | 0 | 17 | 0 | 17 | 0 | 0 | 17 | 0 | 0 | 0 | 0 | 0 | 0 | 7 | 40 | 0 | 47 | 81 |
| Total | 62 | 0 | 2 | 0 | 64 | 0 | 86 | 0 | 0 | 86 | 0 | 0 | 0 | 0 | 0 | 0 | 59 | 135 | 0 | 194 | 344 |
| 04:00 PM | 23 | 0 | 0 | 0 | 23 | 1 | 51 | 0 | 0 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 27 | 0 | 37 | 112 |
| 04:15 PM | 12 | 0 | 0 | 0 | 12 | 1 | 10 | 0 | 0 | 11 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | 24 | 0 | 27 | 50 |
| 04:30 PM | 16 | 0 | 0 | 0 | 16 | 0 | 20 | 0 | 0 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | 25 | 0 | 28 | 64 |
| 04:45 PM | 18 | 0 | 0 | 0 | 18 | 0 | 3 | 0 | 0 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 19 | 0 | 19 | 40 |
| Total | 69 | 0 | 0 | 0 | 69 | 2 | 84 | 0 | 0 | 86 | 0 | 0 | 0 | 0 | 0 | 0 | 16 | 95 | 0 | 111 | 266 |
| 05:00 PM | 17 | 0 | 0 | 0 | 17 | 0 | 13 | 0 | 0 | 13 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 26 | 0 | 27 | 57 |
| 05:15 PM | 17 | 0 | 1 | 0 | 18 | 0 | 3 | 0 | 0 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 4 | 18 | 0 | 22 | 43 |
| 05:30 PM | 9 | 0 | 0 | 0 | 9 | 0 | 4 | 0 | 0 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 4 | 23 | 0 | 27 | 40 |
| 05:45 PM | 9 | 0 | 0 | 0 | 9 | 0 | 4 | 0 | 0 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 4 | 21 | 0 | 25 | 38 |
| Total | 52 | 0 | 1 | 0 | 53 | 0 | 24 | 0 | 0 | 24 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 88 | 0 | 101 | 178 |
| 06:00 PM | 15 | 0 | 0 | 0 | 15 | 1 | 5 | 0 | 0 | 6 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | 19 | 0 | 22 | 43 |
| 06:15 PM | 6 | 0 | 0 | 0 | 6 | 0 | 3 | 0 | 0 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | 26 | 0 | 29 | 38 |
| 06:30 PM | 14 | 0 | 0 | 0 | 14 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 20 | 0 | 21 | 35 |
| 06:45 PM | 11 | 0 | 0 | 0 | 11 | 0 | 3 | 0 | 0 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 20 | 0 | 20 | 34 |
| Total | 46 | 0 | 0 | 0 | 46 | 1 | 11 | 0 | 0 | 12 | 0 | 0 | 0 | 0 | 0 | 0 | 7 | 85 | 0 | 92 | 150 |
| 07:00 PM | 8 | 0 | 1 | 0 | 9 | 0 | 1 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 14 | 0 | 14 | 24 |
| 07:15 PM | 10 | 0 | 0 | 0 | 10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 16 | 0 | 17 | 27 |
| 07:30 PM | 8 | 0 | 0 | 0 | 8 | 0 | 2 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 10 | 0 | 11 | 21 |
| 07:45 PM | 5 | 0 | 0 | 0 | 5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 14 | 0 | 14 | 19 |
| Total | 31 | 0 | 1 | 0 | 32 | 0 | 3 | 0 | 0 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 54 | 0 | 56 | 91 |

12
CONT

# City of Pleasanton

Traffic Engineering

Groups Printed- Unshifted

| | IRONWOOD From North | | | | | BUSCH From East | | | | | IRONWOOD From South | | | | | BUSCH From West | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Start Time | Right | Thru | Left | Peds | App. Total | Right | Thru | Left | Peds | App. Total | Right | Thru | Left | Peds | App. Total | Right | Thru | Left | Peds | App. Total | Int. Total |
| 08:00 PM | 6 | 0 | 0 | 0 | 6 | 0 | 1 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 13 | 0 | 15 | 22 |
| 08:15 PM | 10 | 0 | 1 | 0 | 11 | 0 | 2 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 16 | 0 | 16 | 29 |
| 08:30 PM | 5 | 0 | 0 | 0 | 5 | 0 | 3 | 0 | 0 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 9 | 0 | 10 | 18 |
| 08:45 PM | 4 | 0 | 0 | 0 | 4 | 0 | 1 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 7 | 0 | 9 | 14 |
| Total | 25 | 0 | 1 | 0 | 26 | 0 | 7 | 0 | 0 | 7 | 0 | 0 | 0 | 0 | 0 | 0 | 5 | 45 | 0 | 50 | 83 |
| 09:00 PM | 1 | 0 | 0 | 0 | 1 | 0 | 1 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 7 | 0 | 7 | 9 |
| 09:15 PM | 4 | 0 | 0 | 0 | 4 | 0 | 2 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 8 | 0 | 9 | 15 |
| 09:30 PM | 1 | 0 | 0 | 0 | 1 | 0 | 2 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 3 | 0 | 4 | 7 |
| 09:45 PM | 3 | 0 | 0 | 0 | 3 | 0 | 1 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 5 | 0 | 6 | 10 |
| Total | 9 | 0 | 0 | 0 | 9 | 0 | 6 | 0 | 0 | 6 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | 23 | 0 | 26 | 41 |
| 10:00 PM | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| 10:15 PM | 1 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 4 | 0 | 6 | 7 |
| 10:30 PM | 2 | 0 | 0 | 0 | 2 | 0 | 1 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 5 | 0 | 5 | 8 |
| 10:45 PM | 2 | 0 | 0 | 0 | 2 | 0 | 2 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | 0 | 3 | 7 |
| Total | 5 | 0 | 0 | 0 | 5 | 0 | 4 | 0 | 0 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 12 | 0 | 14 | 23 |
| 11:00 PM | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 1 | 3 |
| 11:15 PM | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 1 | 1 |
| 11:30 PM | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 1 | 3 |
| *** BREAK *** | | | | | | | | | | | | | | | | | | | | | |
| Total | 0 | 0 | 0 | 0 | 0 | 0 | 4 | 0 | 0 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 2 | 0 | 3 | 7 |

*** BREAK ***

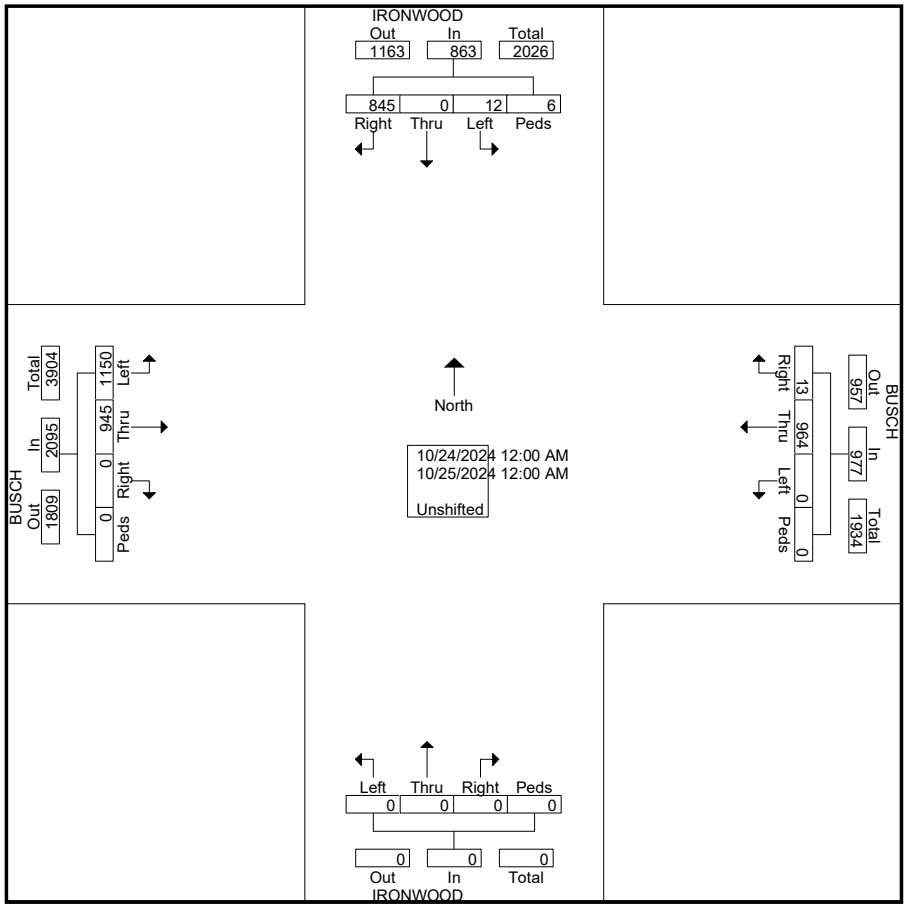
12
CONT

# City of Pleasanton

Traffic Engineering

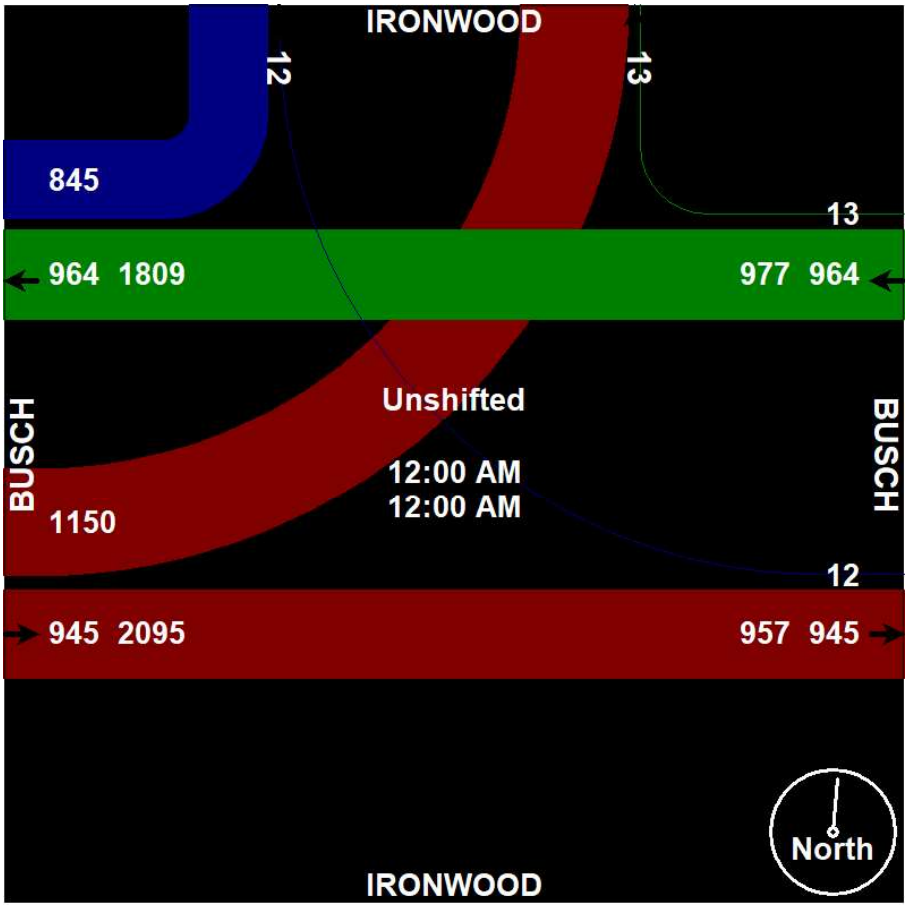
Groups Printed- Unshifted

| | IRONWOOD From North | | | | | BUSCH From East | | | | | IRONWOOD From South | | | | | BUSCH From West | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Right | Thru | Left | Peds | App. Total | Right | Thru | Left | Peds | App. Total | Right | Thru | Left | Peds | App. Total | Right | Thru | Left | Peds | App. Total | Int. Total |
| Grand Total | 845 | 0 | 12 | 6 | 863 | 13 | 964 | 0 | 0 | 977 | 0 | 0 | 0 | 0 | 0 | 0 | 945 | 1150 | 0 | 2095 | 3935 |
| Apprch % | 97.9 | 0 | 1.4 | 0.7 | | 1.3 | 98.7 | 0 | 0 | | 0 | 0 | 0 | 0 | | 0 | 45.1 | 54.9 | 0 | | |
| Total % | 21.5 | 0 | 0.3 | 0.2 | 21.9 | 0.3 | 24.5 | 0 | 0 | 24.8 | 0 | 0 | 0 | 0 | 0 | 0 | 24 | 29.2 | 0 | 53.2 | |



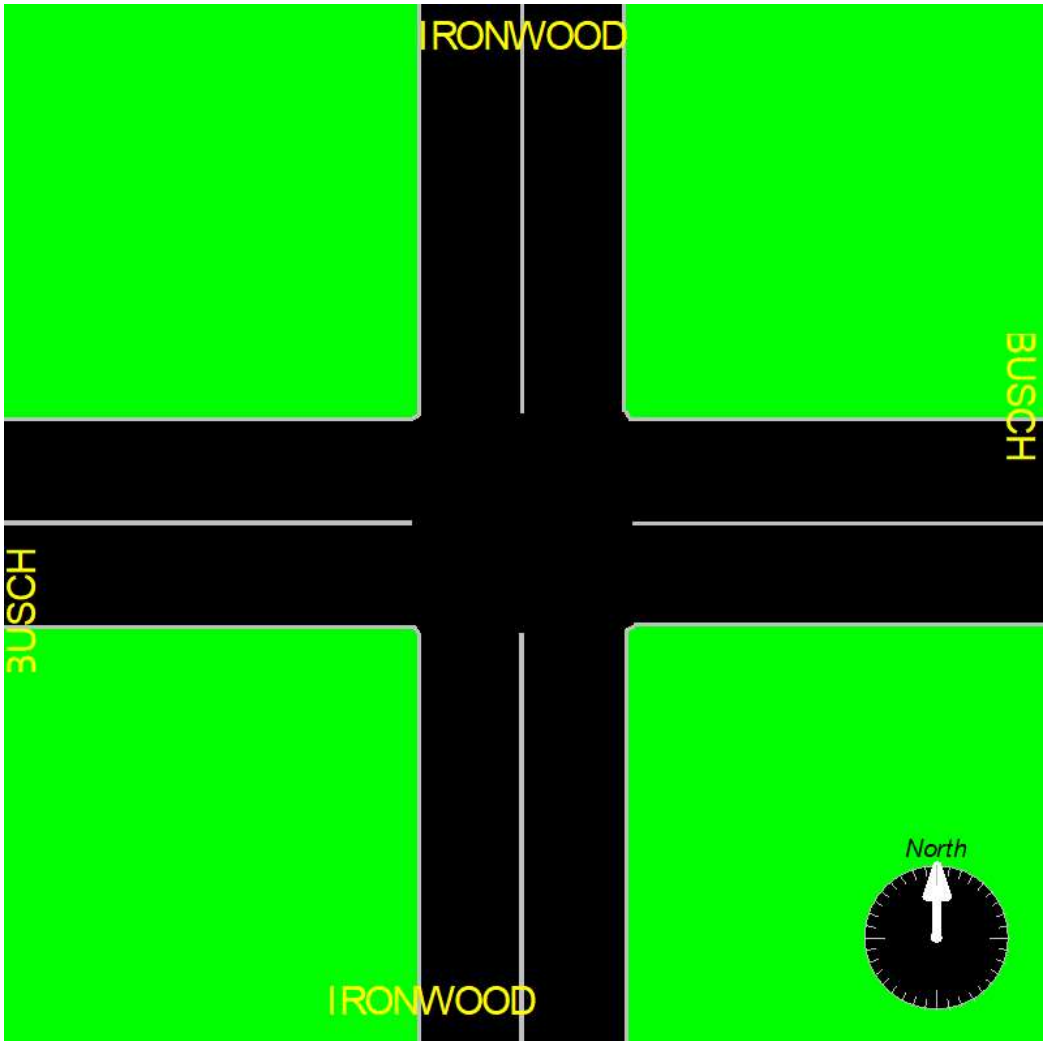

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City of Pleasanton
Traffic Engineering




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**City of Pleasanton**
Traffic Engineering




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## *Hal LaFlash (Third Letter) (LAFLASH 3)*

*Response to LAFLASH 3-1*
The comment is noted. Please refer to *Response to LAFLASH 1-1*. No further response is required.

*Response to LAFLASH 3-2*
The comment is noted. Please refer to *Response to LAFLASH 1-2*. No further response is required.

*Response to LAFLASH 3-3*
The comment is noted. Please refer to *Response to LAFLASH 1-3.* No further response is required.

*Response to LAFLASH 3-4*
The comment is noted. Please refer to *Response to LAFLASH 1-3.* No further response is required.

*Response to LAFLASH 3-5*
The comment is noted. Please refer to *Response to LAFLASH 1-3.* No further response is required.

*Response to LAFLASH 3-6*
The comment is noted. Please refer to *Response to LAFLASH 1-6.* No further response is required.

*Response to LAFLASH 3-7*
The comment is noted. Please refer to *Response to LAFLASH 1-7.* No further response is required.

*Response to LAFLASH 3-8*
The comment is noted. Please refer to *Response to LAFLASH 1-8.* No further response is required.

*Response to LAFLASH 3-9*
The comment is noted. The proposed project would comply with all County policies applicable to the proposed project, including Policy 193. This policy is identified in Section 3.16.4, Regulatory Framework, of the Draft EIR. No further response is required.

*Response to LAFLASH 3-10*
The comment is noted. Please refer to *Response to LAFLASH 1-9.* No further response is required.

*Response to LAFLASH 3-11*
The comment is noted. Please refer to *Response to LAFLASH 1-11.*

Note that a lead agency can approve a project with significant and unavoidable impacts if it prepares and adopts a Statement of Overriding Considerations to outweigh the project's benefits against the adverse impacts. A Statement of Overriding Considerations states that the decision-making body has balanced the benefits of the proposed project against its unavoidable significant environmental impacts and has determined that the benefits of the proposed project outweigh the adverse effects. Therefore, the adverse effects are considered to be acceptable. No further response is required.

*Response to LAFLASH 3-12*
The comment is noted. Please refer to *Response to LAFLASH 1-3.* No further response is required.

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Date: November 6, 2024
From: Hal LaFlash
To: Aubrey Rose, Alameda County Planning Department
Re: Arroyo Lago Draft EIR Comments
Topic: Sewer Plant Issues

The presentation by First Carbon Solutions identified Greenhouse Gases as one of two "Significant and Unavoidable Impacts". The greenhouse gas problem is likely to be worse than identified in the Draft Environmental Impact Report due to the packaged bioreactor sewage plant. A study of "Methane Emissions from Municipal Wastewater Collection and Treatment Systems"[1] found that wastewater collection and treatment systems produce much more methane emissions than previously assumed. Methane is 80 times more potent of a greenhouse gas than carbon dioxide in the short term. The problem is likely to be worse in an unstaffed, modular system where it's more likely that chemistry can get out-of-bounds without immediate correction. 1

The existence and location of the packaged sewage plant has the potential to cause other problems that are difficult, if not impossible to mitigate. The Journal of Environmental and Public Health carried an article called "Impact on the Quality of Life When Living Close to a Municipal Wastewater Treatment Plant"[2]. A control study included 235 inhabitants living within a 500 m radius (1640 feet or 1/3 mile) of a municipal wastewater treatment plant and 97 inhabitants living further away. "A standardized questionnaire was completed by the participants which examined the general health perception and the overall life satisfaction. Also, the concentration of airborne pathogenic microorganisms in aerosol samples collected around the wastewater treatment plant was investigated. Significant risk for symptoms such as headache, unusual tiredness, and concentration difficulties was recorded and an increased possibility for respiratory and skin diseases was reported. A high rate of the cases being irritable and moody was noticed. Significantly higher gastrointestinal symptoms were also reported among the cases in relation to the controls. The prevalence of pathogenic airborne microorganisms originating from the wastewater treatment plant was reported in high numbers in sampling points close to the wastewater treatment plant." The Draft EIR map shows the bioreactor as approximately 1,500 feet from the Village at Ironwood wall and much closer to the residents of Arroyo Lago. The Draft EIR states that the plant "would potentially generate a small amount of ammonia, hydrogen sulfide, and other gaseous and aerosol emissions", but because these are not defined as "criteria pollutants" or "toxic air contaminants", "their adverse health effects are considered insignificant"[3]. Because of this conclusion, the Draft EIR does not even identify what quantity constitutes a "small amount". The National Institute for Occupational Safety and Health 2

[1] Environmental Science & Technology, 2023 Feb 3;57(6):2248–2261. doi: 10.1021/acs.est.2c04388

[2] Journal of Environmental and Public Health, "Impact on the Quality of Life When Living Close to a Municipal Wastewater Treatment Plant", https://doi.org/10.1155/2016/8467023

[3] Draft EIR, page 3.2-47

(NIOSH) defines hydrogen sulfide as toxic at 10 parts per million (ppm) for a 10-minute ceiling.[4] The study discussed above shows that even lower levels of emissions of this chemical have negative effects in long-term exposures. Ammonia is also considered a toxic under certain exposure levels.

2 CONT

The other major concern with the wastewater system is its location in proximity to the Zone 7 drinking water lakes and groundwater replenishment. The Arroyo Lago project proposes to spray more than 30,000 gallons per day[5] on eight acres of ground adjacent to Cope Lake, one of the Zone 7 drinking water lakes. Cope Lake and nearby-and-connected Lake I are part of Zone 7's Chain of Lakes, which provide a crucial part of the agency's water storage and groundwater replenishment. Zone 7 uses these facilities in providing water supplies to over 250,000 people in the Tri-Valley area. An unstaffed, automated spray field disposing of 30,000 gallons per day of treated wastewater on land immediately adjacent to Cope Lake would have a high probability of affecting the water quality of that lake.

3

The Draft EIR states that Arroyo Lago will use a "membrane bioreactor sewage treatment plant"[6] "The sewer treatment plant would include an influent pump station, a headworks facility, odor control, a membrane bioreactor facility, ultraviolet disinfection, an effluent and recycled water pump station and pipelines, solids handling, a chemical facility, administration, laboratory, operations, and maintenance."[7] The Draft EIR also states that "routine operations of the sewer treatment plant would not be expected to require any full-time employees."[8]

4

The Environmental Protection Agency has a "Wastewater Management Fact Sheet" on "Membrane Bioreactors"[9] that states "(t)he primary disadvantage of MBR systems is the typically higher capital and operating costs than conventional systems for the same throughput. O&M costs include membrane cleaning and fouling control, and eventual membrane replacement. Energy costs are also higher because of the need for air scouring to control bacterial growth on the membranes. In addition, the waste sludge from such a system might have a low settling rate, resulting in the need for chemicals to produce biosolids acceptable for disposal."

Three things stand out in this quote from the EPA: 1) this is an extremely complicated operation that would be operated and maintained by part-time staff managed by the Arroyo Lago Homeowners Association, 2) the complexity implies that there would be equipment failures from time-to-time with no redundancies and the results of those failures would leave untreated sewage directly next to the Zone 7 drinking water recharge lakes, and 3) there is no mention of disposal of biosolids anywhere in the Draft EIR[10].

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[4] https://www.cdc.gov/niosh/idlh/7783064.html

[5] Draft EIR page 3.17-7

[6] Draft EIR, page 3.6-22

[7] Draft EIR, page 3.17-24

[8] Draft EIR, page 2-29

[9] https://www.epa.gov/sites/default/files/2019-08/documents/membrane_bioreactor_fact_sheet_p100il7g.pdf

[10] Sewer plants produce a byproduct known as "biosolids", also known as "sludge". Biosolids are a product of the wastewater treatment process. During wastewater treatment the liquids are separated from the solids and the solids must be disposed of separately.

Lastly, the Draft EIR discusses possible development alternatives[11]. Alternative 2, Annexation to the City of Pleasanton, would eliminate the need for a dedicated sewage treatment system and the many problems identified above. The lack of a sewer system would also free-up 38 acres of land[12]. That much additional land would allow the development to be repositioned, alleviating some of the near-encroachment issues identified by speakers from the neighboring Village at Ironwood community at the October 29. 2024 public meeting.

5

Hal LaFlash
3206 Denton Ct
Pleasanton, CA 94566

[11] Draft EIR, page 6-3
[12] Draft EIR, page 6-11

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## *Hal LaFlash (Fourth Letter) (LAFLASH 4)*

*Response to LAFLASH 4-1*

The comment is noted. The proposed WWTP would manage the biosolids it produces by off hauling. There would be no digestion processes where methane can be produced. There would be no flares included in the proposed WWTP because they would be unnecessary since methane would not be produced. Please refer to Master Response 10, Clarifying Information on Wastewater Treatment Plant Operation and Maintenance, in Section 2, Master Responses, of this document. Master Response 10 provides additional clarifying information on the operation and maintenance of the proposed WWTP, including who would operate it, what permits would be required, and details regarding odor, sizing, PFAS, and discharge of biosolids and byproducts. No further response is required.

*Response to LAFLASH 4-2*

The comment is noted. As indicated in Section 3.17, Utilities and Service Systems, the proposed WWTP would include membrane bioreactor (MBR) technology. Wastewater treatment systems that are not properly designed and operated can be sources or odors and air emissions such as $H_2S$, $NH_3$, $CH_4$ and volatile organic compounds (VOCs). The MBR technology is designed to control odors and emissions. Please refer to Master Response 10, Clarifying Information on Wastewater Treatment Plant Operation and Maintenance, in Section 2, Master Responses, of this document. Master Response 10 provides additional clarifying information on the operation and maintenance of the proposed WWTP, including who would operate it, what permits would be required, and details regarding odor, sizing, PFAS, and discharge of biosolids and byproducts. No further response is required.

*Response to LAFLASH 4-3*

The comment is noted. The proposed agricultural spray fields have been designed and sized to capture the recycled water that would be produced by the proposed WWTP. Please refer to Master Response 11, Clarifying Information on Wastewater Effluent, in Section 2, Master Responses, of this document. Master Response 11 provides additional clarifying information regarding the potential for runoff from the proposed WWTP and agricultural irrigation spray fields to impact downstream surface water quality, groundwater quality, and the adjacent lakes. No further response is required.

*Response to LAFLASH 4-4*

The comment is noted. A certified contract operator would maintain and operate the proposed WWTP. Please refer to Master Response 10, Clarifying Information on Wastewater Treatment Plant Operation and Maintenance, in Section 2, Master Responses, of this document. Master Response 10 provides additional clarifying information on the operation and maintenance of the proposed WWTP, including who would operate it, what permits would be required, and details regarding odor, sizing, PFAS, and discharge of biosolids and byproducts. No further response is required.

*Response to LAFLASH 4-5*

The comment is noted. No environmental issues are raised, and no response is required. However, this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

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# Timothy A. Lambirth

Attorney At Law
1181 Bradford Way
Pleasanton, CA 94566
661 644-5525
tal@lambirthlaw.com

October 25, 2024

County of Alameda
Rodrigo Orduna, Assistant Planning Director
Audrey Rose, Planner III
224 West Winton Avenue, Suite 111
Heyward, CA 94544

RE: Arroyo Lago Residential Project Comment on Draft Environmental Impact Report

Dear Gentlemen,

I oppose the project for these, among many, reasons:

**1. The entire project fails as there is no signed SB 330 Preliminary Application Form on file.**

The absence of a signed SB 330 Preliminary Application Form means that there is no SB 330 Preliminary Application Form at all. That form states that, "**Before the application can be accepted, the owner of each property involved must provide a signature to verify the Preliminary Application..**. " (Emphasis added)

After a diligent search and a reasonable inquiry by our group and your staff, a signed SB 330 Preliminary Application Form could not be found. 1

There is an unsigned copy of a Form in the file, but a signed version was never submitted, and none are on file.

A SB 330 Preliminary Application forms the basis for every project. Its absence means that the Arroyo Lago Project is illegitimate and must be denied by the county. There is no Preliminary Application since there is no signed SB 330 Preliminary Application Form on file.

The developer and the project are not entitled to any of the benefits of the legislative provisions of SB 330 because it failed to strictly comply with the law by filing their form with a verified signature.

**2. This Project violates the 'Takings Clause' of 5th Amendment to the US Constitution. There shall be no taking without just compensation.** 2

The Project constitutes an unlawful taking and violates the "Takings Clause" found in the 5th Amendment to the U.S. Constitution. It is obvious that building two-story houses on top of 6 feet of fill, that are then located a mere 5-8 feet away from the east wall of the Village at Ironwood (Village) would have a tremendous negative financial impact upon the value of the properties in the Village. Common sense, as well as a forensic appraisal readily demonstrates that the Village properties immediately adjacent to the project could lose up to $150,000 in value each, which would then have an adverse rippling effect throughout the Village resulting in millions of dollars in lost property values.

2
CONT

There have been no eminent domain proceedings commenced. The construction of the Arroyo Lago project would result in the taking of hundreds of thousands of dollars in property values from the homes along the Village's east wall and millions of dollars of value for the homes in the Village as a whole.

The project is unlawful.

Very truly yours,

Timothy A. Lambirth

Timothy A. Lambirth, Esq.

### *Timothy Lambirth (LAMBIRTH)*

*Response to LAMBIRTH-1*

The comment is noted. No environmental issue was raised, so no further response is required. However, this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

*Response to LAMBIRTH-2*

The comment is noted. The proposed project does not include eminent domain. Note that financial concerns do not constitute physical impacts on the environment and thus are not further addressed in the Final EIR. However, this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project. Please refer to Master Response 2, Non-CEQA Issues Not Addressed in Final EIR, in Section 2, Master Responses, of this document. Master Response 2 provides additional information on the scope of CEQA and any non-CEQA issues are not further discussed in the Final EIR. No further response is required.

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## Rachel Krusenoski

**From:** Rose, Aubrey, CDA <Aubrey.Rose@acgov.org>
**Sent:** Friday, September 13, 2024 2:38 PM
**To:** Rachel Krusenoski
**Subject:** FW: Arrago Lago project

**Caution:** This is an external email and may contain suspicious subject or content. Please take care when clicking links or opening attachments. When in doubt, please contact your IT Department

FYI

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**From:** Yu-Ying Liu <liuyuying8@gmail.com>
**Sent:** Friday, September 13, 2024 2:37 PM
**To:** Rose, Aubrey, CDA <Aubrey.Rose@acgov.org>
**Subject:** Arrago Lago project

Dear Aubrey,

Thank you for your notice about the Arroyo Lago project, we do not have enough time to digest this EIR in 2 weeks. Please allow at least 2-3 months for us to digest this report. 1

Thank you.

Yu-Ying Liu
1588 Chatham Place Pleasanton CA 94566
Phone: 925-475-9235

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## *Yu-Ying Liu (LIU)*

*Response to LIU-1*

The comment is noted. Please refer to Master Response 1, Request for Extension of Comment Period, in Section 2, Master Responses, of this document. Master Response 1 discusses how the County voluntarily extended the public review period from 45 days to 60 days. No further response is required.

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**Rachel Krusenoski**

**From:** Rose, Aubrey, CDA <Aubrey.Rose@acgov.org>
**Sent:** Monday, September 16, 2024 9:07 AM
**To:** Rachel Krusenoski
**Subject:** FW: Arroyo Largo Residential Project

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FYI

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**From:** Julie Lo <julieklo@comcast.net>
**Sent:** Friday, September 13, 2024 5:40 PM
**To:** Rose, Aubrey, CDA <Aubrey.Rose@acgov.org>
**Subject:** Arroyo Largo Residential Project

Hello,

I just received your document regarding the Arroyo Largo Residential Project. This document includes a lot of information. Reviewing the EIR document will involve more time than just two weeks.

I understand that you will meet in about two weeks regarding the project. This timeline seems unreasonable to digest for a layman like me. 1

Is it possible to postpone the meeting? As you know, our residents in the "Village at Ironwood" are very interested in the project.

Thanks for your consideration,
Julie & Chris Lo
16998 Chatham Lane
The Village at Ironwood resident

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## *Julie and Chris Lo (LO)*

*Response to LO-1*

Please refer to Master Response 1, Request for Extension of Comment Period, in Section 2, Master Responses, of this document. Master Response 1 discusses how the County voluntarily extended the public review period from 45 days to 60 days. No further response is required.

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## Rachel Krusenoski

**From:** Rose, Aubrey, CDA <Aubrey.Rose@acgov.org>
**Sent:** Monday, September 16, 2024 9:09 AM
**To:** Rachel Krusenoski
**Subject:** FW: Public meeting for 9/26/24 - Please reschedule in 2 or 3 months

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FYI

-----Original Message-----
From: Milton Louie <mhlouie1@gmail.com>
Sent: Saturday, September 14, 2024 4:27 AM
To: Rose, Aubrey, CDA <Aubrey.Rose@acgov.org>
Subject: Public meeting for 9/26/24 - Please reschedule in 2 or 3 months

Hello Aubry,

I have been a resident of the Village at Ironwood for 1o years and am very interested in the proposed Arroyo Lago project which will be built next to the east wall of our community. There is a Public Meeting for this on September 26. I would respectfully request the is be rescheduled in 2 or 3 months.

Yesterday I just received in the mail the Notice of Availability of a Draft Environmental Impact Report, dated 9/9/24 and now see associated documents are available online. Those are extensive and lengthy. It will take some time to go through them. 1

I would appreciate the 9/26 meeting to be pushed back to allow for the ability to go through the documents as I'm concerned that some of our concerns at the Village at Ironwood are not being adequately addressed.

Respectfully,

Milton H. Louie, MD
Resident: Village at Ironwood
1041 Bradford Court
Pleasanton, CA 94566
Cell 626-372-7528
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## *Milton Louie (LOUIE)*

*Response to LOUIE-1*

The comment is noted. Please refer to Master Response 1, Request for Extension of Comment Period, in Section 2, Master Responses, of this document. Master Response 1 discusses how the County voluntarily extended the public review period from 45 days to 60 days. No further response is required.

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## Rachel Krusenoski

**From:** Rose, Aubrey, CDA <Aubrey.Rose@acgov.org>
**Sent:** Monday, September 16, 2024 9:09 AM
**To:** Rachel Krusenoski
**Subject:** FW: Arroyo Lago Residential Project - PLN2022-00193 - Vesting Tentative Tract Map (TR-8423), 3030 Mohr Avenue, Pleasanton; Assessor's Parcel Number: 946-4634-1

**Caution:** This is an external email and may contain suspicious subject or content. Please take care when clicking links or opening attachments. When in doubt, please contact your IT Department

FYI

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**From:** cliff@cliffmacdonald.com <cliff@cliffmacdonald.com>
**Sent:** Saturday, September 14, 2024 9:02 AM
**To:** Rose, Aubrey, CDA <Aubrey.Rose@acgov.org>
**Cc:** Orduna, Rodrigo, CDA <rodrigo.orduna@acgov.org>
**Subject:** RE: Arroyo Lago Residential Project - PLN2022-00193 - Vesting Tentative Tract Map (TR-8423), 3030 Mohr Avenue, Pleasanton; Assessor's Parcel Number: 946-4634-1

Dear Mr. Rose:

Thank you for email. I have been out of town this week and am just reviewing it now. There are over a thousand pages you are expecting us to review which is a lot to absorb. It is completely unreasonable to expect us to review and digest this information in the time allotted. Moreover, the date you have set for an upcoming meeting is unreasonable. 1

I am asking you to please provide an extension on both of these issues. I look forward to hearing from you at your earliest convenience,

Sincerely,

Cliff

Cliff MacDonald
1492 Chatham Place
Pleasanton, CA. 94566-4515
PH: 925-417-0414

---

**From:** Rose, Aubrey, CDA <Aubrey.Rose@acgov.org>
**Sent:** Tuesday, September 10, 2024 6:02 PM
**To:** Rose, Aubrey, CDA <Aubrey.Rose@acgov.org>
**Cc:** Orduna, Rodrigo, CDA <rodrigo.orduna@acgov.org>
**Subject:** Arroyo Lago Residential Project - PLN2022-00193 - Vesting Tentative Tract Map (TR-8423), 3030 Mohr Avenue, Pleasanton; Assessor's Parcel Number: 946-4634-1

**Greetings,**

**Regarding the Arroyo Lago Residential Project - PLN2022-00193 -** Vesting Tentative Tract Map (TR-8423) subdivision of a 26.6 acre parcel into 194 residential lots with infrastructure needed to serve the development including roads, sewer, domestic water and storm drain. 3030 Mohr Avenue, Pleasanton; Side: North; Distance: .3 miles; Direction: east of cross street: Valley Street, unincorporated area of Pleasanton; Assessor's Parcel Number: 946-4634-1. Also: 946-1250-006-04; 946-1350-003-12; 946-1350-003-10 for utilities. The parcel designated for housing is in the East County Area Plan as "MDR" (Medium Density Residential") and Zoning District of "A" Agricultural. An Environmental Impact Report is being prepared per the requirements of the California Environmental Quality Act (CEQA)

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## *Cliff Macdonald (MACDONALD)*

*Response to MACDONALD-1*

The comment is noted. Please refer to Master Response 1, Request for Extension of Comment Period, in Section 2, Master Responses, of this document. Master Response 1 discusses how the County voluntarily extended the public review period from 45 days to 60 days. No further response is required.

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## Laura Campion

**Subject:** FW: Arroyo Lago----Environmental Impact Report-----Quality of Life

**From:** Basanta Mitra <mitramitra@sbcglobal.net>
**Sent:** Monday, October 14, 2024 1:09 PM
**To:** Rose, Aubrey, CDA <aubrey.rose@acgov.org>
**Cc:** slowbob@comcast.net; Thomas Grudkowski <tgrudkowski@gmail.com>; cliff@cliffmacdonald.com
**Subject:** Arroyo Lago----Environmental Impact Report-----Quality of Life

Attn:- Alameda County Planning Department

Hello Aubrey,

My wife and I live at 1498 Chatham Place, Pleasanton, CA94566.
The Environmental Impact Report filed by the Builders show a 6 foot wooded retaining wall be built behind the retaining wall of our home. The Builders plan to bring in dirt to
raise the ground level behind our wall, just leaving 5 feet from our wall.
Then the Builders plan to build 2 story homes about 26-30 feet high.

This means we will be seeing a wood wall 6 feet above our existing East wall. This will
eliminate our seeing the sky from our family room.
The construction so close to our homes will raise lots of concern about privacy, noise and most of all dust for senior citizens like us with heart conditions and low immunity.....affecting HEALTH AND MEDICAL ISSUES.

We request for your Department to consider the above valid HEALTH AND MEDICAL ISSUES.
Thank you,

Basanta(BK) Mitra
Rajkumari(Mari) Mitra
925-577-4620
925-577-4621

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## *Basanta and Rajkumari Mitra (MITRA)*

*Response to MITRA-1*

The comment is noted, and this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

Note that privacy concerns do not constitute physical impacts on the environment and thus are not further addressed in the Final EIR. Please refer to Master Response 2, Non-CEQA Issues Not Addressed in Final EIR, in Section 2, Master Responses, of this document. Master Response 2 provides additional information on the scope of CEQA and any non-CEQA issues are not further discussed in the Final EIR. No further response is required.

The Draft EIR notes that projects under BAAQMD jurisdiction must comply with BAAQMD Regulation 6 and Fugitive Dust BMPs to reduce emissions of fugitive dust. BAAQMD requires that a project implement construction BMPs to ensure a less than significant impact regarding construction fugitive dust. Therefore, MM AIR-1 requires the incorporation of BAAQMD BMPs in the project design and implementation of construction activities as discussed on pages 3.2-43 and 3.2-44 of the Draft EIR. Implementation of all appropriate emissions control measures as recommended by BAAQMD, and required by MM AIR-1, would reduce the proposed project's fugitive dust construction emissions to less than significant levels. With the incorporation of this mitigation, the Draft EIR concludes that short-term construction impacts associated with violating an air quality standard or contributing substantially to an existing or projected air quality violation would be less than significant for fugitive dust.

Additionally, the Draft EIR fully analyzed potential impacts related to noise during construction and operation of the proposed project in Section 3.12, Noise, of the Draft EIR. The Draft EIR determined that impacts related to noise would be less than significant with mitigation incorporated. Mitigation would include the implementation of requirements related to construction schedule, equipment, and staging. The Draft EIR also analyzed operational noise impacts and found that impacts related to traffic and mechanical equipment would be less than significant.

Please refer to Master Response 3, Health and Safety Issues Not Addressed in the Final EIR, in Section 2, Master Responses, of this document. Master Response 3 provides additional information related to health and safety issues that are not further discussed in the Final EIR.

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**Rachel Krusenoski**

**From:** Rose, Aubrey, CDA <Aubrey.Rose@acgov.org>
**Sent:** Monday, September 16, 2024 9:10 AM
**To:** Rachel Krusenoski
**Subject:** FW: Arroyo Lago

**Caution:** This is an external email and may contain suspicious subject or content. Please take care when clicking links or opening attachments. When in doubt, please contact your IT Department

FYI

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**From:** Hari Mudaliar <hmudaliar@yahoo.com>
**Sent:** Sunday, September 15, 2024 1:40 PM
**To:** Rose, Aubrey, CDA <Aubrey.Rose@acgov.org>
**Subject:** Arroyo Lago

Hi Aubrey,

I am a new resident (from July 2024) of Chatham Pl, Pleasanton with a property directly abutting the east wall where the new Arroyo Lago development is being proposed. I was made aware of this proposal through a recent press release and have the following immediate concerns regarding this proposal -

1. The ground behind the boundary wall is 4-5 feet above that of ours. About a week back, when city workers were doing some maintenance work behind our wall, I found them directly looking into our house, while standing on level ground. 1
2. From the news article, it looks like the new houses will be adjacent to our wall and up to 30 feet tall.
3. The layout appears to show no road or separation between our wall and the new housing

I am told that we have 10 days before a public meeting on this project. There seems to be a lot additional documentation which needs to be reviewed by residents like me before the meeting. Please allow for at least a couple more months for us to be ready since the lack of privacy and other environmental/noise pollution related to this development is going to affect our daily lives and the value of our property. 2

Thank you for your consideration,
Hari Mudaliar
The Village, at Ironwood
1546 Chatham Pl,
Pleasanton
CA 9456

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## *Hari Mudaliar (MUDALIAR)*

*Response to MUDALIAR-1*

The comment is noted. No environmental issues are raised, and no response is required. However, this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project

*Response to MUDALIAR-2*

The comment is noted. Please refer to Master Response 1, Request for Extension of Comment Period, and Master Response 2, Non-CEQA Issues Not Addressed in Final EIR, in Section 2, Master Responses, of this document. Master Response 1 discusses how the County voluntarily extended the public review period from 45 days to 60 days. Master Response 2 provides additional information on the scope of CEQA and any non-CEQA issues are not further discussed in the Final EIR. No further response is required.

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County of Alameda
Rodrigo Orduna Assistant Planning Director
Audrey Rose Planner III
224 West Winton Avenue, Suite 111
Heyward, CA 94544

October 18 2024

RE: Arroyo Lago Residential Project Comment on Draft Environmental Impact Report

I am very concerned about Hydrogen Sulfide (H2S), which is in sewer waste from the proposed Arroyo Lago residential development.

Hydrogen Sulfide (and Carbon Dioxide) have Green House Gas issues, and health and safety issues.

In a typical sewer system, the sulfides in the wastewater can be 10-20 ppm, which could be 20 to 200+

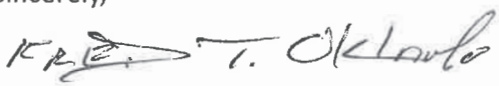
ppm of H2S gas.

1

Hydrogen Sulfide at low levels (0.2 ppm) has a rotten egg smell. 10 + ppm H2S can result in eye and respiratory irritation. Over 100 ppm H2S is dangerous to life. As you are aware, there are strict safety (OSHA and NIOSH) limits on H2S exposure.

Your draft EIR does not describe what happens with H2S in the sewer liquid and gas, how you remove and handle H2S, and what safety and shutdown systems are in place for the protection of the operators and the surrounding community. Also, the agricultural spray fields could have serious rotten egg odor problems. Please explain in more detail how you propose handling Hydrogen Sulfide.

Sincerely,



Fred T. Okimoto
Resident of the Village of Ironwood
1363 Chatham Ct.
Pleasanton, CA 94566
fredtok@yahoo.com
510-358-5123

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## *Fred Okimoto (OKIMOTO)*

*Response to OKIMOTO-1*

The comment is noted. The proposed MBR system would maintain an aerobic, neutral pH environment and the biological action would oxidize the sulfide to the odorless sulfate ion form; this would not only not be odorous, but chemically would not be volatilized and would not be released to the atmosphere. Any $H_2S$ that is transmitted to the project's WWTP would be quickly and naturally converted to the non-odorous sulfate form via the highly aerobic nature of the MBR process. Additionally, the biological suspension at the heart of the MBR would convert any odorous dissolved organic compounds to biomass and carbon dioxide, an odorless gas. Please refer to Master Response 10, Clarifying Information on Wastewater Treatment Plant Operation and Maintenance, in Section 2, Master Responses, of this document. Master Response 10 provides additional clarifying information on the operation and maintenance of the proposed WWTP, including who would operate it, what permits would be required, and details regarding odor, sizing, PFAS, and discharge of biosolids and byproducts. No further response is required.

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Hi Aubrey, its Carol Olson and my husband, Arne Olson, and we just got a copy, or were made aware of a copy, on the EIR for Arroyo Lago, the Steelwave/Steve Dunn's property behind us. I'm calling you first to simply address the 45 day timeline and that there is a meeting in 2 weeks at a clubhouse. That's not enough time. I want to know how that can be extended. I know there were many extensions on the County's part to review, which I'm glad you gave yourself plenty of time. I'm grateful for that, but we also need time, all of the stakeholders, in addition to the County, and the City's review too. They have been advised by the City attorney not to review it until it came to this time period when the public was given, so they need time to review it too. So please get back if you would. You can call me on my phone: 925-200-8272. We really need your direction and help with this and appreciate all you do. Take care. Bye bye. Oh, it's 9/11/2024 about a quarter till 11 a.m. Thank you. 1

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## *Carol Olson (OLSON)*

*Response to OLSON-1*

The comment is noted. Please refer to Master Response 1, Request for Extension of Comment Period, in Section 2, Master Responses, of this document. Master Response 1 discusses how the County voluntarily extended the public review period from 45 days to 60 days. No further response is required.

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November 5, 2024

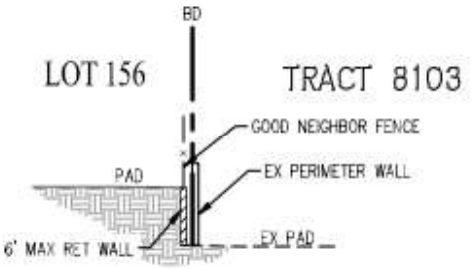
Aubrey Rose, AICP, Planner III
Alameda County Community Development Agency Planning Department
224 West Winton Avenue, Room 111
Hayward, CA 94544
Phone: 510-670-5322, Email: Aubrey.rose@acgov.org

Cc:

Supervisor Nate Miley (bosdist4@acgov.org)
Gerry Beaudin, Pleasanton City Manager
Ellen Clark, Pleasanton Dir. of Community Development

**Subject**: California Title 24 and Civic Code 841 violations with the proposed Arroyo Lago Development Draft EIR plan. Mitigation suggested here to eliminate many code violations and Ironwood health and safety / Hazard issues.

Under California Code, Civil Code - CIV § 841: https://up.codes/codes/california
For a backyard fence, the maximum height is 72 inches. The propose fence height from the Village side would result in a 14 ft height including the 6 ft retaining wall and 8 ft "good neighbor fence" as drawn in their website Page C3-1 - see below. Note that the fence is 2 ft higher than the retaining wall as drawn. Arroyo Lago Plans 8-17-22 to 1-19-23 Updates ,




SECTION A-A
SCALE: 1"=10'

1

The Draft EIR, quoted here from and in Section 3.1 -16: "While the proposed project would raise the project site by approximately six feet adjacent to the western boundary of the project site, the proposed project would include a retaining wall and good neighbor wall to minimize impacts relate to existing visual characteristics of the site. Therefore, construction-related impacts related to degradation of existing visual character, quality, or natural topography of the project site and area would be temporary and less than significant."

It seems to confer the idea that it is a good thing that the retaining wall and "Good Neighbor Fence" being 14 ft high from the Village at Ironwood side. It would be implied to be a good thing**; however,** it violates CA CIV code 841 and would not be allowed. There is also no space shown between the Village East Wall and the Arroyo Lago Retaining wall and fence on top of it. There is no space for maintenance of their retaining wall or fence. There is no room for maintenance of vegetation, mowing of grass or cutting of inevitable weeds, etc. There is no protection for items which might fall over the fence, 14 ft below the fence top, onto the backyard of Village homeowner property. This violates the code.

However, California Code, Civil Code - CIV § 841.4, states: Any fence or other structure in the nature of **a fence unnecessarily exceeding 10 feet in height maliciously erected or maintained for the purpose of annoying the owner or occupant of adjoining property is a private nuisance*. Any owner or occupant of adjoining property injured either in his comfort or the enjoyment of his estate by such nuisance may enforce the remedies against its continuance prescribed in Title 3, Part 3, Division 4 of this code***.

1
CONT

This proximity and wall height is not necessary, because the land on the Arroyo Lago side does not need to abut the Village East Wall, but could be displaces by a distance, perhaps 25 ft, which would prevent problems of fence maintenance, loss of view and elderly resident health concerns, potential mud dispersal under the Village wall, earthquake -caused landslides, and drainage issues for the backyards of the residents on the East Side Village wall.

2

**Under California Title 24, California Building Standards Code**, such a "Fence" height would violate energy efficiency of the Village residences by greatly reducing the sunlight available to the east-facing windows and requiring more artificial energy usage for the same heating and property energy applications. This should have been addressed in the EIR Section 3.5 ENER-1 which claims N/A for this issue which they claim is no loss of energy and no need for mitigation.

**This design is totally unacceptable and readily mitigated by displacement of the Arroyo Lago property at a distance from the existing Village East Wall.**

3

Thank you for your attention to these concerns.

Carol Olson
1350 Chatham Court
Pleasanton, CA 94566
925 200 8272

Tom Grudkowski, PhD Stanford Ginzton Lab
1594 Chatham Place
Pleasanton, CA 94566
Cell: 408 242 1920

## *Carol Olson and Tom Grudkowski (First Letter) (OLSON AND GRUDKOWSKI 1)*

*Response to OLSON AND GRUDKOWSKI 1-1*

The comment is noted. In Civil Code Section 841.1, the Legislature declared as a nuisance only those fences and other fence-like structures that are *unnecessarily* more than 10 feet high and that are *maliciously* erected or maintained for the purpose of annoying a neighbor. Thus, what makes a spite fence a nuisance under section 841.4 is not merely that it obstructs the passage of light and air or annoys, but that it does so unnecessarily for the malicious purpose of annoyance. While the intent to annoy the neighbor need not be the sole purpose for building or maintaining the fence, it must at least be the "dominant" purpose. (*Wilson v. Handley* (2002) 97 Cal. App. 4th 1313 (discussing *Rideout v. Knox* (1889) 148 Mass. 368, 370, 19 N.E. 390, 391, in which the Supreme Judicial Court of Massachusetts held that under a statute similar to Section 841.1 it is "not enough to satisfy the words of the act that malevolence was one of the motives, but that malevolence must be the dominant motive, a motive without which the fence would not have been built or maintained.")) Here, the proposed project's retaining wall and good neighbor wall are not designed for the purpose to annoy but, rather to minimize aesthetic impacts and ensure privacy and safety.

A good neighbor wall is an industry standard, commonly used to ensure privacy between two developments. Because of the topographic and height differences between the project site and the adjacent development, the 6-foot retaining wall would ensure safety with the additional fill on the project site, and the 8-foot good neighbor wall would provide privacy to the adjacent houses. As discussed in the Draft EIR, the proposed project's grade change has been designed to ensure that flooding would not occur.

There is no indication that any items would "fall over the fence" or that any adverse impact to the physical environment would be caused by the retaining wall. Such an unlikely situation is highly speculative. Speculation and fears about a project's impacts do not rise to the level of substantial evidence and have no evidentiary value. (*Friends of Riverside's Hills v. City of Riverside (2018) 26 CA5th 1137, 1152*). No further response is required.

*Response to OLSON AND GRUDKOWSKI 1-2*

The comment is noted. As discussed in Section 6.7, Alternatives Rejected from Further Consideration, of the Draft EIR, a single-story alternative was initially considered but rejected from further consideration because this alternative would not reduce any of the significant impacts of the proposed project. A Shadow Study was performed for the proposed project, as detailed in Section 3.1, Aesthetics, Light, and Glare, of the Draft EIR. The Shadow Study determined that the proposed project would not have a significant impact on solar energy systems on adjacent homes. As such, this alternative would not reduce any significant impacts of the proposed project and was rejected from further consideration. Furthermore, a single-story alternative would reduce the density of the project, and therefore, would not meet the project objectives related to the development of additional housing opportunities in the County to the same degree that the proposed project would.

Similarly, increased setbacks from the existing residential neighborhood would not reduce any of the significant impacts of the proposed project and would not meet the project objectives related to the development of additional housing opportunities in the County to the same degree that the proposed project would.

**Aesthetics, Light, and Glare**

Please refer to Master Response 8, Clarifying Information on the Aesthetics, Light, and Glare EIR Section and the Shadow Study, in Section 2, Master Responses, of this document. Master Response 8 provides additional clarifying information on the analysis contained within the Draft EIR's section on Aesthetics, Light, and Glare and the Shadow Study.

**Geology and Soils**

As detailed in Section 3.6, Geology and Soils, of the Draft EIR, the proposed project would be required to implement MM GEO-1, which requires adherence to the implementation of site-specific engineering measures recommended by a Design-Level Geotechnical Report. With the implementation of MM GEO-1 and the County of Alameda overseeing the proposed project, impacts related to strong seismic ground shaking would be less than significant, including those related to the proposed retaining wall.

The Preliminary Geotechnical Report does not identify any landslide-related hazards at the project site. According to the California Earthquake Hazards Zone Application (EQ Zapp), the project site is not within a landslide zone, except for the areas adjacent to the Zone 7 Chain of Lakes and surrounding the Busch Pit area. Additionally, geologic mapping does not indicate the presence of current or historic landslides in proximity to the project site. Given the relatively flat topography at the project site and the available data, the proposed project would not result in landslides. Additionally, as discussed above, implementation of MM GEO-1 would require an updated design-level geotechnical assessment of geologic and geotechnical hazards. If landslide hazards are identified at the project site, recommendations for addressing such hazards would be provided in a Design-Level Geotechnical Report. Adherence to the design recommendations provided in a Design-Level Geotechnical Report, as reviewed and verified by the County as part of the grading and building permit process, would ensure that the proposed project would not result in impacts associated with landslides. The impact would be less than significant. Therefore, impacts related to geology and soils, including earthquakes and landslides, were sufficiently analyzed and disclosed in the Draft EIR.

**Hydrology and Water Quality**

As discussed in Section 3.9, Hydrology and Water Quality, of the Draft EIR, the proposed project's drainage systems for the two drainage areas have sufficient capacity to convey the flow of stormwater from the proposed development and the off-site area east of the project site to the bioretention areas. Furthermore, the bioretention areas and retaining wall would be designed in accordance with all applicable standards and would have adequate capacity to accommodate stormwater flows from the project site during storm events to ensure that no flooding would result and that there would be no net increase in off-site flow of stormwaters. No further response is required.

*Response to OLSON AND GRUDKOWSKI 1-3*

The comment is noted. Please refer to Master Response 8, Clarifying Information on the Aesthetics, Light, and Glare EIR Section and the Shadow Study, in Section 2, Master Responses, of this document. Master Response 8 provides additional clarifying information on the analysis contained

within the Draft EIR's section on Aesthetics, Light, and Glare and the Shadow Study. This Master Response addresses how sunlight is analyzed in the Draft EIR.

Additionally, please refer to *Response to GRUDKOWSKI 9-3*, which explains that increased setbacks would not reduce any significant and unavoidable impacts of the proposed project and would not meet the project objectives as well as the proposed project would. No further response is required.

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November 8, 2024

Aubrey Rose, AICP, Planner III
Alameda County Community Development Agency Planning Department
224 West Winton Avenue, Room 111
Hayward, CA 94544
Phone: 510-670-5322, Email: Aubrey.rose@acgov.org

Cc: Supervisor David Haubert (bosdist1@acgov.org)
Supervisor Nate Miley (bosdist4@acgov.org)
Gerry Beaudin, Pleasanton City Manager
Ellen Clark, Pleasanton Dir. of Community Development

**Subject**: Draft EIR Arroyo Lago Contaminants, history of Busch Pitt, and removal of seasonal bird migration water location by imported landfill, apparently unauthorized.

Aubrey:

We live in a 55+ community at The Village at Ironwood. However, we, and at least half of the residents are 65-75 years old. The toxicity levels for the contaminants which are addressed in the Draft EIR DO NOT ADDRESS THE INCREASED SENSITIVITY TO THOSE COMTAMINANTS FOR THE ELDERLY!!! The Draft EIR does not address the reduces tolerance levels of their next-door communities like ours! 1

Our interest in the Proposed development in this context stems from the prior use of the land for Hanson Aggregates Radom Facility, soil fill after usage, and various dumping and use of "Ponds" with backfill materials which had contained hazardous materials. Having gone through much, but not all, of the Appendix F, (7218 pages) **it is astonishing that anyone would consider living in such an Arroyo Lago area! With increased age, we would not have moved here if we knew of the reduced quality of life and life expectancy upon doing so.** 2

All of the issues contained in the Hazards section 3.2 and 3.8 of the Draft EIR, while important on an individual basis, will have a measurable impact on the Health and Safety of the existing residents. A summary of those which have been studied in the allotted time are described here, as best as could be done in such a short time for the following: 3

- For the general population, as was done fin the Draft EIR, and
- For the elderly population which are most impacted by the proposed development

Impact areas:

1) Even though some tests and borings at different times and locations were made in the most obvious hazardous locations, see figures below from the report dated Oct 26, 2007 through 2017 (maybe more) they were performed in the site, namely in AOC 6 (Busch Pit) AOC 7 and EB-35 for example. The fact that residual hazardous materials such as Chromium, Arsenic, other Heavy Metals, and hydrocarbons, for example, in the original 4

or fill materials is alarming. (see Appendix F report) last 25% of the report on test borings, etc. page ~5140 onward. 4 CONT

The levels provided in the Draft EIR are the dominant consideration for the target population for a community development, so we assume. However, the hazardous levels for the elderly are obviously less than for the general population because of their reduced immune system functions and general aging of their bodies and minds.

It is both physical and mental acuity which set the levels of hazardous environmental resistance which affect our elderly communities.

The normal levels which are often quoted and used in the Draft EIR of Arroyo Lago are not pertinent to the 55+ residents of the Village at Ironwood and other Ironwood community(s). are not pertinent for the elderly and are much more sensitive to these levels. For example: Bone Density, Kidney function (reduced levels by 30-35%), Liver function (reduce pr the World Health Organization and EPA. by 20-30%) at age 75 Per OSHA and EPA: 5

- Lead: 1.4x faster accumulation at 75, or 30% reduction in hazardous levels.
- Mercury: 1.3x faster accumulation at 75, or 26% reduction in hazardous levels.
- Cadmium: 1.5x faster accumulation at 75, or 26% reduction in hazardous levels.
- Arsenic: 1.3x faster accumulation at 75, or 28% reduction in hazardous levels.

- Dust protection is also much more important as we age.
    1. **World Health Organization (WHO):** The WHO has extensively researched the health impacts of air pollution, including particulate matter. Their studies consistently show that exposure to PM2.5 is linked to increased risks of heart disease, stroke, lung cancer, and chronic obstructive pulmonary disease (COPD).
    2. **U.S. Environmental Protection Agency (EPA):** The EPA has also conducted numerous studies on the health effects of air pollution. Their findings support the WHO's conclusions, highlighting the adverse impacts of PM2.5 on respiratory and cardiovascular health. While there may not be specific studies directly linking dust from earth-moving trucks to the health of elderly populations, the general body of research on air pollution and particulate matter strongly suggests that exposure to such dust can exacerbate existing health conditions and increase the risk of new health problems, especially in vulnerable groups like the elderly. 6

Both exposure level and duration are observed to be important to elderly vulnerable populations. None of this is addressed in the Draft EIR which is therefore not relevant to the current proposed development of Arroyo Lago which is adjacent to the Village at Ironwood, a 55+ community, as well to the other Ironwood communities along Busch Road. The Draft EIR should review elderly limits and re-test the site for those levels pertinent to the elderly, since the Village at Ironwood is populated with the Elderly with ages up to 99, average age near 75. 7

2) The figures and tables below indicate particular areas of interest, namely AOC 6 at the lower left of the figures, within the "Site" which is the Former Hansen Aggregates Radum Facility. Various Phases for proposed development, as shown in their Fig. 6 below, have been labeled in the figure The current Phase 1 is the site of the proposed Arroyo Lago development, which includes the AOC 6 hazardous contaminated area as well as other sites for test drilling and backfill from various sources. Note that a reduction factor should be applied to the elderly for proper evaluation of the residents at The Village at Ironwood for their susceptibility to harm.

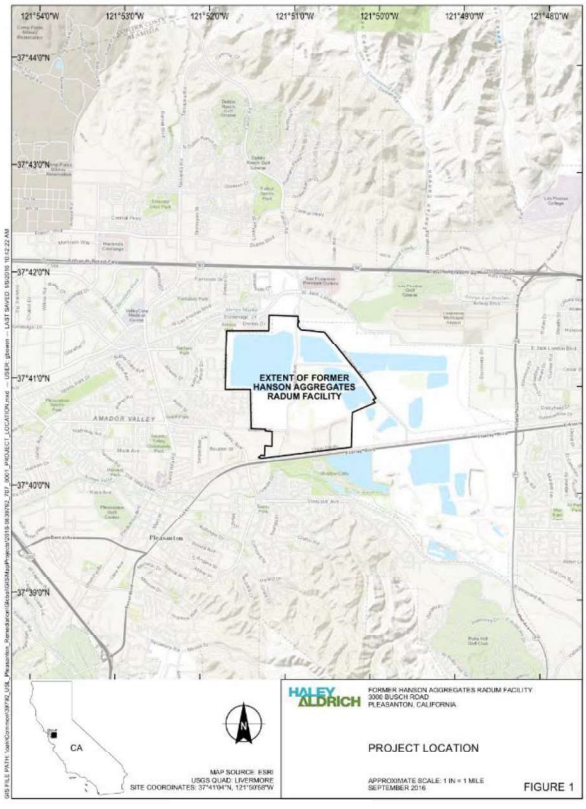
P 6262 Appendix. F

**Table 7 - Summary of Analytical Results of CAM 17 Metals Detected in Soil Samples Hanson Radum Facility, 3000 Busch Road, Pleasanton, California**

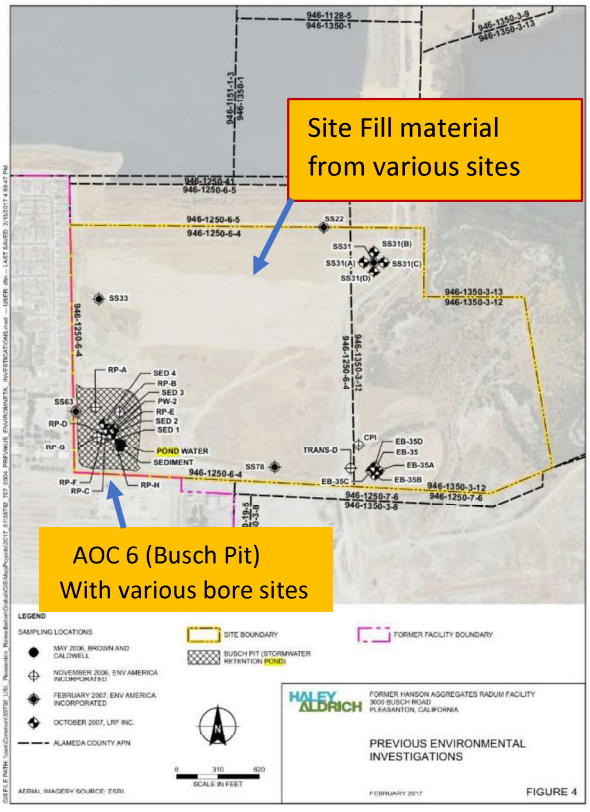
*(Concentrations reported in milligrams per kilogram (mg/Kg))*

| Sample Location | Sample ID | Date Sampled | Sample Interval top (feet bgs) | Sample Interval bottom (feet bgs) | Matrix | Total Metals (mg/Kg) Ag | As | Ba | Be | Cd | Co | Cr | Cu | Hg | Mo | Ni | Pb | Sb | Se | Tl | V | Zn |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| AOC 8 | SS-123(AA)-5.5 | 7/24/2007 | 5 | 5.5 | soil | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| AOC 8 | SS-123(AA)-7.5 | 7/24/2007 | 7 | 7.5 | soil | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| AOC 8 | SS-123(AA)-10.5 | 7/24/2007 | 10 | 10.5 | soil | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| AOC 8 | SS-123(AA)-15.5 | 7/24/2007 | 15 | 15.5 | soil | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| AOC 8 | SS-123(AA)-18 | 7/24/2007 | 17.5 | 18 | soil | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| AOC 8 | SS-123(F1)-5.5 | 7/23/2007 | 5 | 5.5 | soil | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| AOC 8 | SS-123(F1)-15.5 | 7/23/2007 | 15 | 15.5 | soil | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| AOC 8 | SS-123(F2)-6 | 7/23/2007 | 5.5 | 6 | soil | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| AOC 8 | SS-123(F2)-11.5 | 7/23/2007 | 11 | 11.5 | soil | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| AOC 8 | SS-123(F2)-16.5 | 7/23/2007 | 16 | 16.5 | soil | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| AOC 8 | SS-123(F2)-21 | 7/24/2007 | 20.5 | 21 | soil | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| AOC 8 | SS-123(F3)-5.5 | 7/24/2007 | 5 | 5.5 | soil | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| AOC 8 | SS-123(F3)-10.5 | 7/24/2007 | 10 | 10.5 | soil | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| AOC 8 | SS-123(F3)-15.5 | 7/24/2007 | 15 | 15.5 | soil | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| AOC 8 | SS-123(F3)-20.5 | 7/24/2007 | 20 | 20.5 | soil | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| AOC 8 | SS-123(F3)-25.5 | 7/24/2007 | 25 | 25.5 | soil | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| AOC 6 | SED-1 | 7/13/2007 | 0 | 0.5 | soil | <0.25 | 3.6 | 120 | 0.3 | <0.25 | 9 | 43 | 23 | 0.04 | 0.26 | 64 | 5 | <0.5 | <0.5 | <0.5 | 23 | 42 |
| AOC 6 | SED-2 | 7/13/2007 | 0 | 0.5 | soil | <0.25 | 2.9 | 96 | 0.2 | <0.25 | 7.5 | 37 | 20 | 0.053 | 0.41 | 55 | 5.6 | <0.5 | <0.5 | <0.5 | 19 | 47 |
| AOC 6 | SED-3 | 7/13/2007 | 0 | 0.5 | soil | <0.25 | 2.9 | 120 | 0.3 | <0.25 | 8.6 | 44 | 32 | 0.065 | 0.58 | 67 | 8.5 | <0.5 | <0.5 | <0.5 | 22 | 70 |
| AOC 6 | SED-4 | 7/13/2007 | 0 | 0.5 | soil | <0.25 | 3.4 | 140 | 0.3 | <0.25 | 10 | 49 | 33 | 0.051 | 0.33 | 76 | 7.6 | 0.57 | <0.5 | <0.5 | 25 | 59 |
| ESLs | | shallow soils (less than 10 feet bgs) | | | | 40 | 5.5 | 1,500 | 8 | 7.4 | 10 | 58 | 230 | 10 | 40 | 150 | 750 | 40 | 10 | 13 | 200 | 600 |
| ESLs | | deep soils (greater than 10 feeet bgs) | | | | 3,600 | 5.5 | 2,500 | 36 | 38 | 10 | 58 | 5,000 | 98 | 3,600 | 1,000 | 750 | 280 | 3,400 | 47 | 5,000 | 5,000 |

8




APP F page 6381




APP F page 6384

The area map, as of 2017, below, shows a previous plan for Arroyo Lago for reference and location of the mentioned "former areas of concern". Further test samples for example 2012, 2017 indicate Chromium, Arsenic, etc. very near danger levels. Or if already dangerous, as well as of possible fill materials included. Cleanup measures have been performed but that does not satisfy someone who still understands that hazardous materials levels are close to certain dangerous hazardous levels and could be already there in other areas, given the threat of earthquakes and other ground movement due to the nature of the soil composition, dangerous levels could very well move or be displaces by events to come. As previously noted in a letter dated June 22, 2023 and referred to in Draft EIR page 3.8.2, there is a warning sign concerning hazardous materials on the NW corner of the proposed Phase 2 site. This is not satisfactorily addressed in the Draft EIR.

**Table 1**
**Background Metal Concentrations - Cope Lake Area and Acceptance Threshold Values**

P 6262 Appendix. F

| Analyte | Min | Max | Median | Median + 2 Std Dev | ESL | 1/2 between background and ESL * | Recommended Threshold Value |
|---|---|---|---|---|---|---|---|
| Antimony | 0.53 | 0.81 | 0.61 | 0.8 | 6.1 | **3.5** | **3.5** |
| Arsenic | 4.7 | 8.50 | 6.3 | **8.9** | 5.5 | x | **8.9** |
| Barium | 120 | 300 | 200 | 296 | 750 | **523** | **523** |
| Beryllium | 0.50 | 0.73 | 0.54 | 0.7 | 40 | **20** | **20** |
| Cadmium | <0.25 | <0.25 | <0.25 | 0.25 | 1.7 | **1.0** | **1.0** |
| Chromium | 58 | 90 | 78 | **97** | 58 | x | **97** |
| Cobalt | 11 | 20 | 16 | **22** | 10 | x | **22** |
| Copper | 26 | 44 | 37 | 51 | 230 | **141** | **141** |
| Lead | 6.2 | 13 | 9.3 | 14 | 150 | **82** | **82** |
| Mercury | 0.06 | 0.58 | 0.067 | 0.5 | 3.7 | **2.1** | **2.1** |
| Molybdenum | 0.52 | 0.77 | 0.6 | 0.7 | 40 | **20** | **20** |
| Nickel | 90 | 200 | 100 | **167** | 150 | x | **167** |
| Selenium | <0.5 | <0.5 | <0.5 | 0.50 | 10 | **5** | **5.0** |
| Silver | <0.5 | <0.5 | <0.5 | 0.50 | 20 | **10** | **10** |
| Thallium | <0.5 | <0.5 | <0.5 | 0.50 | 1.0 | **0.8** | **0.8** |
| Vanadium | 31 | 51 | 39 | 52 | 110 | **81** | **81** |
| Zinc | 47 | 84 | 62 | 85 | 600 | **342** | **342** |

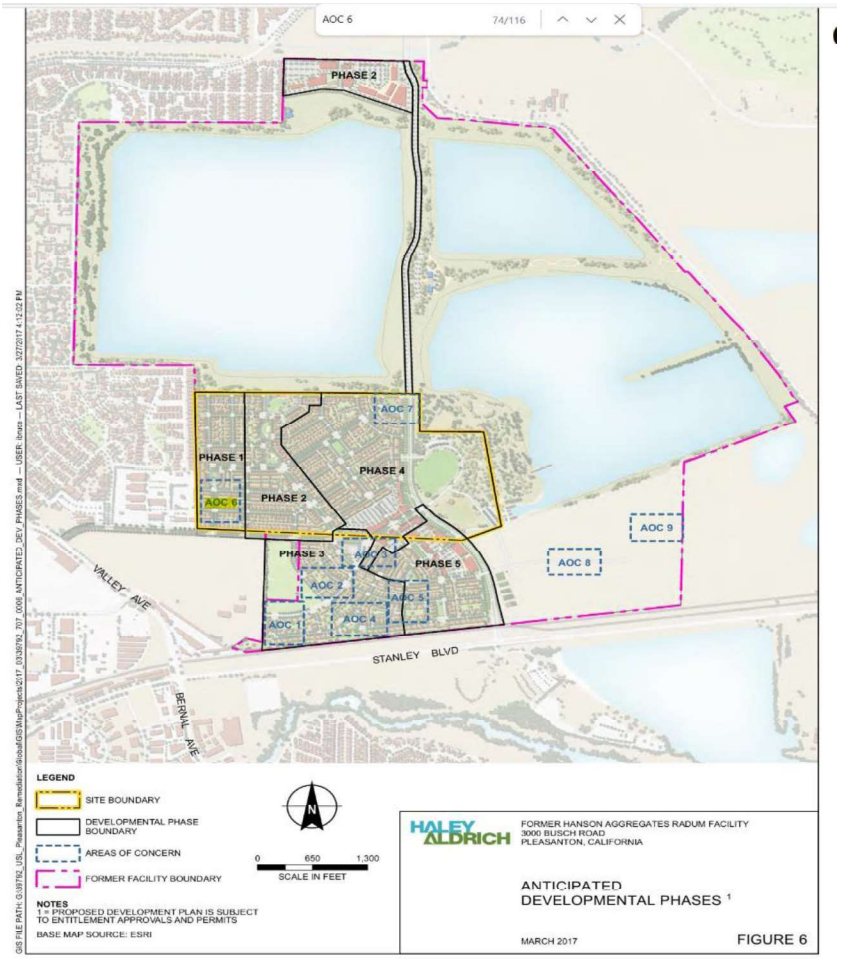
All data are reported in mg/kg.
= Estimated upper background level is greater than ESL
**bold value** = Recommended COL disposal acceptance threshold value.
* = ((ESL - Upper background) ÷ 2) + Upper background
x = No value, background is greater than ESL

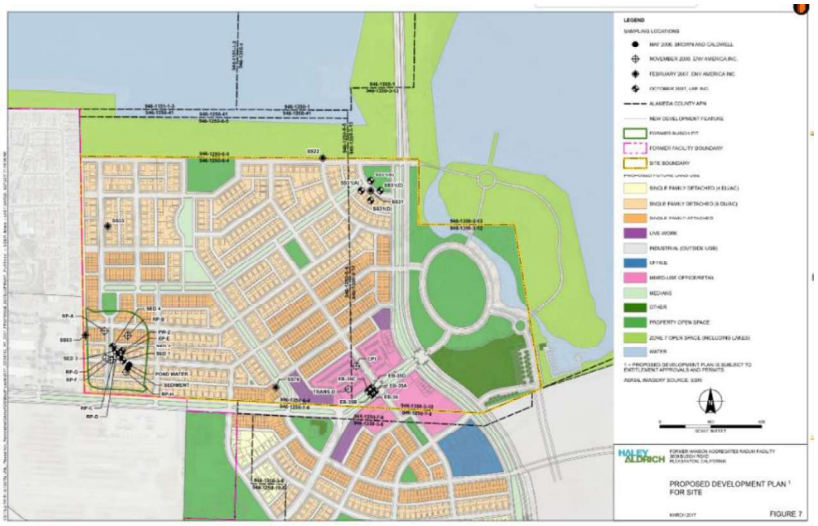
9

3) We are uncertain of the stability and true testing of the fill materials and its ability to withstand physical and liquefication stresses as may be caused by earthquakes and extreme rain conditions and the like, as caused mud and water invasive damage to many homes to the immediate west of the Phase 1 site. The construction of the proposed retaining wall is not defined in the EIR and past performance of grading does not instill confidence in future design performance to keep present homes of the residents west of the proposed Arroyo Lago protected from mudslides and slush spill out onto our properties, causing dangerous and hazardous conditions.

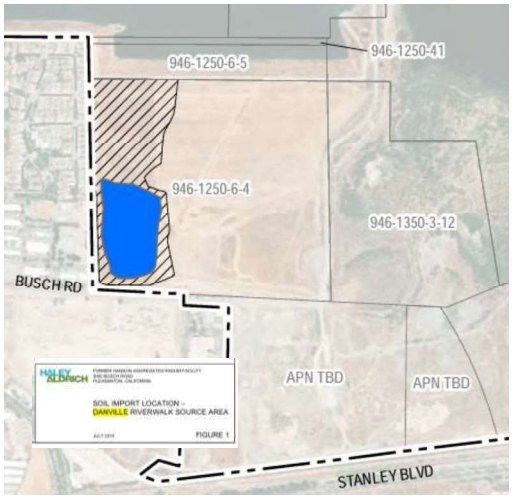
10

Page 3700 App F of the Draft EIR showing one previous plan for development, starting with Phase 1 (Arroyo Lago) including multiple access roads, not only Busch Rd, but also El Charro. Another drawing, their Fig. 7, shows a plan in more detail, also including the AOC 6 Busch PIT. Note that in those plans, Arroyo Lago would have access to El Charro. Why not in this plan?




11




App F p 6409




App F p 6410

The maps here from Appendix F of the Draft EIR show the locations of the soil fill from Danville (2 ft , ave. 9””and Sunnyvale ( 2.5 12

Note that the fill from Danville and Sunnyvale cover over the Busch Pond and sediment which from residents were previously runoff from Pleasanton Garbage company. It is known that, after multiple complaints from residents about mosquitos breading in the water there, the water was filled in instead of using specified tablets to kill the mosquito larva. **The fill destroyed the water for seasonal migrating birds**. (in AOC 6)

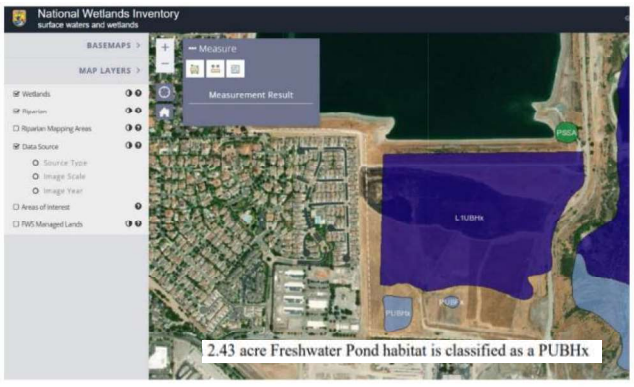
In addition, the fill also was on Policy 126 of the East County Area Plan, and was apparently filled in with imported material. **The prior seasonal wetland was listed as PUBHx on the National Wetlands Inventory which would be impacted by such removal from this property. It a riparian and seasonal wetland and should in no way have been removed by the responsible party.** In that it actually was filled in, apparently without proper authority, this should create a plan of remedial action and no property should be allowed to be built on this wetland location. 13

Thank you for your consideration, and in particular re-consideration for elderly citizens who have reduced tolerance and more likely harmful impact resulting from the proposed Arroyo Lago development. **We would not want to be occupants of this proposed development with its history of contaminants, industrial runoff, and sediments which might cause lane shifting and health hazards.** 14

Sincerely,

Carol Olson
1350 Chatham Court
Pleasanton, CA 94566, Cell 925 200 8272

Tom Grudkowski, PhD Stanford
1594 Chatham Place
Pleasanton, CA 94566 Cell: 408 242 1920



## *Carol Olson and Tom Grudkowski (Second Letter) (OLSON AND GRUDKOWSKI 2)*

*Response to OLSON AND GRUDKOWSKI 2-1*

The comment is noted. Please refer to Master Response 4, General Opposition Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. Master Response 4 provides a response to comments that express general opposition or disapproval of the proposed project.

As described throughout the Draft EIR, the proposed project would result in significant and unavoidable impacts related to GHG emissions and transportation. However, as described in Chapter 5, Other CEQA Considerations, of the Draft EIR, compliance with and implementation of the proposed project's mitigation measures, existing regulations, and the County's standard permit conditions would ensure that the proposed project would not result in substantial adverse effects on all human beings, including the elderly population. Therefore, there would be no significant and unavoidable impacts to public health and safety. Please refer to Master Response 3, Health and Safety Issues Not Addressed in the Final EIR, in Section 2, Master Responses, of this document. Master Response 3 provides additional information related to health and safety issues that are not further discussed in the Final EIR.

There is no specific requirement in the Public Resources Code, CEQA Guidelines, or case law related to additional analysis required for projects that may affect nearby elderly populations. No further response is required.

*Response to OLSON AND GRUDKOWSKI 2-2*

The comment is noted. As identified in Section 3.8, Hazards and Hazardous Materials, of the Draft EIR and the Phase I ESA prepared for the proposed project, information related to the project site's inclusion on the Cortese List was obtained from the State Water Board's GeoTracker database. The GeoTracker database states that the cleanup status of the project site is "Open – Long Term Management as of 7/18/2017." A detailed description of the Cleanup Status History is available on GeoTracker's website, but there have been no updates to the Cleanup Status History since July 18, 2017.[11] The Draft EIR also provides a brief description of the site history, cleanup actions overseen by the ACDEH, and the conditions of approval for subsequent entitlement, permitting, grading, and development of a land use other than Water Management, Agriculture, or Open Space.

Moreover, the Draft EIR explains that a Final Soil Report was submitted to ACDEH on March 23, 2020, and the ACDEH determined that the Final Soil Report met the first condition of approval on July 19, 2023. The remaining conditions (which pertain to corrective actions and soil management protocols *during* site redevelopment, schedule, and soil import and export) are included as HAZ COA-4a through HAZ COA-4e. As required by ACDEH, these requirements shall be met prior to site grading, soil import, or soil export, respectively. Therefore, impacts related to potentially hazardous soil would be less than significant. No further response is required.

[11] California State Water Resources Control Board (State Water Board). GeoTracker. Cleanup Status History. Website: https://geotracker.waterboards.ca.gov/profile_report_include?global_id=T10000009398&tabname=regulatoryhistory. Accessed December 18, 2024.

*Response to OLSON AND GRUDKOWSKI 2-3*
The comment is noted. Please refer to Response to *OLSON AND GRUDKOWSKI 2-1 and OLSON AND GRUDKOWSKI 2-2.* Additionally, please refer to Master Response 3, Health and Safety Issues Not Addressed in the Final EIR, in Section 2, Master Responses, of this document. Master Response 3 provides additional information related to health and safety issues that are not further discussed in the Final EIR.

*Response to OLSON AND GRUDKOWSKI 2-4*
As identified in Section 3.8, Hazards and Hazardous Materials, of the Draft EIR and the Phase I ESA prepared for the proposed project, information related to the project site's inclusion on the Cortese List was obtained from the State Water Board's GeoTracker database. The GeoTracker database states that the cleanup status of the project site is "Open – Long Term Management as of 7/18/2017." A detailed description of the Cleanup Status History is available on GeoTracker's website, but there have been no updates to the Cleanup Status History since July 18, 2017.[12] The Draft EIR also provides a brief description of the site history, cleanup actions overseen by the ACDEH, and the conditions of approval for subsequent entitlement, permitting, grading, and development of a land use other than Water Management, Agriculture, or Open Space.

Moreover, the Draft EIR explains that a Final Soil Report was submitted to ACDEH on March 23, 2020, and the ACDEH determined that the Final Soil Report met the first condition of approval on July 19, 2023. The remaining conditions (which pertain to corrective actions and soil management protocols *during* site redevelopment, schedule, and soil import and export) are included as HAZ COA-4a through HAZ COA-4e. As required by ACDEH, these requirements shall be met prior to site grading, soil import, or soil export, respectively. Therefore, impacts related to potentially hazardous soil would be less than significant. No further response is required.

*Response to OLSON AND GRUDKOWSKI 2-5*
The comment is noted. Please refer to *Responses to OLSON AND GRUDKOWSKI 2-1 through OLSON AND GRUDKOWSKI 2-4*. As described throughout the Draft EIR, the proposed project would result in significant and unavoidable impacts related to GHG emissions and transportation. However, as described in Chapter 5, Other CEQA Considerations, of the Draft EIR, compliance with and implementation of the proposed project's mitigation measures, existing regulations, and the County's standard permit conditions would ensure that the proposed project would not result in substantial adverse effects on all human beings, including the elderly population. Therefore, there would be no significant and unavoidable impacts to public health and safety. Please refer to Master Response 3, Health and Safety Issues Not Addressed in the Final EIR, in Section 2, Master Responses, of this document. Master Response 3 provides additional information related to health and safety issues that are not further discussed in the Final EIR. There is no specific requirement in the Public Resources Code, CEQA Guidelines, or case law related to additional analysis required for projects that may affect nearby elderly populations.

[12] California State Water Resources Control Board (State Water Board). GeoTracker. Cleanup Status History. Website: https://geotracker.waterboards.ca.gov/profile_report_include?global_id=T10000009398&tabname=regulatoryhistory. Accessed December 18, 2024.

*Response to OLSON AND GRUDKOWSKI 2-6*
The comment is noted. Please see *Response to OLSON AND GRUDKOWSKI 2-4*, which explains the requirements related to hazardous soils which shall be met prior to site grading, soil import, or soil export, respectively.

As discussed in Section 3.3, Air Quality, of the Draft EIR, the proposed project would require the implementation of MM AIR-1, which requires implementing BAAQMD BMPs to control dust during construction, including watering exposed surfaces, covering haul trucks transporting loose material, cleaning mud and dirt on adjacent public roads, limiting vehicle speeds, and several other measures. Consequently, implementation of MM AIR-1 would sufficiently maintain project construction emissions and fugitive dust to less than significant levels. No further response is required.

*Response to OLSON AND GRUDKOWSKI 2-7*
The comment is noted. Please refer to *Responses to OLSON AND GRUDKOWSKI 2-1 through OLSON AND GRUDKOWSKI 2-4*. As described throughout the Draft EIR, the proposed project would result in significant and unavoidable impacts related to GHG emissions and transportation. However, as described in Chapter 5, Other CEQA Considerations, of the Draft EIR, compliance with and implementation of the proposed project's mitigation measures, existing regulations, and the County's standard permit conditions would ensure that the proposed project would not result in substantial adverse effects on all human beings, including the elderly population. Therefore, there would be no significant and unavoidable impacts to public health and safety. Please refer to Master Response 3, Health and Safety Issues Not Addressed in the Final EIR, in Section 2, Master Responses, of this document. Master Response 3 provides additional information related to health and safety issues that are not further discussed in the Final EIR. There is no specific requirement in the Public Resources Code, CEQA Guidelines, or case law related to additional analysis required for projects that may affect nearby elderly populations No further response is required.

*Response to OLSON AND GRUDKOWSKI 2-8*
The comment is noted. As discussed in Section 3.8, Hazards and Hazardous Materials, in the Draft EIR, two Phase I ESA reports were prepared for the proposed project: one that corresponds to the APN associated with the project site (APN 946-4634-1) and one that corresponds to the APNs associated with the off-site improvements (i.e., the water storage and booster pump facility, recycled water storage facility, proposed WWTP, agricultural irrigation fields, and two bioretention areas on APNs 946-4634-2 and 946-1350-3-10). The Phase I ESAs are included in the Draft EIR as Appendix F of the Draft EIR. The Phase I ESAs revealed no evidence of an REC; however, the Former Hanson Aggregate Radum Facility is considered an open CREC. Four nearby sites were identified as having the potential to have impacted the project site due to their location or status; however, after review of these sites, it was determined that none of them represents a potential concern to the project site. Vapor migration risk was also evaluated, and it was determined that it is unlikely vapor migration currently exists beneath the project site.

As discussed in the Draft EIR, Area of Concern (AOC) 6 is in the southern portion of the residential component of the project site where the Busch Pit was formerly located. Environmental inspections in 2006 and 2007 led to establishing the Busch Pit area as AOC 6; however, subsequent soil and groundwater sampling indicates that the subsurface conditions within AOC 6 do not pose a potential

risk to human health or the environment. As discussed above, APN 946-4634-2 (part of the off-site improvements) is associated with AOC 7. None of the off-site improvements associated with the proposed project would be built in AOC 7; however, this area has been identified as a potential soil harvest site. AOC 7 is not within the residential component of the project site; it is approximately 0.25 mile east and is approximately 500 feet northwest of the proposed WWTP. AOC 7 was established based on soil sampling at a boring location referred to as "SS-31." Subsequent sampling at boring SS-31 indicates that the AOC indicated by boring SS-31 (AOC 7) does not pose a potential risk to human health or the environment.

As noted above, there is no specific requirement in the Public Resources Code, CEQA Guidelines, or case law related to additional analysis required for projects that may affect nearby elderly populations. No further response is required.

*Response to OLSON AND GRUDKOWSKI 2-9*
The comment is noted. Please see *Responses to and OLSON AND GRUDKOWSKI 2-8 and OLSON AND GRUDKOWSKI 2-4* which explains the requirements related to hazardous soils which shall be met prior to site grading, soil import, or soil export, respectively. No further response is required.

*Response to OLSON AND GRUDKOWSKI 2-10*
The comment is noted. As detailed in Section 3.6, Geology and Soils, of the Draft EIR, the proposed project would be required to implement MM GEO-1, which requires adherence to the implementation of site-specific engineering measures recommended by a Design-Level Geotechnical Report. With the implementation of MM GEO-1 and the County of Alameda overseeing the proposed project, impacts related to strong seismic ground shaking would be less than significant, including those related to the proposed retaining wall.

The Preliminary Geotechnical Report does not identify any landslide-related hazards at the project site. According to the California Earthquake Hazards Zone Application (EQ Zapp), the project site is not within a landslide zone, except for the areas adjacent to the Zone 7 Chain of Lakes and surrounding the Busch Pit area. Additionally, geologic mapping does not indicate the presence of current or historic landslides in proximity to the project site. Given the relatively flat topography at the project site and the available data, the proposed project would not result in landslides. Additionally, as discussed above, implementation of MM GEO-1 would require an updated design-level geotechnical assessment of geologic and geotechnical hazards. If landslide hazards are identified at the project site, recommendations for addressing such hazards would be provided in a Design-Level Geotechnical Report. Adherence to the design recommendations provided in a Design-Level Geotechnical Report, as reviewed and verified by the County as part of the grading and building permit process, would ensure that the proposed project would not result in impacts associated with landslides. The impact would be less than significant.

Therefore, impacts related to geology and soils, including earthquakes, landslides, and liquefaction, were sufficiently analyzed and disclosed in the Draft EIR. No further response is required.

*Response to OLSON AND GRUDKOWSKI 2-11*
The comment is noted. No environmental concern has been raised. The project as proposed is included in Chapter 2, Project Description, of the Draft EIR. Thus, no further response is required.

*Response to OLSON AND GRUDKOWSKI 2-12*
The comment is noted. The comment notes existing conditions that are not a result of the proposed project. However, as discussed in Section 3.9, Hydrology and Water Quality, of the Draft EIR, the proposed project's drainage systems for the two drainage areas have sufficient capacity to convey the flow of stormwater from the proposed development and the off-site area east of the project site to the bioretention areas. Furthermore, the bioretention areas and retaining wall would be designed in accordance with all applicable standards and would have adequate capacity to accommodate stormwater flows from the project site during storm events to ensure that no flooding would result and that there would be no net increase in off-site flow of stormwaters. As such, there will be no pooling on the project site.

Additionally, please refer to Master Response 11, Clarifying Information on Wastewater Effluent, in Section 2, Master Responses, of this document. Master Response 11 provides additional clarifying information regarding the potential for runoff from the proposed WWTP and agricultural irrigation spray fields to impact downstream surface water quality, groundwater quality, and the adjacent lakes. This Master Response addresses concerns related to vectors with the proposed WWTP. No further response is required.

*Response to OLSON AND GRUDKOWSKI 2-13*
The comment is noted. The comment notes existing conditions that are not a result of the proposed project. However, as discussed in *Sensitive Natural Communities*, in Section 3.3, Biological Resources of the Draft EIR, the eastern portion of the proposed project's Study Area contains approximately 5.87 acres of Fremont poplar and mixed willow stands, best designated as Populus fremontii–Salix gooddingii Woodland Alliance under the California Department of Fish and Wildlife (CDFW) California Sensitive Natural Community database. Additionally, as discussed above in *Physical Habitat/Vegetation*, in Section 3.3, Biological Resources of the Draft EIR, the second drainage swale that is located to the east of the Study Area and is likely fed through an existing culvert that coneys flows under El Charro Road, contains riparian habitat.

The proposed project with Design Option A would actively avoid any direct or indirect impacts to the Populus fremontii–Salix gooddingii Woodland Alliance (Exhibits 3.3-3a of the Draft EIR). Additionally, project-related construction would avoid the drainage swale and associated riparian vegetation within the eastern portion of the Study Area as project construction would be mostly sequestered to the western side of El Charro Road. Therefore, project-related construction does not have the potential to directly or indirectly impact sensitive natural communities, including riparian habitats. As such, no impacts to these communities would occur with the implementation of the proposed project with Design Option A.

The proposed project with Design Option B would avoid any direct or indirect impacts to Populus fremontii–Salix gooddingii Woodland Alliance (Exhibit 3.3-3b). Therefore, no impacts to this sensitive natural community are expected under Design Option B. However, Design Option B does have the potential to indirectly impact the water quality of the drainage swale and associated riparian vegetation within the eastern portion of the Study Area. The proposed bioretention area under this design option is located approximately 25 feet from the adjacent drainage swale and approximately 15 feet from the riparian vegetation associated with the drainage swale. As such, potential

temporary indirect impacts (during construction) and permanent indirect impacts (during project operation) include pollutant loading, increased erosion and sedimentation, and trash or debris dispersal in the adjacent drainage swale. However, MM BIO-2a and MM BIO-2b include protection for riparian habitats and with their implementation, impacts to riparian communities would be reduced to a less than significant level.

Therefore, the proposed project would implement MM BIO-2a and MM BIO-2b if the proposed project with Design Option B is implemented, to limit temporary indirect impacts and permanent indirect impacts to the drainage swale within the eastern portion of the Study Area. With implementation of MM BIO-2a and MM BIO-2b, the Draft EIR properly finds that the project-related impacts to riparian habitats would be reduced to less than significant. No further response is required.

*Response to OLSON AND GRUDKOWSKI 2-14*

The comment is noted. Please see *Response to OLSON AND GRUDKOWSKI 2-1* through *Response to OLSON AND GRUDKOWSKI 2-13*. No further response is required.

## Rachel Krusenoski

**From:** Rose, Aubrey, CDA <Aubrey.Rose@acgov.org>
**Sent:** Monday, September 16, 2024 5:11 PM
**To:** Rachel Krusenoski
**Subject:** FW: Arroyo Lago Residential Project - PLN2022-00193 - Vesting Tentative Tract Map (TR-8423), 3030 Mohr Avenue, Pleasanton; Assessor's Parcel Number: 946-4634-1

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FYI

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**From:** Bob Russma <brussman@comcast.net>
**Sent:** Monday, September 16, 2024 12:57 PM
**To:** Rose, Aubrey, CDA <Aubrey.Rose@acgov.org>
**Subject:** Re: Arroyo Lago Residential Project - PLN2022-00193 - Vesting Tentative Tract Map (TR-8423), 3030 Mohr Avenue, Pleasanton; Assessor's Parcel Number: 946-4634-1

Aubrey,
There is a great deal of information to absorb. Is it possible to put off a public comment meeting to a later date? 1
Thank you,
Bob Russman
Village at Ironwood

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**From:** Rose, Aubrey, CDA <Aubrey.Rose@acgov.org>
**Sent:** Tuesday, September 10, 2024 6:02 PM
**To:** Rose, Aubrey, CDA <Aubrey.Rose@acgov.org>
**Cc:** Orduna, Rodrigo, CDA <rodrigo.orduna@acgov.org>
**Subject:** Arroyo Lago Residential Project - PLN2022-00193 - Vesting Tentative Tract Map (TR-8423), 3030 Mohr Avenue, Pleasanton; Assessor's Parcel Number: 946-4634-1

**Greetings,**

**Regarding the Arroyo Lago Residential Project - PLN2022-00193 -** Vesting Tentative Tract Map (TR-8423) subdivision of a 26.6 acre parcel into 194 residential lots with infrastructure needed to serve the development including roads, sewer, domestic water and storm drain. 3030 Mohr Avenue, Pleasanton; Side: North; Distance: .3 miles; Direction: east of cross street: Valley Street, unincorporated area of Pleasanton; Assessor's Parcel Number: 946-4634-1. Also: 946-1250-006-04; 946-1350-003-12; 946-1350-003-10 for utilities. The parcel designated for housing is in the East County Area Plan as "MDR" (Medium Density Residential") and Zoning District of "A" Agricultural. An Environmental Impact Report is being prepared per the requirements of the California Environmental Quality Act (CEQA)

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## *Bob Russman (RUSSMAN)*

*Response to RUSSMAN-1*

The comment is noted. Please refer to Master Response 1, Request for Extension of Comment Period, in Section 2, Master Responses, of this document. Master Response 1 discusses how the County voluntarily extended the public review period from 45 days to 60 days. No further response is required.

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## Laura Campion

**Subject:** FW: Arroyo Lago Project concern

From: Chinmaya <siarian_net@yahoo.com>
Sent: Friday, November 8, 2024 4:04 PM
To: Rose, Aubrey, CDA <aubrey.rose@acgov.org>
Subject: Arroyo Lago Project concern

Hello Aubrey,
I'm Chinmaya Sahoo a resident of 1148 Donahue Dr in Pleasanton. I came to know about a new project close to my house. I strongly oppose this project because of the separate sewer, soil contamination, health, safety , traffic and environmental issues. When we moved here back in 2005, the builder had highlighted new school and park down the road. I hope the planning commission will reconsider their decision. 1

Thanks
Chinmaya
650-245-6608
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## *Chinmaya Sahoo (SAHOO)*

*Response to SAHOO-1*

The comment is noted. Please refer to Master Response 4, General Opposition Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. Master Response 4 provides a response to comments that express general opposition or disapproval of the proposed project. No further response is required.

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## Rachel Krusenoski

**From:** Rose, Aubrey, CDA <Aubrey.Rose@acgov.org>
**Sent:** Wednesday, September 18, 2024 8:47 AM
**To:** Rachel Krusenoski
**Subject:** FW: Time for review of Draft

**Follow Up Flag:** Follow up
**Flag Status:** Flagged

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FYI

-----Original Message-----
From: Sandy <schiels@comcast.net>
Sent: Monday, September 16, 2024 11:10 AM
To: Rose, Aubrey, CDA <Aubrey.Rose@acgov.org>
Subject: Time for review of Draft

Hello Aubrey,

I would first like to request more time for review of the Draft Environmental Impact Report for proposed Arroyo Lago. The developers have indicated they have been working on this project for many years and everyone is now expected to review this in a short(approx 2 months). I would request 1 year minimum for review 1

There are many parts to this development which are unknown to me. In approximately 2019 dirt was added to this area. I would like an explanation of how and why this was done. This was not possible for the Village at Ironwood to know this was happening that I know of. Because of this added dirt and grading my yard was flooded and because my husband and I worked into the night of Jan 1 our home was not flooded.Emergency pumping of the extra water was necessary. 2

In 2023the property was regraded extensively 3

In June a public scoping meeting was held after which letters were written by residents of the Village at Ironwood and others addressing problems with this development. They all seemed to have been ignored and not addressed to my satisfaction. 4

There is much paperwork that needs to be reviewed by all residents of Pleasanton .This project impacts many parts of our city, traffic,water,fire protection,schools and quality of life for people not just frogs and owls. 5

Please give us more time and not rush this through.

Sincerely,

Sandra Schiel
1380 Chatham Ct, resident of Pleasanton since 1971

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## *Sandra Schiel (First Letter) (SCHIEL 1)*

*Response to SCHIEL 1-1*
The comment is noted. Please refer to Master Response 1, Request for Extension of Comment Period, in Section 2, Master Responses, of this document. Master Response 1 discusses how the County voluntarily extended the public review period from 45 days to 60 days. No further response is required.

*Response to SCHIEL 1-2*
The comment is noted. As described in Section 3.3, Biological Resources, of the Draft EIR, an emergency use authorization was granted by Alameda County to grade the project site to provide positive drainage and conduct maintenance of the man-made stormwater drainage swale to prevent flooding in the winter due to prior flooding issues.

As described in Section 3.8, Hazards and Hazardous Soils, of the Draft EIR, soil was tested and imported to the project site from two sources in 2018 and 2019. The soil was graded and compacted in order to fulfill requirements related to the potentially hazardous soils on the project site as overseen by the ACDEH.

As concluded in Section 3.9, Hydrology and Water Quality, of the Draft EIR, the proposed project's drainage systems for the two drainage areas have sufficient capacity to convey the flow of stormwater from the proposed development and the off-site area east of the project site to the bioretention areas. Furthermore, the bioretention areas and retaining wall would be designed in accordance with all applicable standards and would have adequate capacity to accommodate stormwater flows from the project site during storm events to ensure that no flooding would result and that there would be no net increase in off-site flow of stormwaters. No further response is required.

*Response to SCHIEL 1-3*
The comment is noted. Please refer to *Response to SCHIEL-2.* No further response is required.

*Response to SCHIEL 1-4*
The comment is noted. Please refer to Master Response 4, General Opposition Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. Master Response 4 provides a response to comments that express general opposition or disapproval of the proposed project. No further response is required.

*Response to SCHIEL 1-5*
The comment is noted. Please refer to Master Response 1, Request for Extension of Comment Period, in Section 2, Master Responses, of this document. Master Response 1 discusses how the County voluntarily extended the public review period from 45 days to 60 days. No further response is required.

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## Rachel Krusenoski

**From:** Rose, Aubrey, CDA <Aubrey.Rose@acgov.org>
**Sent:** Wednesday, September 25, 2024 11:59 AM
**To:** Rachel Krusenoski
**Subject:** FW: Arroyo Lago Residential Project - PLN2022-00193 - Vesting Tentative Tract Map (TR-8423), 3030 Mohr Avenue, Pleasanton; Assessor's Parcel Number: 946-4634-1

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FYI

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**From:** Sandy <schiels@comcast.net>
**Sent:** Wednesday, September 25, 2024 11:56 AM
**To:** Rose, Aubrey, CDA <Aubrey.Rose@acgov.org>
**Subject:** Re: Arroyo Lago Residential Project - PLN2022-00193 - Vesting Tentative Tract Map (TR-8423), 3030 Mohr Avenue, Pleasanton; Assessor's Parcel Number: 946-4634-1

Hello Aubrey,
I'm still looking for more information on the when and why there was dirt added to the Steelwave property which has caused the problem of raising the ground up against the wall next to the Village at Ironwood. I have heard ,possibly rumor ,that holes were filled left from the gravel quarry . How was this done? And when.? Was I notified this was to be done as a neighboring property owner as of 5/2014. 1
I did contact by phone to public works but I have not heard back.
If you can answer my questions during this period of time for reviewing the
DIR on Arroyo Lagos proposal it would be most appreciated . Any documents can be emailed to me
schiels@comcast.net
Sandy Schiel
1380 Chatham Ct,Pleasanton
925-872-6007 or 925-846-2631

Sent from my iPad

> On Sep 19, 2024, at 4:58 PM, Rose, Aubrey, CDA <Aubrey.Rose@acgov.org> wrote:
>
> <image002.png>
> <image003.png>
>
> ---
>
> **From:** Rose, Aubrey, CDA
> **Sent:** Tuesday, September 10, 2024 6:02 PM
> **To:** Rose, Aubrey, CDA <Aubrey.Rose@acgov.org>
> **Cc:** Orduna, Rodrigo, CDA <rodrigo.orduna@acgov.org>
> **Subject:** Arroyo Lago Residential Project - PLN2022-00193 - Vesting Tentative Tract Map (TR-8423), 3030 Mohr Avenue, Pleasanton; Assessor's Parcel Number: 946-4634-1
>
> **Greetings,**

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## *Sandra Schiel (Second Letter) (SCHIEL 2)*

*Response to SCHIEL 2-1*

The comment is noted. As described in Section 3.3, Biological Resources, of the Draft EIR, an emergency use authorization was granted by Alameda County to grade the project site to provide positive drainage and conduct maintenance of the man-made stormwater drainage swale to prevent flooding in the winter due to prior flooding issues.

Additionally, as described in Section 3.8, Hazards and Hazardous Soils, of the Draft EIR, soil was tested and imported to the project site from two sources in 2018 and 2019. The soil was graded and compacted in order to fulfill requirements related to the potentially hazardous soils on the project site as overseen by the ACDEH. No further response is required.

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## Rachel Krusenoski

**From:** Rose, Aubrey, CDA <Aubrey.Rose@acgov.org>
**Sent:** Tuesday, October 1, 2024 9:45 AM
**To:** Rachel Krusenoski; Laura Campion
**Subject:** FW: Arroyo Lago Residential Project - PLN2022-00193 - Vesting Tentative Tract Map (TR-8423), 3030 Mohr Avenue, Pleasanton; Assessor's Parcel Number: 946-4634-1

**Follow Up Flag:** Follow up
**Flag Status:** Flagged

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FYI

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**From:** Sandy <schiels@comcast.net>
**Sent:** Saturday, September 28, 2024 11:00 PM
**To:** Rose, Aubrey, CDA <Aubrey.Rose@acgov.org>
**Subject:** Re: Arroyo Lago Residential Project - PLN2022-00193 - Vesting Tentative Tract Map (TR-8423), 3030 Mohr Avenue, Pleasanton; Assessor's Parcel Number: 946-4634-1

Hello Aubrey

After attempting to read through the EIR I see that much expertise in many fields is needed ,which I do not have. Appendix C Biological Resources made me think of the pictures of bald eagles I took on 12/8/2019 They look very lonely after all vegetation appears gone. We used to also see kites,quail, and the occasional owl.I have not seen any 2022-2025 1

I have always questioned the who and why the 5 feet of dirt was to be added. Steelwave always put the elevation problem on Ponderosa Homes and City of Pleasanton .After reading Appendix E Geology and Soils I see the answer. Pages9,10,11 It is Steelwave's need to mitigate the poor soil for their construction. 2

Sandra Schiel
1380 Chatham Ct
925-872-6007
Sent from my iPad

> On Sep 19, 2024, at 4:58 PM, Rose, Aubrey, CDA <Aubrey.Rose@acgov.org> wrote:
>
> <image002.png>
> <image003.png>
>
> ---
>
> **From:** Rose, Aubrey, CDA
> **Sent:** Tuesday, September 10, 2024 6:02 PM
> **To:** Rose, Aubrey, CDA <Aubrey.Rose@acgov.org>
> **Cc:** Orduna, Rodrigo, CDA <rodrigo.orduna@acgov.org>

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## *Sandra Schiel (Third Letter) (SCHIEL 3)*

*Response to SCHIEL 3-1*

The comment is noted. The comment expressed concern on existing conditions that are unrelated to the proposed project presented in Chapter 2, Project Description, of the Draft EIR. No environmental issues are raised, and no response is required. However, this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

*Response to SCHIEL 3-2*

The comment is noted. No environmental issues are raised, and no response is required. However, this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

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## Laura Campion

**Subject:** RE: Elder abuse

-----Original Message-----
From: Sandy <schiels@comcast.net>
Sent: Tuesday, November 5, 2024 9:28 AM
To: Rose, Aubrey, CDA <Aubrey.rose@acgov.org>
Subject: Elder abuse

Admitting one has reached the stage in life to be called an elder is not easy.I think it starts with the shock of qualifying for a senior discount and progresses from there. Residents from the Village at Ironwood expected to enjoy life in an over 55 development. Small yards with small trees were required to allow for lots of sunshine with an added bonus of solar power.
How could it not be abuse to build 30ft homes on top of 6 added feet of fill dirt ,pushed up to an existing wall with a retaining wall with a wooden fence on top which blocks sunshine the thing elders need for health, both physical and mental. 1
This development as designed does not need to impact the Village at Ironwood in this way. Moving the whole development to the east by approximately 30 feet and not adding fill dirt by the wall could eliminate this abuse to the elders that live against this wall. The owners of this land can make this change happen and should. I doubt they would live in a place with all their sunshine blocked even if they are not elders. Elder abuse is protected in California.
Sandra Schiel
1380 Chatham Ct
Pleasanton,CA 94566
Schiels@comcast.net

Sent from my iPad

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## *Sandra Schiel (Fourth Letter) (SCHIEL 4)*

*Response to SCHIEL 4-1*

The comment is noted. Please refer to Master Response 8, Clarifying Information on the Aesthetics, Light, and Glare EIR Section and the Shadow Study, in Section 2, Master Responses, of this document. Master Response 8 provides additional clarifying information on the analysis contained within the Draft EIR's section on Aesthetics, Light, and Glare and the Shadow Study.

As discussed in Section 6.7, Alternatives Rejected from Further Consideration, of the Draft EIR, a single-story alternative was initially considered but rejected from further consideration because this alternative would not reduce any of the significant impacts of the proposed project. A Shadow Study was performed for the proposed project, as detailed in Section 3.1, Aesthetics, Light, and Glare, of the Draft EIR. The Shadow Study determined that the proposed project would not have a significant impact on solar energy systems on adjacent homes. As such, this alternative would not reduce any significant impacts of the proposed project and was rejected from further consideration. Furthermore, a single-story alternative would reduce the density of the project, and therefore, would not meet the project objectives related to the development of additional housing opportunities in the County to the same degree that the proposed project would.

Similarly, increased setbacks from the existing residential neighborhood would not reduce any of the significant impacts of the proposed project and would not meet the project objectives related to the development of additional housing opportunities in the County to the same degree that the proposed project would. No further response is required.

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## Laura Campion

**Subject:** FW: Arroyo Lago

From: Sandy <schiels@comcast.net>
Sent: Friday, November 8, 2024 2:29 PM
To: Rose, Aubrey, CDA <Aubrey.rose@acgov.org>
Subject: Arroyo Lago

Hello Aubrey,
After reading the letter Dated 11/8/2024 from Hal LaFlash regarding the soil of this property I am even more convinced this property should not be developed for housing. His letter references many unanswered questions. This property has been filled and moved for more than a decade. It appears there was no documentation through the years. It appears it was considered a “dumping” site , not to be used for housing. It appears it was thought everything from the past was hidden and just covered with more and more “dirt”. 1
Please continue to find answers.
Thanks,
Sandy Schiel
1380 Chatham Ct
Pleasanton,CA 94566
Sent from my iPad
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## *Sandra Schiel (Fifth Letter) (SCHIEL 5)*

*Response to SCHIEL 5-1*

The comment is noted. As described in Section 3.8, Hazards and Hazardous Soils, of the Draft EIR, soil was tested and imported to the project site from two sources in 2018 and 2019. The soil was graded and compacted in order to fulfill requirements related to the potentially hazardous soils on the project site as overseen by the ACDEH.

Additionally, as described in Section 3.3, Biological Resources, of the Draft EIR, an emergency use authorization was granted by Alameda County to grade the project site to provide positive drainage and conduct maintenance of the man-made stormwater drainage swale to prevent flooding in the winter due to prior flooding issues.

As further identified in Section 3.8, Hazards and Hazardous Materials, of the Draft EIR and the Phase I ESA prepared for the proposed project, information related to the project site's inclusion on the Cortese List was obtained from the State Water Board's GeoTracker database. The GeoTracker database states that the cleanup status of the project site is "Open – Long Term Management as of 7/18/2017." A detailed description of the Cleanup Status History is available on GeoTracker's website, but there have been no updates to the Cleanup Status History since July 18, 2017.[13] The Draft EIR also provides a brief description of the site history, cleanup actions overseen by the ACDEH, and the conditions of approval for subsequent entitlement, permitting, grading, and development of a land use other than Water Management, Agriculture, or Open Space.

Moreover, the Draft EIR explains that a Final Soil Report was submitted to ACDEH on March 23, 2020, and the ACDEH determined that the Final Soil Report met the first condition of approval on July 19, 2023. The remaining conditions (which pertain to corrective actions and soil management protocols *during* site redevelopment, schedule, and soil import and export) are included as HAZ COA-4a through HAZ COA-4e. As required by ACDEH, these requirements shall be met prior to site grading, soil import, or soil export, respectively. Therefore, impacts related to potentially hazardous soil would be less than significant. No further response is required.

[13] California State Water Resources Control Board (State Water Board). GeoTracker. Cleanup Status History. Website: https://geotracker.waterboards.ca.gov/profile_report_include?global_id=T10000009398&tabname=regulatoryhistory. Accessed December 18, 2024.

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## Rachel Krusenoski

**From:** Rose, Aubrey, CDA <Aubrey.Rose@acgov.org>
**Sent:** Friday, September 13, 2024 2:43 PM
**To:** Rachel Krusenoski
**Subject:** FW: Arroyo Lago - comments

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FYI

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**From:** Robin <rtseto@pacbell.net>
**Sent:** Friday, September 13, 2024 2:38 PM
**To:** Rose, Aubrey, CDA <Aubrey.Rose@acgov.org>
**Subject:** Arroyo Lago - comments

Aubrey,

The Public Meeting for comments on the Draft EIR for Arroyo Lago is scheduled on September 26th, which is less than 2 week from now. This project is adjacent to the neighborhood in which we reside, so it is important to us to have time to review this document. Two weeks is not enough time. We would appreciate it if you could postpone this for two to three months so that we could thoroughly review/study the EIR. 1

Again, we would appreciate it if you please consider postponing this meeting.

Thank you,
Robin & Karen Seto
(The Village at Ironwood)
3529 Felton Terrace
Pleasanton, CA 94566

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## *Robin and Karen Seto (SETO)*

*Response to SETO-1*

The comment is noted. Please refer to Master Response 1, Request for Extension of Comment Period, in Section 2, Master Responses, of this document. Master Response 1 discusses how the County voluntarily extended the public review period from 45 days to 60 days. No further response is required.

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## Rachel Krusenoski

**From:** Rose, Aubrey, CDA <Aubrey.Rose@acgov.org>
**Sent:** Monday, September 16, 2024 5:11 PM
**To:** Rachel Krusenoski
**Subject:** FW: Arroyo

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-----Original Message-----
From: Evan Shelan <evanshelan@gmail.com>
Sent: Monday, September 16, 2024 12:47 PM
To: Rose, Aubrey, CDA <Aubrey.Rose@acgov.org>
Subject: Arroyo

Hi Aubrey,
Please consider extending the Sep 26 deadline for Arroyo. I live in Village at Ironwood. A two week deadline is insufficient time for us to read hundreds of pages and have time to absorb and analyze the project.

1

Thanking you in advance…

Kind regards,

Evan Shelan

Evan Shelan, Chairman &
Co-Founder
Global FinTech Forum, LLC
(Global Payments Redefined)

(903) 399.2525

Sent from my iPhone
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## *Evan Shelan (First Letter) (Shelan 1)*

*Response to SHELAN 1-1*

The comment is noted. Please refer to Master Response 1, Request for Extension of Comment Period, in Section 2, Master Responses, of this document. Master Response 1 discusses how the County voluntarily extended the public review period from 45 days to 60 days. No further response is required.

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## Rachel Krusenoski

**From:** Rose, Aubrey, CDA <Aubrey.Rose@acgov.org>
**Sent:** Wednesday, September 25, 2024 8:39 AM
**To:** Rachel Krusenoski
**Subject:** FW: Arroyo Lago Residential Project

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FYI

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**From:** Evan Shelan <evanshelan@gmail.com>
**Sent:** Tuesday, September 24, 2024 7:02 PM
**To:** Rose, Aubrey, CDA <Aubrey.Rose@acgov.org>
**Cc:** Tom Grudkowski <tgrudkowski@gmail.com>
**Subject:** Re: Arroyo Lago Residential Project

Aubrey,

Please address the questions below, mainly regarding the ADUs and/or Junior ADU. The most urgent concerns noted here have been voiced by the residents which live next to the East Wall of The Village at Ironwood. The Proposed unbelievably close proximity of additional Arroyo Lago residents could severely affect the mental well-being, health & safety of the existing nearby Village residents. Imagine homes with an additional ADU only 5 to 8 ft in back of the East Wall, with residents of all ages generating noise and other potential pollutants including BBQ smoke, cigarette smoke, waste, trash etc. at such close proximity to that wall! Quality of life / mental health for Village at Ironwood 55+ residents would very likely be significantly degraded.
Please have the following facts provided.
1) Are there any Junior ADUs located in the proposal next to the East Wall of the Village at Ironwood?
2) Please show the location of the ADUs or Junior ADUs on the proposed Project layout.
3) What model designs of any type are proposed adjacent to the East Wall of The Village at Ironwood?
4) Will there be any parking allowed near this East Wall, closer than on a proposed street?
5) What will be additional restrictions on the use, ownership or rental of the ADUs as compared to the rest of the proposed dwellings or part of any proposed dwelling?
6) What would be the differences between the proposed property HOA rules as compared to our existing Village HOA rules which could impact our residents' living conditions?
7) What, if any, additional nuisance or health impacts would be suspected to 55+ residences of The Village at Ironwood because of the proposed dwellings or occupants of the proposed dwellings, whether caused by ADU or by the standard housing occupants or by their belongings such as cars or motorcycles? These might include noise and other environmental, light pollution, and the like, would be caused by potential residents of ADUs or of the entire house units?
8) Note that older residents of the Village are more susceptible to degraded environmental conditions and have likely moved to The Village at Ironwood because of its suitable present environmental conditions rather than to that of a less suitable community.

1

Evan

Evan Shelan, Chairman &
Co-Founder
Global FinTech Forum, LLC
(Global Payments Redefined)

(903) 399.2525

Sent from my iPhone

## *Evan Shelan (Second Letter) (SHELAN 2)*

*Response to SHELAN 2-1*

The comment is noted. The commenter submitted an identical letter to GRUDKOWSKI 4. Please refer to *Responses to GRUDKOWSKI 4-1* through *Response to GRUDKOWSKI 4-8.* No further response is required.

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**Laura Campion**

**Subject:** FW: Urgent Health and Safety Concerns Regarding Proposed Development's Sewer System

**From:** Evan Shelan <evanshelan@gmail.com>
**Sent:** Saturday, October 26, 2024 7:54 PM
**To:** Rose, Aubrey, CDA <Aubrey.rose@acgov.org>
**Subject:** Urgent Health and Safety Concerns Regarding Proposed Development's Sewer System

# October 25, 2024

Aubrey Rose

Re: Urgent Health and Safety Concerns Regarding Proposed Development's Sewer System

Dear Aubrey Rose:

I am writing to reinforce concerns raised by Fred Okimoto regarding hydrogen sulfide (H2S) gas emissions from the proposed Arroyo Lago development. As residents of the Village at Ironwood in Pleasanton, we are deeply concerned about the potential health and safety impacts on our established community. Specifically, we are deeply concerned about the planned independent sewer system and its potential to emit hydrogen sulfide (H2S) gas, a toxic substance with documented health risks and quality-of-life impacts.

Our concerns are based on well-documented cases across the United States where H2S emissions from sewer systems have created significant public health issues:

1. In Milwaukee (2018), H2S emissions from sewer systems required extensive mitigation efforts and infrastructure modifications to protect public health. The city had to implement costly chemical injection systems and enhanced ventilation after residents reported health issues. 1

2. Los Angeles County faced similar challenges, requiring comprehensive rehabilitation of their sewer systems and installation of air treatment facilities to address H2S concerns. The financial burden on the community was substantial, and residents experienced significant disruption.

H2S exposure presents several serious health risks:
- Respiratory issues and breathing difficulties
- Eye and throat irritation
- Headaches and nausea
- Long-term health effects with continued exposure
- Particularly dangerous for children, elderly, and those with pre-existing conditions

Beyond health concerns, H2S emissions would significantly impact our community by:

- Reducing property values
- Creating unpleasant odors that prevent outdoor activities
- Potentially corroding infrastructure
- Affecting overall quality of life

1 CONT

We request the following actions:

1. A comprehensive environmental impact study specifically addressing H2S risks
2. Public hearings to address community concerns
3. Exploration of alternative sewer system designs that incorporate:
   - Modern ventilation systems
   - Chemical treatment protocols
   - Continuous monitoring systems
   - Emergency response protocols
4. Written assurance of specific mitigation strategies if H2S levels exceed safe thresholds

2

Our community supports responsible development, but not at the expense of public health and safety. The proximity of this development to our homes requires exceptional care and consideration of these risks.

We urge you to carefully consider these concerns and implement appropriate safeguards before proceeding with development approval. We would welcome the opportunity to discuss this further at your earliest convenience.

3

Sincerely,

Evan Shelan
1518 Pleasanton CA 94566

**Mobil: (903) 399-2525**

## *Evan Shelan (Third Letter) (SHELAN 3)*

*Response to SHELAN 3-1*

The comment is noted. The comment is noted. The proposed MBR system would maintain an aerobic, neutral pH environment and the biological action would oxidize the sulfide to the odorless sulfate ion form; this would not only not be odorous, but chemically would not be volatilized and would not be released to the atmosphere. Any $H_2S$ which is transmitted to the project's WWTP would be quickly and naturally converted to the non-odorous sulfate form via the highly aerobic nature of the MBR process. Additionally, the biological suspension at the heart of the MBR would convert any odorous dissolved organic compounds to biomass and carbon dioxide, an odorless gas. Please refer to Master Response 10, Clarifying Information on Wastewater Treatment Plant Operation and Maintenance, in Section 2, Master Responses, of this document. Master Response 10 provides additional clarifying information on the operation and maintenance of the proposed WWTP, including who would operate it, what permits would be required, and details regarding odor, sizing, PFAS, and discharge of biosolids and byproducts. No further response is required.

*Response to SHELAN 3-2*

The comment is noted. Please refer to Response to SHELAN 3-1. No further response is required.

*Response to SHELAN 3-3*

The comment is noted. No environmental issues are raised, and no response is required. However, this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

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handed out 10.29.24

H2S Emissions Concerns: Arroyo Lago Development
Public Health and Safety Statement

EVAN Shelan

Good evening. I'm here today representing residents of the Village at Ironwood in Pleasanton regarding urgent concerns about the proposed Arroyo Lago development's sewer system design.

Our community recently learned about plans for an independent sewer system that could potentially emit hydrogen sulfide gas, or H2S. While we support community growth, this specific design raises serious public health and safety concerns that warrant your immediate attention.

Let me share two cautionary examples from other communities:

**In Milwaukee**, just six years ago, H2S emissions from similar sewer systems required extensive and costly mitigation efforts. The city had to retrofit their entire system with chemical injection and enhanced ventilation after residents reported health issues. **Los Angeles County faced a similar crisis**, resulting in substantial financial burden and community disruption. 1

The health risks of H2S exposure are well-documented and severe:
- It causes respiratory issues and breathing difficulties
- Triggers eye and throat irritation
- Can lead to chronic health problems with continued exposure
- Poses particular risks to vulnerable populations - our children and elderly

Beyond health impacts, H2S emissions would:
- Decrease property values in our existing community
- Create noxious odors limiting outdoor activities
- Potentially damage infrastructure through corrosion
- Significantly impact our quality of life

We're not asking to stop development. Instead, we're requesting five specific actions:

1. Pleasanton – Annex the property, otherwise.....
2. Conduct a comprehensive environmental impact study focused on H2S risks
3. Hold public hearings to address findings
4. Explore alternative sewer designs incorporating modern safety features
5. Provide written assurance of specific mitigation strategies

2

In closing, we urge this board to prioritize public health and safety by requiring proper safeguards before approving this development. The experiences in Milwaukee and Los Angeles show that retrofitting after problems arise is far more costly and disruptive than proper initial design. **Thank you for your time and consideration.** 3

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## *Evan Shelan (Fourth Letter) (SHELAN 4)*

*Response to SHELAN 4-1*

The comment is noted. Please refer to Master Response 10, Clarifying Information on Wastewater Treatment Plant Operation and Maintenance, in Section 2, Master Responses, of this document. Master Response 10 provides additional clarifying information on the operation and maintenance of the proposed WWTP, including who would operate it, what permits would be required, and details regarding odor, sizing, PFAS, and discharge of biosolids and byproducts. No further response is required. This Master Response specifically explains why hydrogen sulfide is not a concern for the proposed WWTP and how odor would be controlled and avoided. No further response is required.

*Response to SHELAN 4-2*

The comment is noted. Please refer to *Response to SHELAN 4-1*. No further response is required. However, this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

*Response to SHELAN 4-3*

The comment is noted. No environmental issues are raised, and no response is required. However, this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

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**Laura Campion**

**Subject:** FW: Arroyo Lago Project- Comment

**From:** Jeetendra Shelatkar <jshelatkar@gmail.com>
**Sent:** Friday, November 8, 2024 11:21 AM
**To:** Rose, Aubrey, CDA <aubrey.rose@acgov.org>
**Cc:** preeti joshi <preeti.joshi@gmail.com>
**Subject:** Arroyo Lago Project- Comment

Hello Aubrey,

I am a longtime Pleasanton resident and I live in the Ironwood neighborhood. I wanted to let you know of my firm opposition to the planned Sewer plant in the Arroyo Lago Project. The sewer plant would be too near to the residential area. The noxious fumes will be hazardous to the residents in this area. The residents health can be impacted. Please consider moving the sewer plant location away from the city limits and residential housing. 1

Thanks
Jeetendra

8592292213

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### *Jeetendra Shelatkar (SHELATKAR)*

*Response to SHELATKAR-1*

The comment is noted. Please refer to Master Response 10, Clarifying Information on Wastewater Treatment Plant Operation and Maintenance, in Section 2, Master Responses, of this document. Master Response 10 provides additional clarifying information on the operation and maintenance of the proposed WWTP, including who would operate it, what permits would be required, and details regarding odor, sizing, PFAS, and discharge of biosolids and byproducts. This Master Response addresses how the technology and design of the proposed WWTP would not release harmful emissions or odors. No further response is required.

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## Rachel Krusenoski

**From:** Rose, Aubrey, CDA <Aubrey.Rose@acgov.org>
**Sent:** Friday, September 13, 2024 2:13 PM
**To:** Rachel Krusenoski
**Subject:** FW: Arroyo Lago Residential Project - PLN2022-00193 - Vesting Tentative Tract Map (TR-8423), 3030 Mohr Avenue, Pleasanton; Assessor's Parcel Number: 946-4634-1

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FYI

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**From:** Ted Fong <tefong@comcast.net>
**Sent:** Friday, September 13, 2024 2:10 PM
**To:** Rose, Aubrey, CDA <Aubrey.Rose@acgov.org>
**Cc:** Orduna, Rodrigo, CDA <rodrigo.orduna@acgov.org>
**Subject:** RE: Arroyo Lago Residential Project - PLN2022-00193 - Vesting Tentative Tract Map (TR-8423), 3030 Mohr Avenue, Pleasanton; Assessor's Parcel Number: 946-4634-1

Hi Aubrey,

Thank you for sending this information.

I have gone through briefly the document and there is a lot of material covered. However, at first glance, I did not see any response to the concerns raised by our community at The Village at Ironwood. Why is that? 1

In addition, giving us only a couple of weeks to review and be able to respond at a meeting planned for September 26, 2024 is completely unreasonable. We need more time to review this EIR and to be able to respond in a meaningful way.

Your group has taken over a year to draft this EIR, which you said would only take a few weeks. Then you have allowed others to review it for months, and yet, you expect the residents who will be directly affected the most to have only two weeks to review and respond. 2

I respectfully request at least three or four months for us to be able to do our own research and to respond. At the same time, please delay the planned September 26, 2024 meeting accordingly.

Most importantly, please explain to me why you did not address any of the concerns expressed by our community. 3

Thank you,
Ted Fong
(510) 396-7442

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**From:** Rose, Aubrey, CDA [mailto:Aubrey.Rose@acgov.org]
**Sent:** Tuesday, September 10, 2024 6:02 PM
**To:** Rose, Aubrey, CDA
**Cc:** Orduna, Rodrigo, CDA

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## *Ted Fong (First Letter) (T.FONG 1)*

*Response to T.FONG 1-1*

The comment is noted. Chapter 1, Introduction, of the Draft EIR includes summaries of all the NOP comments on the proposed project. For NOP comments on physical impacts on the environment, which are the impacts analyzed under CEQA, the Introduction provides the locations within the Draft EIR where these concerns are addressed. However, this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project

*Response to T.FONG 1-2*

The comment is noted. Please refer to Master Response 1, Request for Extension of Comment Period, in Section 2, Master Responses, of this document. Master Response 1 discusses how the County voluntarily extended the public review period from 45 days to 60 days. No further response is required.

*Response to T.FONG 1-3*

The comment is noted. Please refer to *Response to T. FONG 1-1*. No environmental issue has been raised; however, this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

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**Laura Campion**

**Subject:** FW: Arroyo Lago Residential Project - PLN2022-00193 - Vesting Tentative Tract Map (TR-8423), 3030 Mohr Avenue, Pleasanton; Assessor's Parcel Number: 946-4634-1

**Attachments:** Ted Fong Arroyo Lago EIR Response - November 7, 2024.pdf; Ted Fong Arroyo Lago EIR Response Pictures November 7, 2024.pdf

**From:** Ted Fong <tefong@comcast.net>
**Sent:** Thursday, November 7, 2024 3:41 PM
**To:** Rose, Aubrey, CDA <Aubrey.Rose@acgov.org>
**Cc:** Orduna, Rodrigo, CDA <rodrigo.orduna@acgov.org>
**Subject:** RE: Arroyo Lago Residential Project - PLN2022-00193 - Vesting Tentative Tract Map (TR-8423), 3030 Mohr Avenue, Pleasanton; Assessor's Parcel Number: 946-4634-1

Hi Aubrey,

Thank you for hosting the October 29th community meeting.

As a follow up, I am submitting the letter text below and the attached letter with pictures in response to the EIR. I have added more details on the concerns I have about the leadership and decision making for the Arroyo Lago development.

I believe the project can only be properly developed by having the City of Pleasanton annex the entire Steelwave property.

The City has well established goals and guidelines for the development and integration of adjacent properties. The City can assure their requirements are met and are consistent and fit within the long term vision for the City.

1

Sincerely,
Ted Fong
(510) 396-7442

**LETTER TO ALAMEDA COUNTY IN RESPONSE TO THE ARROYO LAGO EIR – NOVEMBER 7, 2024:**

Date: November 7, 2024
From: Ted Fong, 10-year Resident of the Village at Ironwood
To: Alameda County
Re: EIR Response

Thank you for the opportunity to address the Arroyo Lago Development EIR. I presented much of this at the public meeting on October 29th but I am putting this in writing so I can highlight in more detail the fundamental issues with the current approach.

I am also proposing a solution that better serves all stakeholders.

2

What we're witnessing in the way the Arroyo Lago project is being managed is a critical failure of leadership. The Pleasanton City Council's previous dropping of the East Pleasanton Specific Plan, whether due to drought, COVID-19, or desire for slow-growth, has created a vacuum. This lack of proactive leadership has turned the project into a political hot potato, with no single entity taking

responsibility for comprehensive planning. As a result, we're seeing reactive rather than strategic decision-making on factors that will have a long term negative impact on our community environment. 2 CONT

The purpose of a CEQA EIR is to inform the public and decision-makers about the potential environmental impacts of a proposed project. While this EIR attempts to address technical issues created by the Arroyo Lago development, it does not actually address the severity of the negative impact on the quality of life of the residents of The Village at Ironwood.

The EIR Executive Summary Matrix indicates under Section 3.1 – Aesthetics, Light and Glare, on Mitigation Measures: "None required", and Level of Significance after Mitigation: either "N/A" or "Less than significant impact". These are incorrect conclusions in light of the negative impact on the residents' environment, privacy and quiet enjoyment of backyards. This becomes clear when you can see how the wall of 34 two-story homes, towering up to 36 feet above our ground level, is being built five to eight feet behind the east wall of our subdivision, disrupting the environment of our 27 mostly single-story homes. Why are we as residents not included as part of the environment that is being impacted and requires EIR mitigation? Doesn't the exclusion of the residents miss the purpose of an EIR? 3

The current piecemeal development approach through the County, while well-intentioned, fails to address critical long term planning needs of the City of Pleasanton and the County.

Let me highlight three key problems:

First, we're seeing inconsistent planning. Steve Riley, the developer, submitted one version to County officials including 34 two-story homes on the east wall with a 6-foot base ground elevation increase above The Village elevation – but showed The Village at Ironwood residents on October 23, 2024 a different unpublished plan concept with single-story homes and only a 4-foot base ground elevation increase (See Figures 1, 2 & 4). Mr. Riley also showed an earlier 2017 version (See Figure 3) of their plans with a street behind our east wall that would mitigate many of our privacy issues. It is apparent the developer may be willing to consider design changes that would mitigate our concerns. With a little direction, compromise appears possible. But this brings up the question of what is the real plan? And who is leading the planning? This inconsistency creates confusion, erodes trust and needs to be corrected. 4

Second, critical infrastructure questions remain unaddressed. Who will be responsible for sewage treatment – specifically building, operating, maintaining and handling emergencies? How will we ensure protection of Pleasanton's drinking water? If there is a sewage spill, who is responsible for corrective action? What about other issues such as traffic management and emergency services? These aren't just EIR checklist items – they're fundamental safety and quality-of-life issues that should be addressed with a long term planning view. 5

Third, this approach bypasses Pleasanton's established development standards and guidelines. The City has carefully crafted requirements for residential development, including high density with specific design guidelines, open space requirements, and infrastructure standards. These shouldn't be ignored. 6

The Village of Ironwood was constructed to meet HOA guidelines, that comply with the Federal law known as the Housing for Older Persons Act of 1995 (HOPA), and meets the defined goals and requirements of the City of Pleasanton for housing development. Steve Riley indicated that none of these requirements we are required to meet were considered when they designed their plans. The moment the wall of 34 two-story homes (See Figures 5 & 6) is built, all of our requirements would be violated. This negative environmental impact on our community should not be allowed. 7

The solution is clear: The City of Pleasanton should annex not just the Arroyo Lago property, but the entire Steelwave parcel. This would:

- Bring development under Pleasanton's comprehensive planning process
- Ensure proper infrastructure and services integration
- Maintain consistent design standards for adjacent communities
- Better serve state housing mandates while preserving local control

This isn't just about one development – it's about proper city planning. Pleasanton's housing element already demonstrates the City's commitment to meeting state requirements through thoughtful, planned development. As someone who worked at P&G I learned that it is better to manage something well before someone mismanages it for you. 8

I urge the County to encourage and support Pleasanton's annexation of this property so the City can lead the development.

Let's not allow short term expediency to create long term problems. The time has come for real leadership and strategic vision in developing our community's future.

Thank you for your consideration.

Sincerely,
Ted Fong
10-year resident of The Village at Ironwood

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**From:** Rose, Aubrey, CDA [mailto:Aubrey.Rose@acgov.org]
**Sent:** Friday, September 13, 2024 2:12 PM
**To:** Ted Fong
**Subject:** Re: Arroyo Lago Residential Project - PLN2022-00193 - Vesting Tentative Tract Map (TR-8423), 3030 Mohr Avenue, Pleasanton; Assessor's Parcel Number: 946-4634-1

Hi Ted,

Received and under consideration – thank you

Sincerely,
Aubrey Rose AICP
Planner III
AC Planning Dept

---

**From:** Ted Fong <tefong@comcast.net>
**Sent:** Friday, September 13, 2024 2:10 PM
**To:** Rose, Aubrey, CDA <Aubrey.Rose@acgov.org>
**Cc:** Orduna, Rodrigo, CDA <rodrigo.orduna@acgov.org>
**Subject:** RE: Arroyo Lago Residential Project - PLN2022-00193 - Vesting Tentative Tract Map (TR-8423), 3030 Mohr Avenue, Pleasanton; Assessor's Parcel Number: 946-4634-1

Hi Aubrey,

Thank you for sending this information.

**Single-Story Concept Proposed October 23, 2024**
**Figure 1**



9

**Single-Story View Above Privacy Wall**
**with 4 foot Base Elevation Increase over The Village Base**
**Figure 2**



**2017 Plan with Access Road Behind The Village East Wall**
**(Offers Better Privacy)**
**Figure 3**




9
CONT

**Concept Plan presented to The Village at Ironwood – October 23, 2024**
**Figure 4**

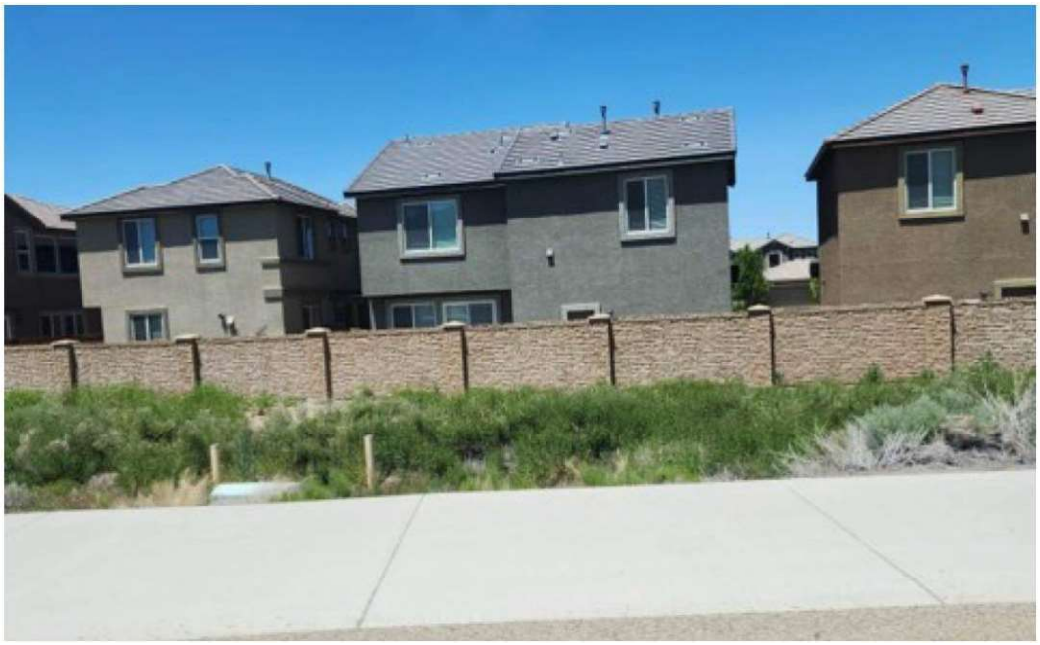


**Two-Story Example Views Above Privacy Wall**
**(Violates The Village Privacy and HOA Guidelines)**
**Figure 5**



9
CONT

**Figure 6**



## *Ted Fong (Second Letter) (T.FONG 2)*

*Response to T.FONG 2-1*
The comment is noted. No environmental issues are raised, and no response is required. However, this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

*Response to T.FONG 2-2*
The comment is noted, and this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project. The commenter should note that opinions on County or City leadership and East Pleasanton Specific Plan are not impacts on the physical environment or specific to the proposed project, and thus, will not be further addressed in the Final EIR. Please refer to Master Response 2, Non-CEQA Issues Not Addressed in Final EIR, in Section 2, Master Responses, of this document. Master Response 2 provides additional information on the scope of CEQA and any non-CEQA issues that are not further discussed in the Final EIR. Additionally, please also refer to Master Response 4, General Opposition Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. Master Response 4 provides a response to comments that express general opposition or disapproval of the proposed project.

*Response to T.FONG 2-3*
The comment is noted. Please refer to Master Response 8, Clarifying Information on the Aesthetics, Light, and Glare EIR Section and the Shadow Study, in Section 2, Master Responses, of this document. Master Response 8 provides additional clarifying information on the analysis contained within the Draft EIR's section on Aesthetics, Light, and Glare and the Shadow Study. No further response is required.

*Response to T.FONG 2-4*
The comment is noted. Please refer to *Response to T. FONG 2-1*. The proposed project that has been analyzed in the Draft EIR and under consideration by the Lead Agency is presented in Chapter 2, Project Description, of the Draft EIR.

*Response to T.FONG 2-5*
The comment is noted. The proposed WWTP would be managed by a certified operator who would oversee the operation and maintenance of the WWTP. Please refer to Master Response 10, Clarifying Information on Wastewater Treatment Plant Operation and Maintenance, in Section 2, Master Responses, of this document. Master Response 10 provides additional clarifying information on the operation and maintenance of the proposed WWTP, including who would operate it, what permits would be required, and details regarding odor, sizing, PFAS, and discharge of biosolids and byproducts. No further response is required.

*Response to T.FONG 2-6*
The comment is noted. No environmental issues are raised, and no response is required. However, this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

*Response to T.FONG 2-7*
The comment is noted. No environmental issues are raised, and no response is required. However, this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

*Response to T.FONG 2-8*
The comment is noted. As discussed in Section 6.7, Alternatives Rejected from Further Consideration, of the Draft EIR, a single-story alternative was initially considered but rejected from further consideration because this alternative would not reduce any of the significant impacts of the proposed project. A Shadow Study was performed for the proposed project, as detailed in Section 3.1, Aesthetics, Light, and Glare, of the Draft EIR. The Shadow Study determined that the proposed project would not have a significant impact on solar energy systems on adjacent homes. As such, this alternative would not reduce any significant impacts of the proposed project and was rejected from further consideration. Furthermore, a single-story alternative would reduce the density of the project, and therefore, would not meet the project objectives related to the development of additional housing opportunities in the County to the same degree that the proposed project would.

Similarly, increased setbacks from the existing residential neighborhood would not reduce any of the significant impacts of the proposed project and would not meet the project objectives related to the development of additional housing opportunities in the County to the same degree that the proposed project would.

Additionally, please refer to Master Response 2, Non-CEQA Issues Not Addressed in Final EIR, in Section 2, Master Responses, of this document. Master Response 2 provides additional information on the scope of CEQA and any non-CEQA issues are not further discussed in the Final EIR. No further response is required.

*Response to T.FONG 2-9*
The comment is noted. No environmental issues are raised, and no response is required. However, this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

**Rachel Krusenoski**

**From:** Rose, Aubrey, CDA <Aubrey.Rose@acgov.org>
**Sent:** Monday, September 16, 2024 9:10 AM
**To:** Rachel Krusenoski
**Subject:** FW: Arroyo Lago Project

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FYI

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**From:** James Vlamis <jim@vlamis.us>
**Sent:** Sunday, September 15, 2024 3:14 PM
**To:** Rose, Aubrey, CDA <Aubrey.Rose@acgov.org>
**Subject:** Arroyo Lago Project

Aubrey,
With but less than two weeks before the public hearing I am requesting an extension of the September 26th deadline.
The EIR draft is exceptionally lengthy and to read and comprehend the content let alone develop responses is certainly not fair to the homeowners impacted by this project. 1
Please allow us the time so we can do our due diligence on this very controversial project.

Truly appreciate the consideration,
Jim Vlamis
1017 Bradford Court
Pleasanton
94566

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## *Jim Vlamis (First Letter) (VLAMIS 1)*

*Response to VLAMIS 1-1*

The comment is noted. Please refer to Master Response 1, Request for Extension of Comment Period, in Section 2, Master Responses, of this document. Master Response 1 discusses how the County voluntarily extended the public review period from 45 days to 60 days. No further response is required.

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**Laura Campion**

**Subject:** FW: Arroyo Lago Development

**From:** James Vlamis <jim@vlamis.us>
**Sent:** Wednesday, November 6, 2024 7:03 PM
**To:** Rose, Aubrey, CDA <aubrey.rose@acgov.org>
**Subject:** Arroyo Lago Development

I am sending this a second time as it appears it failed to send.
Thanks!

Dear Aubrey,

Traffic and Safety for all residents in and around such a development are obviously major issues with this development as presented.

Having but one exit, as demonstrated with our presentation at the Public Meeting, would exacerbate the traffic issues that currently exist on Busch, Valley, and Santa Rita Roads. 1

**Goal:** Create a second and possibly third exit on to El Charro Road giving the residents greater options of ingress and egress for homeowners of the development 2

**Steps to be taken:**

- Pleasanton needs to incorporate the property to insure what is developed compliments the neighboring community. That was the most favorable option in your analysis. 3
- The three entities - City of Pleasanton, Zone 7 Water Agency, and the County of Alameda need to resolve the issues each of them has with current equipment underground that require access to maintain. 4
- Consideration should include the of construction of an elevated roadway over existing equipment to provide the necessary access thus not disturbing what currently exists. 5
- An El Charro exit from the development would give easy access to Stoneridge Blvd. and Hwy 580 lessening the traffic on Busch Road, Valley, and Santa Rita Blvd. 6

- Adding El Charro would require some “traffic calming” (e.g., stop lights, speed bumps, etc. to prevent commuters using Busch and El Charro as a cut-through. 7

When deciding on such a project we must always consider the future impact of those you serve in the community.
More time and analysis are needed to ensure all options have been considered. 8

Jim Vlamis
Cell: 510.407.0535

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## *Jim Vlamis (Second Letter) (VLAMIS 2)*

*Response to VLAMIS 2-1*

The comment is noted, and this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

The purpose of a traffic operation study is to provide City and County staff and policy makers with data that they can use to make an informed decision regarding the project's adherence to City and County policies. It is provided for informational purposes. The use of LOS to analyze impacts under CEQA was replaced with the evaluation of VMT in 2013. SB 743, which was signed into law by former Governor Brown and codified in Public Resources Code Section 21099, tasked OPR with establishing new criteria for determining the significance of transportation impacts under CEQA. SB 743 requires the new criteria to "promote the reduction of GHG emissions, the development of multimodal transportation networks, and a diversity of land uses." SB 743 changes the way that public agencies evaluate the transportation impacts of projects under CEQA, recognizing that roadway congestion, while an inconvenience to drivers, is not itself an environmental impact (see PRC § 21099(b)(2)). In December 2018, OPR circulated its most recent Technical Advisory on Evaluating Transportation Impacts in CEQA, which provides recommendations and describes various options for assessing VMT for transportation analysis purposes. VMT refers to the amount and distance of automobile travel attributable to a project. Other relevant considerations may include the effects of the project on transit or non-motorized travel.

Impact TRANS-2 explains that the VMT associated with a project is the basis for determining traffic impacts under CEQA. The proposed project would result in significant and unavoidable impacts related to VMT, even with the implementation of all feasible mitigation measures. Feasible mitigation measures would be required as MM TRANS-2, as noted in Chapter 5, Errata, of this Final EIR, which requires the implementation of traffic calming elements. MM TRANS-2b, which required approximately 1,000 feet of off-site sidewalk and bicycle lane improvements along Busch Road, has been removed as a mitigation measure and instead remains in Chapter 2, Project Description, of the Draft EIR. However, removal of this mitigation measure does not change any of the significance findings in the document as it will be implemented as part of the proposed project regardless. Impacts to VMT would remain significant and unavoidable. Related revisions are identified in Chapter 5, Errata, of this Final EIR. Additionally, please refer to Master Response 12, Clarifying Information on Transportation Analysis, in Section 2, Master Responses, of this document. Master Response 12 provides additional clarifying information on the methodology used to evaluate traffic impacts as it related to VMT.

The Draft EIR provides a detailed analysis of transportation and traffic impacts, including those related to safety, emergency access, and geometric design hazards.

The potential for the proposed project to impact safety was evaluated in terms of the adequacy of sight distance and need for turn lanes at the project access points as well as the adequacy of dedicated turn lanes at the study intersections to accommodate additional queueing due to adding project-generated trips and need for additional right-of-way controls. The Draft EIR determined that there is adequate corner sight distance at the project access points on Busch Road for the posted speed limit of 35 miles per hour (mph). However, the Draft EIR determined that impacts related to

queueing would be significant and unavoidable, as the mitigation measure, which requires adjustments to signal timing, has been deemed unenforceable because the City of Pleasanton is not the Lead Agency for the proposed project, and thus the County cannot ensure that the required adjustments to signal timing will be made.

Impacts TRANS-4 determined that the proposed project would be designed to accommodate emergency response vehicles and would not impede emergency access, resulting in less than significant impacts related to emergency access. No further response is required.

*Response to VLAMIS 2-2*
The comment is noted. No environmental issues are raised, and no response is required. However, this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

*Response to VLAMIS 2-3*
The comment is noted. No environmental issues are raised, and no response is required. However, this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

*Response to VLAMIS 2-4*
The comment is noted. The proposed project would comply with all applicable requirements to ensure underground equipment would be accessible for maintenance purposes. No further response is required.

*Response to VLAMIS 2-5*
The comment is noted. Please see *Response to VLAMIS 2-4.* An elevated roadway would not reduce any significant and unavoidable impacts of the proposed project. No further response is required.

*Response to VLAMIS 2-6*
The comment is noted. Please see *Response to VLAMIS 2-1*. No further response is required.

*Response to VLAMIS 2-7*
The comment is noted. Please see *Response to VLAMIS 2-1*. No further response is required.

*Response to VLAMIS 2-8*
The comment is noted. No environmental issues are raised, and no response is required. However, this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

## Rachel Krusenoski

**From:** Rose, Aubrey, CDA <Aubrey.Rose@acgov.org>
**Sent:** Monday, September 23, 2024 8:42 AM
**To:** Rachel Krusenoski
**Subject:** FW: Arroyo Lago comment

**Follow Up Flag:** Follow up
**Flag Status:** Flagged

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FYI

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**From:** BOB WATSON <slowbob@comcast.net>
**Sent:** Saturday, September 21, 2024 11:51 AM
**To:** Rose, Aubrey, CDA <Aubrey.Rose@acgov.org>
**Cc:** tgrudkowski@gmail.com
**Subject:** Arroyo Lago comment

Mr. Rose:

I live at 1558 Chatham Place, directly behind the proposed Arroyo Lago developement. While we understand that developement happens, this proposed layout is a significant cause of concern for those of us in the over 55 Ironwood community.

I am particularly concerned with the information showing an approximately 6 foot height differential between the land in our back yards and the new developement. This height, coupled with the fact that all the proposed houses are two story, will be a serious invasion of privacy for the residents of the 27 homes of the Village at Ironwood that back up to the wall. 1

I am also concerned about dust and possible contamination issues during construction. 2

We appreciate the extension of time to further evaluate the EIR proposal. As I'm sure you understand, having two story structures directly behind us approximately 26 feet above our ground level is not an acceptable proposal. 3

Thank you.

Bob Watson
1558 Chatham Place
(925) 997-0616

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## *Bob Watson (First Letter) (Watson 1)*

*Response to WATSON 1-1*

The comment is noted. Note that privacy concerns do not constitute physical impacts on the environment and thus are not further discussed in the Draft EIR. Please refer to Master Response 2, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 8, Clarifying Information on the Aesthetics, Light, and Glare EIR Section and the Shadow Study, in Section 2, Master Responses, of this document. Master Response 2 provides additional information on the scope of CEQA and any non-CEQA issues are not further discussed in the Final EIR. Master Response 8 provides additional clarifying information on the analysis contained within the Draft EIR's section on Aesthetics, Light, and Glare and the Shadow Study. No further response is required.

*Response to WATSON 1-2*

The comment is noted. As discussed in Section 3.3, Air Quality, of the Draft EIR, the proposed project would require the implementation of MM AIR-1, which requires implementing BAAQMD BMPs to control dust during construction, including watering exposed surfaces, covering haul trucks transporting loose material, cleaning mud and dirt on adjacent public roads, limiting vehicle speeds, and several other measures. Consequently, implementation of MM AIR-1 would sufficiently maintain project construction emissions and fugitive dust to less than significant levels. No further response is required.

*Response to WATSON 1-3*

The comment is noted. Please refer to Master Response 4, General Opposition Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. Master Response 4 provides a response to comments that express general opposition or disapproval of the proposed project. No further response is required.

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My name is Bob Watson. I am a resident of the Village at Ironwood and my wife and I have lived in Pleasanton for 46 years.

The Village at Ironwood is a 55+ community, but in reality, most residents are in their 70s and 80s. There are 27 homes that line the wall on the East side of the Village. The average age of those living in those homes is 76 years old. Many have serious disabilities. The design of the Arroyo Lago project as presented in the EIR will have a serious impact on the health and safety of the residents that back up to the wall.

I want to address the complete lack of consideration by the developer of the elderly that back up to the wall in the Ironwood community. The EIR shows that a 6 foot retaining wall will be built along the outside of the existing wall. Fill will be brought in to bring the level of the land up to the top of the retaining wall. Our existing wall is 7 feet high in our small backyards. On top of their wall, they propose a "good neighbor fence", which will extend the total block of the vista at least 5 or 6 feet. 1

The EIR then shows that all houses to be constructed on the back side of our wall to be two story houses. The back of these houses will be located 5 to 8 feet from the wall (per their drawing). By comparison, and this is important, on the west side of our development, the developer, Ponderosa, located the two-story homes 25-35 feet away from the fence line.

The land fill plus the fence will block Ironwood residents view of the sky from their family rooms and bedrooms and make us feel like we are in prison. Adding a two story house only 5 to 8 feet from the fence will remove sunshine from our back yards for a significant portion of the morning. This project is a major intrusion to our privacy, as the elevation will be looking directly into our back yards.

In section 6.6 of the EIR, there is a table that lists environmental topic areas and their significance. Impact AES-1: Scenic Vistas is shown with designation "LTS" meaning less than significant impact. The design of this project certainly does not have less than significant impact to the residents of the Villages at Ironwood. 1 CONT

Studies have shown that seniors spending time outside improves mental health and reduces anxiety and depression. Exposure to sunlight helps to set circadian rhythm which helps you to go to sleep at night for better sleep," says Gail Saltz, MD, a clinical associate professor at the New York Presbyterian Hospital School of Medicine. There are multiple studies of the effects of "sunlight exposure" for seniors. They all conclude the same thing – that sunlight and outdoor exposure lead to a more healthy life for the elderly. 2

This is a very large piece of land east of Ironwood, with one owner. There is no need, except possibly greed, to cram these houses within 5' to 8' of a senior community. 3

## *Bob Watson (Second Letter) (WATSON 2)*

*Response to WATSON 2-1*

The comment is noted. Note that privacy concerns do not constitute physical impacts on the environment and thus are not further addressed in the Final EIR. Please refer to Master Response 2, Non-CEQA Issues Not Addressed in Final EIR, and Master Response 8, Clarifying Information on the Aesthetics, Light, and Glare EIR Section and the Shadow Study, in Section 2, Master Responses, of this document. Master Response 2 provides additional information on the scope of CEQA and any non-CEQA issues are not further discussed in the Final EIR. Master Response 8 provides additional clarifying information on the analysis contained within the Draft EIR's section on Aesthetics, Light, and Glare and the Shadow Study. No further response is required.

*Response to WATSON 2-2*

The comment is noted. Please refer to *Response to WATSON 2-1*. Please also refer to Master Response 3, Health and Safety Issues Not Addressed in the Final EIR, in Section 2, Master Responses, of this document. Master Response 3 provides additional information related to health and safety issues that are not further discussed in the Final EIR. No further response is required.

*Response to WATSON 2-3*

The comment is noted. No environmental issues are raised, and no response is required. However, this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

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# Arryo Lago Comment on Draft EIR

To: Aubrey Rose, Rodrigo Orduna
From: Bob Watson
Oct 5, 2024

First of all, thank you for sponsoring the public hearing meeting on October 29. There were many good presentations, mostly relating to the health and welfare of the seniors living adjacent to the proposed site. There are a significant number of flaws in the EIR that were addressed, but I would like to reinforce our positions on some of them.

1. We have significant concern over drainage. After the last grading was done, many of the homes that line the East wall of the Village at Ironwood had their back yards flooded. The plans for the development do not show how water from rains is controlled. At Ironwood rain water flow is drained slowly at the intersections using special stone blocks to underground burred large pipes and slowly drained toward the ocean. The design controls the drainage away from Ironwood, The Arroyo Lago plans have no such control. 1

2. Raising the ground level 4-6 feet behind the existing wall is a bad plan. On top of that, the plan is to install a “good neighbor fence” another 6-8 feet which will completely block our view of the sky from our bedrooms and family rooms. Adding two story houses 5-8 feet from the fence will block sunlight coming into our back yards for a considerable part of the morning. 2

3. The EIR shows the development will have its own sewage treatment plant with responsibility to run it by the HOA? I have worked with industrial plants for most of my life. It is unbelievable that the plan would be to have a sewage treatment plant the responsibility of an HOA. These plants emit H2S. Sewage plants have flares to burn the hydrogen sulfide that is emitted. It cannot be treated. It must be tuned with natural gas to have a working flare because it is low and variable volume but it stinks at low concentration. 3

4. The County really has no idea how bad the traffic is on Santa Rita Road and Valley Avenue. Valley Avenue between Stanley and Santa Rita is a major cut through for Livermore traffic. Traffic trying to turn left onto Valley from Santa Rita at peak times backs up to Mohr Avenue. Adding 200 homes where the only access is Busch Road will cause additional backups and accidents. The homes 4
on the current design are all two story with ADU units on 46 of them. This is not a planned senior community, but homes designed for families. There will be a significant impact on morning traffic with children going to Alisal grammer school, Harvest Park middle school and Amador Valley high school. Currently, traffic trying to go south on Santa Rita in the morning to get to Alisal or Amador backs 5

up past Mohr Avenue. Adding more traffic to that mess for this poorly designed community is a mistake for all of us. 5 CONT

Please deny this application for all the reasons presented here as well as those presented at the public hearing. 6

Sincerely,

Bob Watson
Resident (74 years old)
The Village at Ironwood
1558 Chatham Place
Pleasanton, CA 94566
(925) 997-0616
slowbob@comcast.net

## *Bob Watson (Third Letter) (WATSON 3)*

*Response to WATSON 3-1*

The comment is noted. As discussed in Section 3.9, Hydrology and Water Quality, of the Draft EIR, the proposed project's drainage systems for the two drainage areas have sufficient capacity to convey the flow of stormwater from the proposed development and the off-site area east of the project site to the bioretention areas. Furthermore, the bioretention areas and retaining wall would be designed in accordance with all applicable standards and would have adequate capacity to accommodate stormwater flows from the project site during storm events to ensure that no flooding would result and that there would be no net increase in off-site flow of stormwaters. No further response is required.

*Response to WATSON 3-2*

The comment is noted. Please refer to Master Response 3, Health and Safety Issues Not Addressed in the Final EIR, in Section 2, Master Responses, of this document. Master Response 3 provides additional information related to health and safety issues that are not further discussed in the Final EIR Additionally, please refer to Master Response 8 provides additional clarifying information on the analysis contained within the Draft EIR's section on Aesthetics, Light, and Glare and the Shadow Study. No further response is required.

*Response to WATSON 3-3*

The comment is noted. The proposed WWTP would be managed by a certified contract operator who is responsible for maintenance and operation. Please refer to Master Response 10, Clarifying Information on Wastewater Treatment Plant Operation and Maintenance, in Section 2, Master Responses, of this document. Master Response 10 provides additional clarifying information on the operation and maintenance of the proposed WWTP, including who would operate it, what permits would be required, and details regarding odor, sizing, PFAS, and discharge of biosolids and byproducts. No further response is required.

*Response to WATSON 3-4*

The comment is noted. The purpose of a traffic operation study is to provide City and County staff and policy makers with data that they can use to make an informed decision regarding the project's adherence to City and County policies. It is provided for informational purposes. The use of LOS to analyze impacts under CEQA was replaced with the evaluation of VMT in 2013. SB 743, which was signed into law by former Governor Brown and codified in Public Resources Code Section 21099, tasked OPR with establishing new criteria for determining the significance of transportation impacts under CEQA. SB 743 requires the new criteria to "promote the reduction of GHG emissions, the development of multimodal transportation networks, and a diversity of land uses." SB 743 changes the way that public agencies evaluate the transportation impacts of projects under CEQA, recognizing that roadway congestion, while an inconvenience to drivers, is not itself an environmental impact (see PRC § 21099(b)(2)). In December 2018, OPR circulated its most recent Technical Advisory on Evaluating Transportation Impacts in CEQA, which provides recommendations and describes various options for assessing VMT for transportation analysis purposes. VMT refers to the amount and distance of automobile travel attributable to a project. Other relevant considerations may include the effects of the project on transit or non-motorized travel.

Impact TRANS-2 explains that the VMT associated with a project is the basis for determining traffic impacts under CEQA. The proposed project would result in significant and unavoidable impacts related to VMT, even with the implementation of all feasible mitigation measures. Feasible mitigation measures would be required as MM TRANS-2, as noted in Chapter 5, Errata, of this Final EIR, which requires the implementation of traffic calming elements. MM TRANS-2b, which required approximately 1,000 feet of off-site sidewalk and bicycle lane improvements along Busch Road, has been removed as a mitigation measure and instead remains in Chapter 2, Project Description, of the Draft EIR. However, removal of this mitigation measure does not change any of the significance findings in the document as it will be implemented as part of the proposed project regardless. Impacts to VMT would remain significant and unavoidable. Related revisions are identified in Chapter 5, Errata, of this Final EIR. Additionally, please refer to Master Response 12, Clarifying Information on Transportation Analysis, in Section 2, Master Responses, of this document. Master Response 12 provides additional clarifying information on the methodology used to evaluate traffic impacts as it related to VMT.

The potential for the proposed project to impact safety was evaluated in terms of the adequacy of sight distance and need for turn lanes at the project access points as well as the adequacy of dedicated turn lanes at the study intersections to accommodate additional queueing due to adding project-generated trips and need for additional right-of-way controls. The Draft EIR determined that there is adequate corner sight distance at the project access points on Busch Road for the posted speed limit of 35 miles per hour (mph). However, the Draft EIR determined that impacts related to queueing would be significant and unavoidable, as the mitigation measure which requires adjustments to signal timing has been deemed unenforceable because the City of Pleasanton is not the Lead Agency for the proposed project, and thus the County cannot ensure that the required adjustments to signal timing will be made. No further response is required.

*Response to WATSON 3-5*
The comment is noted. Please see *Response to WATSON 3-4*, which explains that roadway congestion is not itself an environmental impact under CEQA. No further response is required.

*Response to WATSON 3-6*
The comment is noted. No environmental issues are raised, and no response is required. However, this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

15 October 2024

TO: Aubrey Rose, AICP, Planner III
Planning Department
Alameda County Community Development Agency

FROM: Kenneth Yamada
1374 Chatham Ct.
Pleasanton, CA

Re: Review of Arroyo Lago (AL) Residential Project Draft EIR

The proposed project is unsuitable as it poses significant issues for the surrounding community. As an Ironwood Village (IV) neighbor, my main concerns about the project revolve around the raised ground at its western boundary, the positioning and height of the homes along that boundary, and the presence of sewer sanitation facilities on its eastern side 1

Raised Ground at the West Boundary

The ground level at the West border with the Ironwood Village (IV) 55+ community will be raised by at least 6' to address existing soil issues. With an 8-foot perimeter project fence, the net fence height above IV ground level will be 14 feet. For IV residents whose homes back to this boundary, the view from their backyard window will be 8 feet of IV concrete perimeter wall topped by 6 feet of AL wood perimeter fence.

This 14-foot patchwork violates standard fence "good neighbor" objectives. For AL residents, it will appear as a standard 8-foot perimeter fence. However, for IV residents, it will look like a cheap, uncoordinated divider. It will also exceed the height of their backyard windows, eliminate the window view of the Eastern sky, and reduce direct sunlight into their home and backyard. 2

Alternate solutions that do not involve raising the ground level must be considered. For example, (1) replacing 6 feet of existing (undocumented) soil with accepted soil, (2) removing just the undocumented soil, (3) building away from this problem area, or (4) not building the project at all.

Location/Height of Homes

The location and height of AL homes along the West fence exacerbate the impact on neighboring IV residents. Tall two-story family homes (~3,000 sq ft, 4 bedrooms) on higher (6 feet) ground are proposed just 5-10 feet from the AL privacy fence and the IV seniors' backyards. This configuration further degrades the quality of life of IV residents by jeopardizing their quiet, peaceful backyards, and limiting direct sunlight into their backyards and homes for health maintenance and plant growth.

The proposed homes are too close to the wall. Their small backyards (~20 x 10 feet) and patios (~15 x 10 feet) do not provide enough space for families. Moving these homes away from the wall would also reduce their impact on IV residents. 3

It is important to consider why neighborhoods of different life stages are being placed next to each other when another senior project is being considered on the AL East side. Flipping AL location with the other senior project would place a senior project on IV East side, making it more compatible for both senior communities.

15 October 2024

Sanitation Station Facilities

Lastly, the homeowners' association (HOA) should not be responsible for maintaining and operating on-site sewer sanitation facilities due to the associated risks. The requirement for the facilities should be deleted and the responsibility transferred to a permanent, professional organization that provides sanitation services to local cities. By doing so, we can eliminate the risks of on-site contamination of nearby water sources for Zone 7 and Pleasanton. 4

## *Kenneth Yamada (First Letter) (YAMADA 1)*

*Response to YAMADA 1-1*
The comment is noted. Please see *Response to YAMADA 1-2* through *Response to YAMADA 1-4*, below. No further response is required.

*Response to YAMADA 1-2*
The comment is noted. Please refer to Master Response 2, Non-CEQA Issues Not Addressed in Final EIR, in Section 2, Master Responses, of this document. Master Response 2 provides additional information on the scope of CEQA and any non-CEQA issues are not further discussed in the Final EIR.

Additionally, please refer to Master Response 8, Clarifying Information on the Aesthetics, Light, and Glare EIR Section and the Shadow Study, in Section 2, Master Responses, of this document. Master Response 8 provides additional clarifying information on the analysis contained within the Draft EIR's section on Aesthetics, Light, and Glare and the Shadow Study.

The alternatives suggested in this comment would not reduce any significant and unavoidable impacts of the proposed project and would not meet the proposed project's objectives to the same extent as the proposed project. No further response is required.

*Response to YAMADA 1-3*
The comment is noted. Please refer to Master Response 2, Non-CEQA Issues Not Addressed in Final EIR, in Section 2, Master Responses, of this document. Master Response 2 provides additional information on the scope of CEQA and any non-CEQA issues are not further discussed in the Final EIR.

Additionally, as discussed in Section 6.7, Alternatives Rejected from Further Consideration, of the Draft EIR, a single-story alternative was initially considered but rejected from further consideration because this alternative would not reduce any of the significant impacts of the proposed project. A Shadow Study was performed for the proposed project, as detailed in Section 3.1, Aesthetics, Light, and Glare, of the Draft EIR. The Shadow Study determined that the proposed project would not have a significant impact on solar energy systems on adjacent homes. As such, this alternative would not reduce any significant impacts of the proposed project and was rejected from further consideration. Furthermore, a single-story alternative would reduce the density of the project, and therefore, would not meet the project objectives related to the development of additional housing opportunities in the County to the same degree that the proposed project would.

Similarly, increased setbacks from the existing residential neighborhood would not reduce any of the significant impacts of the proposed project and would not meet the project objectives related to the development of additional housing opportunities in the County to the same degree that the proposed project would. No further response is required.

*Response to YAMADA 1-4*
The comment is noted. The proposed WWTP would be maintained and operated by a certified operator retained by the HOA. Please refer to Master Response 10, Clarifying Information on Wastewater Treatment Plant Operation and Maintenance, in Section 2, Master Responses, of this

document. Master Response 10 provides additional clarifying information on the operation and maintenance of the proposed WWTP, including who would operate it, what permits would be required, and details regarding odor, sizing, PFAS, and discharge of biosolids and byproducts. No further response is required.

26 October 2024

TO: Aubrey Rose, AICP, Planner III
Planning Department
Alameda County Community Development Agency

FROM: Kenneth Yamada
1374 Chatham Ct.
Pleasanton, CA

Re: Arroyo Lago Residential Project Draft EIR
Section 3.1.3 Regulatory Framework, Solar Shade Control Act
Section 3.1.6 Project Impacts and Mitigation Measures, Shadow Study,

Shadow Study Needs Clarification

Title 24 of the California Code of Regulations ensures solar access for existing buildings by imposing setback and height requirements on new developments. According to Section 3.1.3, the Solar Shade Control Act regulates the shading of solar panels by trees and shrubs.

The Arroyo Lago homes are located to the east of the Ironwood Village homes. These homes are taller and are positioned very close to each other along the border wall, which means they will cast shadows on the Village homes during clear days. 1

A primary concern regarding Section 3.1.6 of the Shadow Study is the configurations of the Arroyo Lago homes, which were not adequately specified in the Environmental Impact Report (EIR). Were the configurations evaluated in the worst-case scenarios regarding location, orientation, and style/model (rooftop profile) for all home configurations along the border wall? Were the Arroyo Lago homes situated on raised ground? Additionally, were the homes parallel to the border wall assessed?

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## *Kenneth Yamada (Second Letter) (YAMADA 2)*

*Response to YAMADA 2-1*

The comment is noted. Please refer to Master Response 8, Clarifying Information on the Aesthetics, Light, and Glare EIR Section and the Shadow Study, in Section 2, Master Responses, of this document. Master Response 8 provides additional clarifying information on the analysis contained within the Draft EIR's section on Aesthetics, Light, and Glare and the Shadow Study. No further response is required.

Furthermore, as discussed in Section 3.1.3, Regulatory Framework, in Section 3.1, Aesthetics, Light, and Glare, of the Draft EIR, the Solar Shade Control Act (Public Resources Code, Chapter 12) describes specific and limited controls on trees and shrubs. It prohibits the owner of another property to allow a tree or shrub to be placed or grow to the extent that it casts shadow greater than 10 percent of the collector absorption area upon a solar collector's surface at any one time between the hours of 10:00 a.m. and 2:00 p.m. However, the Solar Shade Control Act applies specifically to trees and shrubs and would not apply to buildings being created pursuant to the proposed project. No further response is required.

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26 October 2024

TO: Aubrey Rose, AICP, Planner III
Planning Department
Alameda County Community Development Agency

FROM: Kenneth Yamada
1374 Chatham Ct.
Pleasanton, CA

Re: Arroyo Lago Residential Project Draft EIR

Attached is a significant concern that was not adequately addressed in my previous input dated 15 October 2024.

Health Impact of Arroyo Lago Western Border on Ironwood Village Senior Residents

For residents of Ironwood Village whose homes border the western edge of Arroyo Lago, the design of this boundary poses a significant threat to their health. As I mentioned in my previous input from 15 October, the height and proximity of both the homes and the perimeter fence of Arroyo Lago relative to properties in Ironwood Village are particularly concerning. They are too tall and too close.

These changes will lead to darker living spaces for residents, resulting in a loss of views of the eastern sky from their windows. Additionally, the backyards will become darker, colder, and persistently damp during the winter months. Such alterations could contribute to feelings of depression, especially for those who are homebound due to medical issues. 1

As one of those affected residents, I will greatly miss seeing the windmills on the Altamont hills, the Sonol ridgeline, the early morning sunrise, and the lights of airplanes approaching Oakland Airport at night. I will also miss hearing the sounds of the wildlife from the field beyond my perimeter wall.

However, the impact of Arroyo Lago extends beyond these cherished experiences. It will completely block all visibility of the eastern sky and eliminate direct sunlight from entering my home through my back windows. This situation will be profoundly depressing and could ultimately be detrimental to my health.

In conclusion, I disagree with the assertion in Section 3.1, Table ES-1 of the Draft EIR that no mitigating measures are necessary. The health impact on the residents of Ironwood Village must be addressed.

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## *Kenneth Yamada (Third Letter) (YAMADA 3)*

*Response to YAMADA 3-1*

The comment is noted. Please refer to Master Response 8, Clarifying Information on the Aesthetics, Light, and Glare EIR Section and the Shadow Study, in Section 2, Master Responses, of this document. Master Response 8 provides additional clarifying information on the analysis contained within the Draft EIR's section on Aesthetics, Light, and Glare and the Shadow Study.

Additionally, please refer to Master Response 3, Health and Safety Issues Not Addressed in the Final EIR, in Section 2, Master Responses, of this document. Master Response 3 provides additional information related to health and safety issues that are not further discussed in the Final EIR. No further response is required.

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TO: Aubrey Rose, AICP, Planner III
Planning Department
Alameda County Community Development Agency

FROM: Kenneth Yamada
1374 Chatham Ct.
Pleasanton, CA

SUBJECT: Impact of Hydrogen Sulfide Emissions from Sewer Treatment on Ironwood Village Senior Residents

REFERENCE:

(1) Arroyo Lago Residential Project EIR Draft

(2) OSHA: Hydrogen Sulfide – Hazards | OSHA.gov | Occupational & Health Administration

(3) Review of Arroyo Lago (AL) Residential Project Draft EIR, dated 15 October 2024 by Kenneth Yamada

This letter supplements my previous input on "Sanitation Station Facilities"[3].

The Project includes a sewer treatment plant located west of El Charro Road in the northern portion of APN 946-4634-2. This facility is equipped with odor controllers (see Exhibit 2-8[1]), although the effectiveness of these controllers is not specified.

One of the byproducts of the sewer treatment process is hydrogen sulfide (H2S), a toxic air contaminant (TAC) that can lead to various adverse health effects depending on the concentration and duration of exposure. According to the available information, "TACs occurring at extremely low levels may still cause health effects, and it is typically difficult to identify levels of exposure that do not produce adverse health effects."[1] 1

Health symptoms related to H2S exposure can be detected at an odor threshold ranging from 0.01 to 1.5 ppm, with severe consequences leading to "nearly instant death" at concentrations between 1000-2000 ppm (Reference 2).

California's standard for H2S odor detection is set at 0.03 ppm for an average exposure duration of one hour (see Table 3.2-2[1]). However, the Environmental Impact Report (EIR) does not specify corresponding standards or mitigating processes to prevent the severe adverse health effects associated with H2S. This oversight is particularly concerning for the Project's sewer treatment facility, which is an unmanned operation located near Ironwood Village. Senior residents in this community, with an average age of 76, may be especially vulnerable to the effects of this toxic air contaminant.

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## *Kenneth Yamada (Fourth Letter) (YAMADA 4)*

*Response to YAMADA 4-1*

The comment is noted. The proposed MBR system would maintain an aerobic, neutral pH environment and the biological action would oxidize the sulfide to the odorless sulfate ion form; this would not only not be odorous but chemically would not be volatilized and would not be released to the atmosphere. Any $H_2S$ that is transmitted to the project's WWTP would be quickly and naturally converted to the non-odorous sulfate form via the highly aerobic nature of the MBR process. Additionally, the biological suspension at the heart of the MBR would convert any odorous dissolved organic compounds to biomass and carbon dioxide, an odorless gas. Please refer to Master Response 10, Clarifying Information on Wastewater Treatment Plant Operation and Maintenance, in Section 2, Master Responses, of this document. Master Response 10 provides additional clarifying information on the operation and maintenance of the proposed WWTP, including who would operate it, what permits would be required, and details regarding odor, sizing, PFAS, and discharge of biosolids and byproducts. No further response is required.

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# SECTION 4: RESPONSES TO PUBLIC MEETING VERBAL COMMENTS

## 4.1 - List of Speakers

A list of individuals that provided verbal comments on the Arroyo Lago Residential Project Draft Environmental Impact Report (Draft EIR) at the Public Meeting held by the Lead Agency for the project on October 29, 2024, is presented below. Each verbal commenter has been assigned a code, and a single response has been provided to each speaker. Following this list, a transcript of the video recording of each comment made at the Public Meeting has been included and is followed by the corresponding response.

| Speaker | Speaker Code |
|---|---|
| Sidney Cohen | COHEN |
| Pamela Chan | CHAN |
| Dennis Romatz | D.ROMATZ |
| David Atwell | DAVID ATWELL |
| Arne Olson | A.OLSON |
| Bob Watson | WATSON |
| Fred Okimoto | OKIMOTO |
| Evan Shelan | SHELAN |
| Cindy MacDonald | MACDONALD |
| Tim Lambirth | LAMBIRTH |
| Ted Fong | T.FONG |
| Diana Atwell | DIANA ATWELL |
| Hal LaFlash | LAFLASH |
| Heather Liang | H.LIANG |
| Pamela Hardy Alpert | ALPERT |
| Jim Vlamis | VLAMIS |
| Carla Boufarhet | BOUFARHET |
| Doug Miller | MILLER |
| Tom Grudowski | GRUDOWSKI |

## 4.2 - Responses to Comments

### 4.2.1 - Introduction

In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15088, the County of Alameda, as the Lead Agency, evaluated the comments received on the Draft EIR (State Clearinghouse [SCH] No. 2023050339) for the Arroyo Lago Residential Project, and has prepared the

following responses to the comments received. This Response to Comments document becomes part of the Final EIR for the project in accordance with CEQA Guidelines Section 15132.

## 4.2.2 - Comment Letters and Responses

The verbal comment transcript and its corresponding response is included in the following pages and follows the same order as used in the List of Speakers.

## Speaker 1: Sidney Cohen (COHEN)

So, the challenge here is to speak in a room with a lot of echoes. I will keep my talk for less than 3 minutes. Anyway, my name is Dr. Sidney Cohen, retired cardiologist and scientist. I spent part of my professional career taking care of patients, teaching, research, and then the latter part doing research to get medical devices and drugs approved for use in animals. Thus, my focus is on health. As I read through the EIR, I had several major concerns about the potential health impact of building a community on land, part of which is listed as a hazardous materials site. I had concerns when I read the soil to be graded for the planned development site will be from an area also identified as having contaminants in the soil and is on hazardous materials site list.

I have concerns about the safety of locating a waste treatment site near a residential area and expecting an HOA to competently and safely run the waste treatment site. I also have concerns that treated water from the waste treatment plant, when dispersed into the ground that is either has been or is adjacent to an area listed as a hazardous material site, could release contaminants from the soil and into Pleasanton groundwater. We're all aware that we've had issues with our groundwater, and there are concerns that this occurring while shutting down more one or more to remaining wells in Pleasanton will incur significant costs to remove impurities from the groundwater.

The report is likely to be their confidence that the ground is safe to build on. For example, in section 3.8-21, it states, “the project site is included on the list of hazardous materials site, the Cortese List. The cleanup program at the site is currently open and undergoing long-term management as of 2017.” Clearly, this was cut and pasted from some other documents, but we're now in 2024 at least 7 years later. So why wasn't this updated? No details are given of what the hazardous materials identified in the soil, water—are they heavy metals or other compounds? Or what the exact cleanup actions that were undertaken were done, and whether that's being completed and documented as I think is sufficient. In addition, soil was used to cover this land. It's not clear how that was done, number one.

Number two, what the state of that soil is. In addition, the EIR has five conditions of approval, including that “corrective actions and soil management protocols identified in the final soil report,” which is yet to be submitted, “would be submitted to the Alameda County Department of Environmental Health for review and approval.” This wording raises flags to someone like me that hazardous materials may still exist in the soil and could make its way, not only into ground as previously mentioned, but could be exposed anytime digging at the site is undertaken. In my opinion, this section of the EIR needs to be rewritten to provide critically important information for reviewers and for us as a public to assess the safety of building on this land. Thank you.

### *Response to Sidney Cohen (COHEN)*

The comment is noted, and this this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

*Hazards and Hazardous Materials*

As identified in Section 3.8, Hazards and Hazardous Materials, of the Draft EIR and the Phase I Environmental Site Assessment (Phase I ESA) prepared for the proposed project, information related to the project site’s inclusion on the Cortese List was obtained from the California State Water Resources Control Board’s (State Water Board’s) GeoTracker database. The GeoTracker database

states that the cleanup status of the project site is "Open – Long Term Management as of 7/18/2017." The GeoTracker database also lists arsenic, chromium, copper, diesel, lead, nickel, other metal, waste oil/motor/hydraulic/lubricating, and zinc as potential contaminants of concern. However, the Draft EIR provides a brief description of the site history and explains the cleanup actions overseen by the Alameda County Department of Environmental Health (ACDEH), and the conditions of approval for subsequent entitlement, permitting, grading, and development of a land use other than Water Management, Agriculture, or Open Space. Additionally, information is provided in the project-specific Phase I ESA contained within Appendix F of the Draft EIR and public records are available from ACDEH on GeoTracker's website. Moreover, the Draft EIR explains that a Final Soil Report was submitted to ACDEH on March 23, 2020, and the ACDEH determined that the Final Soil Report met the first condition of approval on July 19, 2023. The remaining conditions (which pertain to corrective actions and soil management protocols *during* site re-development, schedule, and soil import and export) are included as HAZ COA-4a through HAZ COA-4e. As required by ACDEH, these requirements shall be met prior to site grading, soil import, or soil export, respectively. Therefore, impacts related to potentially hazardous soil would be less than significant. No further response is required.

As described in Section 3.3, Biological Resources, of the Draft EIR, an emergency use authorization was granted by Alameda County to grade the project site to provide positive drainage and conduct maintenance of the man-made stormwater drainage swale to prevent flooding in the winter due to prior flooding issues.

*Utilities and Service Systems*

Please refer to Master Response 10, Clarifying Information on Wastewater Treatment Plant Operation and Maintenance, in Section 2, Master Responses, of this document. Master Response 10 provides additional clarifying information on the operation and maintenance of the proposed Wastewater Treatment Plant (WWTP), including who would operate it, what permits would be required, and details regarding odor, sizing, per- and polyfluoroalkyl substances (PFAS), and discharge of biosolids and byproducts. Specifically, this Master Response includes information on how the Homeowner's Association (HOA) is conditioned to provide documentation that a certified operator is retained for management and operation of the proposed WWTP.

Additionally, please also refer to Master Response 11, Clarifying Information on Wastewater Effluent, in Section 2, Master Responses, of this document. Master Response 11 provides additional clarifying information regarding the potential for runoff from the proposed WWTP and Agricultural Irrigation Spray Fields to impact downstream surface water quality, groundwater quality, and the adjacent lakes. Further, the application of recycled water would not mobilize contaminants already in the soil any more than years of rainfall would have done in the years preceding the proposed project. This Master Response specifically discussed the proposed project's less than significant impacts on groundwater recharge and water quality.

Finally, please refer to Master Response 5, Recirculation Not Required, in Section 2, Master Responses, of this document. Master Response 5 explains why the Draft EIR does not require recirculation. No further response is required.

## Speaker 2: Pamela Chan (CHAN)

Hi, I'm Pamela Chan, resident of Ironwood Classics. I was only notified by word of mouth for the meeting in 2023 maybe two days before and tried to network as quickly as I could with the short time that I had to notify the nearby Montessori School, The Garden. I just don't know if the neighborhoods within a 1,000-foot radius of this development have actually been notified of that meeting. So, it is not clear if they actually notified the Montessori School.

So, I am just here to protect the neighborhood. The families they have, you know, one to two people and children from the household—maybe they were not notified. They were maybe not as accommodated or notified as much as the Village. The other issue there is, is the language barrier. People may not have had this communicated to them.

The other issues are air pollution, construction pollution, increased traffic for residents, traffic and emergency safety, and the Montessori School that is located on Busch Road. Some of the school parents, they pick up their children on Busch Road and there will be increased traffic and construction traffic that may actually affect their safety as well as the air pollution for the children during construction. While the children are outside, it may affect the children.

And then lastly, on behalf of the senior apartments which is 172 units on Valley Avenue, so these individuals are at a disadvantage due to their age. They need to qualify for those apartments. I think 62 years or older, but the average age right now is 70 to 80 years plus. And, considering they are affordable housing, do you think they are even aware of this development? Have their management received that card? What they have to do to communicate to the residents is that they have to retype it out physically in big, bold print because they don't have computers. They don't have access to come down to the meeting because they are immobile. So, that's how they communicate. They have to fight physical challenges, hearing loss, language barriers, and the digital design of a website. So, they don't have access to the reports, whatever has been posted on the County's website. So, yeah concerns about emergency access, traffic, and where and who was notified. Thank you.

### *Response to Pamela Chan (CHAN)*

The comment is noted, and this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project. Please refer to Master Response 4, General Opposition Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. Master Response 4 provides a response to comments that express general opposition or disapproval of the proposed project. Specific topics have further responses below.

*Noticing and Public Involvement*

The Notice of Availability (NOA) of the Draft EIR was sent to all property owners within 1,000 feet of the project site, as well as anyone who commented during the Draft EIR Notice of Preparation (NOP) scoping period. The notification radius of 1,000 feet is a standard practice utilized by the Lead Agency on all of their environmental projects which require public notifications. As such, the Montessori School and neighborhoods within the vicinity of the project site were notified regarding the availability of the Draft EIR. All project documents and information has been updated on both

CEQAnet and the County's website. Further, all documents posted online are compliant with the Americans with Disabilities Act (ADA), which allows for computer software that assists those with disabilities to read and understand the documents. Similarly, the NOA indicated that special accommodations for attendance at the Public Meeting were available; however, no such request was made. Thus, this project has been consistent with all noticing requirements under CEQA. Additionally, please refer to Master Response 1, Request for Extension of Comment Period, in Section 2, Master Responses, of this document. Master Response 1 discusses how the County voluntarily extended the public review period from 45 days to 60 days.

*Air Quality*

As detailed in Section 3.2, Air Quality, of the Draft EIR, the proposed project evaluated air quality impacts related to vehicle emissions during project operation. As detailed in the Draft EIR, the proposed project would be required to implement Mitigation Measure (MM) AIR-1, which requires the implementation of construction Best Management Practices (BMPs) recommended by the Bay Area Air Quality Management District (BAAQMD). With the implementation of MM AIR-1, project construction emissions would be less than significant. Additionally, the implementation of MM AIR-3, which requires that all applicable construction equipment utilized in mass grading, paving, and building construction phases to be Tier IV or Tier IV equivalent, would ensure that the cancer risk resulting from project construction would be below the BAAQMD health risk threshold and therefore less than significant. As such, the Draft EIR sufficiently analyzes and discloses potential impacts related to air pollution and construction pollution related to the implementation of the proposed project. No changes to the Draft EIR are required.

*Transportation*

Section 3.16, Transportation, of the Draft EIR provides a detailed analysis of transportation and traffic impacts, including those related to safety, emergency access, and geometric design hazards. The potential for the proposed project to impact safety was evaluated in terms of the adequacy of sight distance and need for turn lanes at the project access points as well as the adequacy of dedicated turn lanes at the study intersections to accommodate additional queueing due to adding project-generated trips and need for additional right-of-way controls. The Draft EIR determined that there is adequate corner sight distance at the project access points on Busch Road for the posted speed limit of 35 miles per hour (mph). However, the Draft EIR determined that impacts related to queueing would be significant and unavoidable, as the mitigation measure which requires adjustments to signal timing has been deemed unenforceable because the City of Pleasanton is not the Lead Agency for the proposed project, and thus the County cannot ensure that the required adjustments to signal timing will be made.

Additionally, traffic generated from the proposed project was evaluated using Vehicle Miles Traveled (VMT). Impact TRANS-2 explains that the VMT associated with a project is the basis for determining traffic impacts under CEQA. The proposed project would result in significant and unavoidable impacts related to VMT, even with the implementation of all feasible mitigation measures. Feasible mitigation measures would be required as MM TRANS-2, as noted in Chapter 5, Errata, of this Final EIR, which requires the implementation of traffic calming elements. MM TRANS-2b, which required approximately 1,000 feet of off-site sidewalk and bicycle lane improvements along Busch Road, has

been removed as a mitigation measure and instead remains in Chapter 2, Project Description, of the Draft EIR. However, removal of this mitigation measure does not change any of the significance findings in the document as it will be implemented as part of the proposed project regardless. Impacts to VMT would remain significant and unavoidable. Related revisions are identified in Chapter 5, Errata, of this Final EIR. Please refer to Master Response 12, Clarifying Information on Transportation Draft EIR Section, in Section 2, Master Responses, of this document. Master Response 12 provides additional clarifying information on the methodology used to evaluate traffic impacts as it relates to VMT. No further response is required.

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## Speaker 3: Dennis Romatz (D.ROMATZ)

Hi, I am Dennis Romatz, and I live on the wall on Chatham Place. When I reviewed the EIR, I looked at the solar exhibits and I just had another computer program show solar shade at various times of the year and the worst time is December 22nd when the earth is farthest from the sun. So, when I saw that all the houses are being built as two stories, they're going to be blocking those solar panels. And it even mentions in their write up, about at 9:45, they should be clear of the solar panels for shade. So, they even admit that, but in any other drawings, they don't show any solar panels being covered. I don't agree with the EIR—Section 3.1-1 and Section 3.1-10. It just doesn't look right. And besides that, there is a California Code that doesn't permit shading solar panels, and apparently these people don't know about it or are ignoring it.

And I just did a calculation really quick. Let's say you have 20 single-family homes and at 9:00 a.m. to 9:45 a.m., we don't get 100% of our solar panel use because they're shading. So, with 20 single-family homes, you lose about 500 watts for three quarters of an hour, and that loss for all 20 homes is 150,000 watts. So, let's see that's 150 kilowatt hours, which is a lot, then it adds up every day. So, these are the diagrams that I generated. And if anybody wants to go there, they can go to sunhealth.org. It's kind of touchy to work with, but it's free, and you can put in the date, the months, you can put in the times, and you can see where the shade is going. And this line here is a pole that they put in the ground, and it's 36 feet high from our ground level. And you can move this around and see where they're shading the solar panels. Yes, so that's all I have. I hope they consider this and change. Thank you.

### *Response to Dennis Romatz (D.ROMATZ)*

The comment is noted, and this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

*Aesthetics, Light, and Glare*

Please refer to Master Response 8, Clarifying Information on the Aesthetics, Light, and Glare EIR Section and the Shadow Study, in Section 2, Master Responses, of this document. Master Response 8 provides additional clarifying information on the analysis contained within the Draft EIR's section on Aesthetics, Light, and Glare and the Shadow Study. This Master Response explains the purpose of the Shadow Study and what is specifically evaluated in the Draft EIR regarding shade and shadow.

Furthermore, as discussed in Section 3.1.3, Regulatory Framework, in Section 3.1, Aesthetics, Light, and Glare, of the Draft EIR, the Solar Shade Control Act (Public Resources Code, Chapter 12) describes specific and limited controls on trees and shrubs. It prohibits the owner of another property to allow a tree or shrub to be placed or grow to the extent that it casts shadow greater than 10 percent of the collector absorption area upon a solar collector's surface at any one time between the hours of 10:00 a.m. and 2:00 p.m. However, the Solar Shade Control Act applies specifically to trees and shrubs and would not apply to buildings being created pursuant to the proposed project. No further response is required.

Additionally, please refer to Master Response 2, Non-CEQA Issues Not Addressed in Final EIR, in Section 2, Master Responses, of this document. Master Response 2 provides additional information on the scope of CEQA and any non-CEQA issues that are not further discussed in the Final EIR. Specifically, this Master Response notes that economic issues do not constitute physical impacts on the environment and are accordingly not analyzed in the Draft EIR. No further response is required.

## Speaker 4: David Atwell (DAVID ATWELL)

Thank you. I'm David Atwell. I live on the wall on Chatham Place, and I have my concerns regarding the fill dirt that's being put up against the wall of the property.

By the way, I know Steve Reilly came out and gave a presentation last week, but the property is being listed on his website. It's for sale, and it says this offering is approximately 27 acres. And it says it will come with a vested SB 330, so that stuff that he came out and talked about that single-family along the wall, you know, the single stories, we need to ignore that as a headache. The EIR is the actual document that the new buyers will receive when he completes this offering shown right there on the website.

I want to talk about the significant burden that he currently has on his property—that it has a drainage issue. And so, when it rains, it creates a puddling issue on his property. It makes the development infeasible as it currently exists. So ideally, the developer can work with the local government to address the drainage problem before moving on. Instead, the developer has chosen an alternative plan in the EIR. One that will transfer this drainage burden in the form of a new burden, to the community, the senior community next door. This approach involves using fill dirt and constructing homes directly on top of this fill, and then effectively shifting the burden and its risk to the neighboring senior citizens. This setup is not only a burden, new burden to the seniors, but it's a serious health and safety hazard for the seniors living next door.

The wall that he's proposing, as shown in the drawing here, is not fool-proof. Storms can erode the soil. We're one mile from an earthquake fault. They can generate a 7.2 earthquake, and any even small earthquakes can weaken the structure. The compounding risk is that this wall that he's going to put in there is buried, so it cannot be regularly inspected or maintained. No one can see what's happening at the wall—if it's developing cracks or not. If it fails, landslides will inevitably follow, bringing down tons of fills and possibly homes and trees that are sitting on top of it and placing the seniors below that harm's way. This risk is personal. This threat is in my backyard, and it makes my backyard unusable because of this landslide possibility, as it is no longer safe for grandchildren to play there and fear a potential landslide. Also, my primary bedroom is the back of my house, 10 feet from that wall that could fail. I can no longer sleep in that primary bedroom at night, especially as I age. If I use a walker or wheelchair that age, as many of our residents currently do, it would no longer be safe to sleep back there. This burden should not be transferred to me due to the concerns about these landslide dangers. This burden should not be placed on me or any of my neighbors, and the County should not support such a scheme. The developer should work with local authorities to fix the drainages on the property before moving forward, instead of shifting this risk to surrounding residents.

If the County chooses to support this to obtain numbers, it will directly impact my right to enjoy my property and my family’s safety. Under the Fifth Amendment, taking clause, of U.S. Constitution, one might expect just compensation for this loss of safe and reasonable use of my property. However, I've yet to receive any offer from this guy or from the County. I hope the County doesn't align with the developer’s scheme to transfer this burden to me. Thank you for your time and consideration. I

urge you consider the negative impact of this EIR, not only for me, but for the effect on the residents and not allow this EIR to go forward. Thank you.

### *Response to David Atwell (DAVID ATWELL)*

The comment is noted, and this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project. Note that personal opinions regarding the project applicant and developer do not constitute physical impacts to the environment, and therefore, are not addressed in this Final EIR. Please refer to Master Response 2, Non-CEQA Issues Not Addressed in Final EIR, in Section 2, Master Responses, of this document. Master Response 2 provides additional information on the scope of CEQA and any non-CEQA issues are not further discussed in the Final EIR. Additionally, please refer to Master Response 4, General Opposition Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. Master Response 4 provides a response to comments that express general opposition or disapproval of the proposed project.

*Hydrology and Water Quality*

As discussed in Section 3.9, Hydrology and Water Quality, of the Draft EIR, the proposed project's drainage systems for the two drainage areas have sufficient capacity to convey the flow of stormwater from the proposed development and the off-site area east of the project site to the bioretention areas. Furthermore, the bioretention areas and retaining wall would be designed in accordance with all applicable standards and would have adequate capacity to accommodate stormwater flows from the project site during storm events to ensure that no flooding would result and that there would be no net increase in off-site flow of stormwaters as discussed on page 3.9-31 of the Draft EIR. Based on the hydrology analysis, the Draft EIR found these impacts to be less than significant.

*Geology and Soils*

As detailed in Section 3.6, Geology and Soils, of the Draft EIR, the proposed project would be required to implement MM GEO-1, which requires adherence to the implementation of site-specific engineering measures recommended by a Design-Level Geotechnical Report. With the implementation of MM GEO-1 and the County of Alameda overseeing the proposed project, impacts related to strong seismic ground shaking would be less than significant, including those related to the proposed retaining wall.

The Preliminary Geotechnical Report does not identify any landslide-related hazards at the project site. According to the California Earthquake Hazards Zone Application (EQ Zapp), the project site is not within a landslide zone, except for the areas adjacent to the Zone 7 Chain of Lakes and surrounding the Busch Pit area. Additionally, geologic mapping does not indicate the presence of current or historic landslides in proximity to the project site. Given the relatively flat topography at the project site and the available data, the proposed project would not result in landslides. Additionally, as discussed above, implementation of MM GEO-1 would require an updated design-level geotechnical assessment of geologic and geotechnical hazards. If landslide hazards are identified at the project site, recommendations for addressing such hazards would be provided in a Design-Level Geotechnical Report. Adherence to the design recommendations provided in a Design-

Level Geotechnical Report, as reviewed and verified by the County as part of the grading and building permit process, would ensure that the proposed project would not result in impacts associated with landslides. The impact would be less than significant. Therefore, impacts related to geology and soils, including earthquakes and landslides, were sufficiently analyzed and disclosed in the Draft EIR. No further response is required.

Please also refer to Master Response 3, Health and Safety Issues Not Addressed in the Final EIR, in Section 2, Master Responses, of this document. Master Response 3 provides additional information related to health and safety issues that are not further discussed in the Final EIR.

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## Speaker 5: Arne Olson (OLSON)

I want to talk about the Draft EIRs tendency in certain areas reading the mitigation process. It seems to me it doesn't make sense. So, if you consider Section 3.6-6 in the Draft EIR, or under earthquakes, obviously, this is a health and safety concern. Note that the result of less than significant impact is assumed only after plan-level design studies and testing is conceived, not completed, but conceived. The assumption is that such design and testing will provide a positive result and therefore mitigate the impact to less than significant. This doesn't make any sense. What if the design and testing gets done after the project has begun and fails? Do they have to eliminate the project? Why is a positive result assumed prior to the actual testing? There should be such tests before this EIR could be approved, and we've witnessed over a year in preparing the draft. What were they doing during that year? That's all I have to say.

### *Response to Arne Olson (OLSON)*

The comment is noted, and this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

Under CEQA, the County may rely on future studies to devise the specific design of a mitigation measure when the results of later studies are used to tailor mitigation measures to fit on-the-ground environmental conditions. The details of mitigation measures may be left to later design or engineering work if mitigation that can meet a specified performance standard is known to be available. (*Oakland Heritage Alliance v. City of Oakland* (2011) 195 CA4th 884 (design of structure in conformance with seismic design codes coupled with review by engineers and building officials was sufficient to ensure mitigation of seismic impacts)).

As described in Section 3.6, Geology and Soils, of the Draft EIR, a Preliminary Geotechnical Report was prepared for the residential project site on May 18, 2023, and a Geotechnical Feasibility Report was prepared for the off-site improvement areas on February 12, 2024, by ENGEO incorporated (ENGEO). The project-specific geotechnical reports, while being preliminary, concluded that the project site and associated off-site improvement areas are suitable for the proposed development from a geotechnical standpoint, provided that various measures and recommendations would be implemented. No severe geologic or soil-related concerns were identified that would preclude development of the project site for the proposed project. The primary geotechnical issues to be considered during project design on the residential project site include the presence of undocumented fill, settlement of moderately compressible layers due to proposed fill and building loads, and strong ground motions. The primary geotechnical issues to be considered during the project design of the off-site improvements include potentially expansive soil, static consolidation settlement from compressible fill, long-term compression from existing fill, potential for slope instability along El Charro Road, and potentially corrosive soil.

The design and construction of the improvements at the project site would be subject to the mandatory requirements and standards of the CBC, which identify site preparation and construction techniques to attenuate the effects of strong ground shaking and seismic-related ground failure. The CBC identifies seismic factors that must be considered in structural design. Further, MM GEO-1 requires the preparation of an updated design-level geotechnical exploration and the

implementation of all recommendations included in that report, prior to issuance of building and grading permits to ensure impacts are less than significant. Building and grading permits shall not be issued prior to the completion of the updated design-level geotechnical exploration, including review and approval by the County as part of the grading and building permit process. No further response is required.

## Speaker 6: Bob Watson (WATSON)

Hi, I'm Bob Watson and my wife and I have lived in the Village for many years. So, most of you know a lot of the residents. We are 55 years old plus community. Most residents are in their 70s and 80s. There are 27 homes that line the wall on the east side of the Village. The average age of those living in those homes is 76 years old. Many have serious disabilities. The design of the project as presented in the EIR will have a serious impact on the health and safety of the residents that back up to the wall. I'd like to address a complete lack of consideration by the developer of the elderly that back up to the wall in this community. The EIR shows that a 6-foot retaining wall will be built on the outside of the existing wall. Fill will be brought in to bring the level of the land up to the top of that retained wall. Our existing wall is seven feet high in our small backyards. On top of their wall, they propose a good neighbor fence, which will at least five or six feet. The EIR shows that all houses will be constructed on the backside of this wall to be two-story houses. The back of these houses will be located five to eight feet from the wall. By comparison, and this is important, on the west side of development, the developer, Ponderosa, located the two-story homes 25 to 35 feet away from the fence to give adequate privacy to those residents. The fill plus the fence will block our windows and make us feel like we are in prison. Two-story house, five feet away from the fence will remove sunshine from our backyards, regardless of whether it affects solar panels, and have a significant impact on our environment. This project is a major intrusion to our privacy.

In Section 6.6 of EIR, there's a table that the entire list of areas of significance impact and it says that AES for scenic vistas has the designation of LTS, less than significant impact. The design of this project certainly is not a less than significant impact to the residents. Studies have shown that spending time outside improves mental health and reduces anxiety and depression. Exposure to sunlight helps to set circadian rhythm which helps you go to sleep at night. According to clinical associate professor at the emergency hospital, there are venerable studies of the effects of sunlight exposure. They all include the same thing—that sunlight and outdoor exposure can lead to a healthier lifestyle. This is a very large piece of land east of Ironwood at the moment. There's no need, except for the possibly greed, to create these houses and as seen here. Thank you.

### *Response to Bob Watson (WATSON)*

The comment is noted, and this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

Please refer to Master Response 2, Non-CEQA Issues Not Addressed in Final EIR, in Section 2, Master Responses, of this document. Master Response 2 provides additional information on the scope of CEQA and any non-CEQA issues that are not further discussed in the Final EIR.

Additionally, please also refer to Master Response 3, Health and Safety Issues Not Addressed in the Final EIR, in Section 2, Master Responses, of this document. Master Response 3 provides additional information related to health and safety issues that are not further discussed in the Final EIR.

And finally, please also refer to Master Response 8, Clarifying Information on the Aesthetics, Light, and Glare EIR Section and the Shadow Study, in Section 2, Master Responses, of this document. Master Response 8 provides additional clarifying information on the analysis contained within the Draft EIR's section on Aesthetics, Light, and Glare and the Shadow Study.

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## Speaker 7: Fred Okimoto (OKIMOTO)

My concern is the hydrogen sulfide that is in the sewer. And hydrogen sulfide is very toxic. Very deadly. Actually, at low concentrations in a typical sewer system, the sulfides in the wastewater can be 10 to 20 parts per million, which sounds like a real low number. And then the gas, it could be from 20 to over 200 parts per million. Okay, so those sound like real nice easy numbers to reach, but they're not. It only takes 0.2 parts per million before it smells like rotten eggs. And actually, if you smell rotten eggs, you're in the safe zone even though stinks like rotten eggs. If you get over 10 parts per million, it irritates your eye and your nervous system. If you get over 100 parts per million, it's fatal. So, you don't want to be around anything with that kind of level. The Draft EIR does not describe what happens with hydrogen sulfide in the sewer system. And, how you remove, and handle hydrogen sulfide is not described. What safety and particular set down systems you need to install to ensure you can control the hydrogen sulfide is included?

And also, in your bioretention systems, your spray system, you could have hydrogen sulfide and other smells of sulfur components, and that stink can go for miles. You have to do very extensive, dispersing calculations that we use in the oil and gas industry to figure out how far this thing could spread. And I'll give you a couple examples that I know, personally. I had a friend that was an engineer, and he got exposed to one puff of hydrogen sulfide. It knocked them out and he fell down. Fortunately for him, the wind was blowing the gas away from him. Operators put on their air packs, which is what you need in these kinds of plants, so that you can breathe and go in there and rescue them and pull them out of there. He was in the hospital for three months. I saw him after that. He was incoherent. He lost his balance, and within a month after that, they had shipped him back to the US for extensive medical help. I haven't seen the guy after that, but that's one example.

Another one is often for hydrogen sulfide, you have a flare to burn it off if you can't get rid of it. Well, in this plant that I worked at, the flare went out, so hydrogen sulfide gas was going out of the flare. Hydrogen sulfide is heavier than air, so it likes to settle down. While an operator went out there to reignite the flare, he got hit with hydrogen sulfide and he died. And then there was another case of operators in the sewer system. One guy fell into a sewer pit, and like I said, hydrogen sulfide stays down. It's hard to remove it. So, he was hit with the hydrogen sulfide. Two operators went down to rescue him. They didn't wear proper air packs. They both died as well. So, there were three people dead. So, it's not you know something easy to deal with. Your report needs to go to extensive details, how you're going to treat and handle this and how you protect your workers and the community. We're going to be close to the area where you can have extensive exposure. If you don't know what you're doing, it can be bad.

### *Response to Fred Okimoto (OKIMOTO)*

The comment is noted, and this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

Please refer to Master Response 10, Clarifying Information on Wastewater Treatment Plant Operation and Maintenance, in Section 2, Master Responses, of this document. Master Response 10 provides additional clarifying information on the operation and maintenance of the proposed WWTP, including who would operate it, what permits would be required, and details regarding odor,

sizing, PFAS, and discharge of biosolids and byproducts. This Master Response specifically addresses why hydrogen sulfide is not a concern for the proposed WWTP.

Additionally, please refer to Master Response 13, Clarifying Information on Wastewater Effluent, in Section 2, Master Responses, of this document. Master Response 13 provides additional clarifying information regarding the potential for runoff from the proposed WWTP and Agricultural Irrigation Spray Fields to impact downstream surface water quality, groundwater quality, and the adjacent lakes. This Master Response specifically addresses the application of irrigation with recycled water (e.g., how spray to the agricultural spray fields is controlled and monitored). No further response is required.

## Speaker 8: Evan Shelan (SHELAN)

I'm Evan Shelan. I live cross street from the wall, so we're very close, definitely within 1,000 feet. So, I'm here today representing the residents of the Village at Ironwood and regarding concerns about the proposed development, specifically the sewer system design.

Just to add a couple words to what Fred had just presented, and to say Fred is an expert, so he's not some casual being that did a little research. He has a PhD in chemical engineering, so he knows what he's talking about. So, when we recently learned about your plans for this independent sewer system that could potentially emit the hydrogen sulfide gas east of us. We really basically support the growth in the community, but the specific design raises serious health concerns as Fred just alluded. I would like to share a few cautionary examples from a little research I did from other communities around the country. One is Milwaukee. It was just six years ago. $H_2S$ emissions from a similar sewer system required extensive and costly mitigation efforts. The City had to retrofit their entire system with chemical injection enhanced ventilation after residents reported health issues. Another one was Los Angeles. They faced a similar crisis, resulting in a substantial financial burden and community disruption. I mean, we have a chance to say, “hey, wait, step back. Listen to what Fred said. What others have said, and what other cities do. Do a little research because this is a very important issue.” So, the health risk of exposure, besides what Fred said, I mean, he mentioned three or four deaths, which is awful. Can't get worse than that. But for people that are very fortunate not to pass away from this, it can cause respiratory issues and breathing difficulties, which we don't want. It triggers eye and throat irritation, which we don't want. It can lead to chronic health problems with continued exposure. And who lives behind the wall? 76 year olds and older. They're going to have possible side effects from this. So, it basically poses a risk to vulnerable populations, such as ours and others and children in the neighborhood nearby.

So, beyond the health risk, if you guys did something like this—hopefully you don't—the $H_2S$ emissions could—and I should say would and not could—would decrease property values in our existing community, and we don't want that. None of us wants that. It would create noxious odors limiting outdoor activities. Who wants to smell rotten eggs after dinner, before breakfast? It could potentially damage infrastructure throughout through the corrosion, and significantly impact our quality of lives.

So, we're not asking you to stop development back there because one day it's going to happen, something's going to happen. But instead, I would love, and all of us here would love, to see Pleasanton annex the site and that would mitigate that problem. So, we really need that desperately. But if that doesn't happen for whatever reasons, then I would suggest for you to conduct a comprehensive environmental impact study focused on this $H_2S$ risk, hold additional public hearings to address those findings, explore alternative sewer designs incorporating modern safety features and provided written assurance to all of us in the community of specific mitigation strategies. In closing, we urge your board to prioritize the public health and safety that requires proper safeguards before approving the development, which I know you are and but just to say it again. The experiences in Milwaukee and Los Angeles show that retrofitting after problems arise is far more costly and disruptive than proper initial design. Thank you for your time.

### *Response to Evan Shelan (SHELAN)*

The comment is noted, and this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

Please refer to Master Response 10, Clarifying Information on Wastewater Treatment Plant Operation and Maintenance, in Section 2, Master Responses, of this document. Master Response 10 provides additional clarifying information on the operation and maintenance of the proposed WWTP, including who would operate it, what permits would be required, and details regarding odor, sizing, PFAS, and discharge of biosolids and byproducts. No further response is required. This Master Response specifically explains why hydrogen sulfide is not a concern for the proposed WWTP and how odor would be controlled and avoided.

Note that, as described in Master Response 2, Non-CEQA Issues Not Addressed in Final EIR, in Section 2, Master Responses, of this document, economic concerns related to the proposed project do not constitute physical impacts on the environment and are not further discussed in the Final EIR. Similarly, please refer to Master Response 3, Health and Safety Issues Not Addressed in the Final EIR, in Section 2, Master Responses, of this document. Master Response 3 provides additional information related to health and safety issues that are not further discussed in the Final EIR. No further response is required.

## Speaker 9: Cindy MacDonald (MACDONALD)

I wasn't going to speak, but listening to this . . . First thing I want to talk about is the 1,000 feet. I understand that requirement, but when you've got one road going in and out, it will affect all of those people, so that should be automatic that we include them in every decision and every discussion. And that is concerning to me, that either developer or the County hasn't considered that.

Okay, so that's very concerning, too, the one road in and out. Two weeks ago, the fire department did a special for families to come and see the trailer thing and stuff. You should have seen the traffic. The traffic comes in and out that Saturday for about three hours on Bush Road. It was unbelievable—I mean—they're waiting coming in. If the lights don't get changed, if it stays with the County, that's a very big concern. It's a concern right now.

The next thing is, I also live on the wall, and I've had big concerns about the developer and his decision-making. The first set of engineers he picked—when they came and graded it and it flooded. Most of us, us being one of the two or four homes that were greatly affected. It was unbelievable. I had videos of it. I never thought that we would need sandbags in our backyard to keep water from moving into our family room. So, I had concerns with the developer picking the first engineers who had to come back and redo it.

The next thing is this shading and shadowing. We spent three weeks at the time the site was graded, watching a John Deere tracker with the person driving it from his waist up, totally visible, and in the early morning. As they went by, our whole family room had the light coming in and out. So, I don't care what you call it, it's blocking our homes. And, we have a two-story home, so you can't tell us that the solar panels aren't going to be affected. So those are pretty much my concerns.

I have real concerns about the developer and his decisions. For him to say, "Oh in Pleasanton, it will be one story, but if it stays in the County, it will have to be two stories." One question to the County—could the development be pushed back? Pushed back—not necessarily 12 feet, but any feet. That goes to my question, or my concern, about the developer and the County that this wasn't thought about when you were doing this. Then, there are questions about the soil. I guarantee you there are things wrong with that soil, whether it's going to really affect our health, we don't know, but I know there's concerns about it. And I'll close with not everybody on the wall is 76 years old. Thanks.

### *Response to Cindy MacDonald (MACDONALD)*

The comment is noted, and this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project. Note that personal opinions regarding the project applicant and developer do not constitute physical impacts to the environment, and therefore, are not addressed in this Final EIR. Please refer to Master Response 2, Non-CEQA Issues Not Addressed in Final EIR, in Section 2, Master Responses, of this document. Master Response 2 provides additional information on the scope of CEQA and any non-CEQA issues are not further discussed in the Final EIR. Additionally, please refer to Master Response 4, General Opposition Comments Not Addressed in Final EIR, in Section 2, Master

Responses, of this document. Master Response 4 provides a response to comments that express general opposition or disapproval of the proposed project.

*Noticing and Public Involvement*

The NOA of the Draft EIR was sent to all property owners within 1,000 feet of the project site, as well as anyone who commented during the Draft EIR NOP scoping period. The notification radius of 1,000 feet is a standard practice utilized by the Lead Agency on all of their environmental projects which require public notifications. All project documents and information has been updated on both CEQAnet and the County's website. Thus, this project has been consistent with all noticing requirements under CEQA. Additionally, please refer to Master Response 1, Request for Extension of Comment Period, in Section 2, Master Responses, of this document. Master Response 1 discusses how the County voluntarily extended the public review period from 45 days to 60 days.

*Transportation*

Section 3.16, Transportation, of the Draft EIR provides a detailed analysis of transportation and traffic impacts, including those related to traffic and geometric design hazards. The potential for the proposed project to impact safety was evaluated in terms of the adequacy of sight distance and need for turn lanes at the project access points as well as the adequacy of dedicated turn lanes at the study intersections to accommodate additional queueing due to adding project-generated trips and need for additional right-of-way controls. The Draft EIR determined that there is adequate corner sight distance at the project access points on Busch Road for the posted speed limit of 35 mph. However, the Draft EIR determined that impacts related to queueing would be significant and unavoidable, as the mitigation measure which requires adjustments to signal timing has been deemed unenforceable because the City of Pleasanton is not the Lead Agency for the proposed project, and thus the County cannot ensure that the required adjustments to signal timing will be made.

Impact TRANS-2 explained that the VMT associated with a project is the basis for determining traffic impacts under CEQA. The proposed project would result in significant and unavoidable impacts related to VMT, even with the implementation of all feasible mitigation measures. Feasible mitigation measures would be required as MM TRANS-2, as noted in Chapter 5, Errata, of this Final EIR, which requires the implementation of traffic calming elements. MM TRANS-2b, which required approximately 1,000 feet of off-site sidewalk and bicycle lane improvements along Busch Road, has been removed as a mitigation measure and instead remains in Chapter 2, Project Description, of the Draft EIR. However, removal of this mitigation measure does not change any of the significance findings in the document as it will be implemented as part of the proposed project regardless. Impacts to VMT would remain significant and unavoidable. Related revisions are identified in Chapter 5, Errata, of this Final EIR. Please refer to Master Response 12, Clarifying Information on Transportation Draft EIR Section, in Section 2, Master Responses, of this document. Master Response 12 provides additional clarifying information on the methodology used to evaluate traffic impacts as it relates to VMT.

*Hydrology and Water Quality*

The commenter is referring specifically to the grading that occurred prior to the release of the Draft EIR on the project site to address the flooding that occurred. As described in Section 3.3, Biological Resources, of the Draft EIR, an emergency use authorization was granted by the County to grade the project site to provide positive drainage and conduct maintenance of the man-made stormwater drainage swale to prevent flooding in the winter due to prior flooding issues.

As discussed in Section 3.9, Hydrology and Water Quality, of the Draft EIR, the proposed project's drainage systems for the two drainage areas have sufficient capacity to convey the flow of stormwater from the proposed development and the off-site area east of the project site to the bioretention areas. Furthermore, the bioretention areas and retaining wall would be designed in accordance with all applicable standards and would have adequate capacity to accommodate stormwater flows from the project site during storm events to ensure that no flooding would result and that there would be no net increase in off-site flow of stormwaters. The Draft EIR correctly found these impacts less than significant.

*Aesthetics, Light, and Glare*

Please refer to Master Response 8, Clarifying Information on the Aesthetics, Light, and Glare EIR Section and the Shadow Study, in Section 2, Master Responses, of this document. Master Response 8 provides additional clarifying information on the analysis contained within the Draft EIR's section on Aesthetics, Light, and Glare and the Shadow Study.

*Alternatives*

As discussed in Section 6.7, Alternatives Rejected from Further Consideration, of the Draft EIR, a single-story alternative was initially considered but rejected from further consideration because this alternative would not reduce any of the significant impacts of the proposed project. A Shadow Study was performed for the proposed project, as detailed in Section 3.1, Aesthetics, Light, and Glare, of the Draft EIR. The Shadow Study determined that the proposed project would not have a significant impact on solar energy systems on adjacent homes. As such, this alternative would not reduce any significant impacts of the proposed project and was rejected from further consideration. Furthermore, a single-story alternative would reduce the density of the project, and therefore, would not meet the project objectives related to the development of additional housing opportunities in the County to the same degree that the proposed project would.

Similarly, increased setbacks from the existing residential neighborhood would not reduce any of the significant impacts of the proposed project and would not meet the project objectives related to the development of additional housing opportunities in the County to the same degree that the proposed project would. No further response is required.

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## Speaker 10: Tim Lambirth (LAMBIRTH)

My name is Tim Lambirth and I live in the Village. October 9, 2019, Governor Newsom signed the Housing Crisis Act and Senate Bill 330 became law. They call it SB 330. Here's what SB 330 does. It changes land use and zoning law to remove barriers and impediments. It freezes things in time when it's filed, so that anything the County files afterward cannot impact them. Here's what I'm here to share with you. All your concerns are serious. All your concerns are meritorious. Under SB 330, it says that if they have an adverse impact upon the public health and safety the County should consider them. There have been a lot of compelling stories testimonies here that show it's a serious impact on the health and safety of everyone. But here's what our brilliant developer forgot to do. He filed an SB 330 preliminary application form that he failed to sign, and the law says that before the application can be accepted by the County, the owner of the property must provide a signature to verify the preliminary application. So, what I'm here to share with you is that the project is illegitimate. Yeah, this environmental impact report is void, and he needs to go back to the drawing board and start all over again, and that's what I have to say. Thank you.

### *Response to Tim Lambirth (LAMBIRTH)*

The comment is noted, and this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

Additionally, as described throughout the Draft EIR, the proposed project would result in significant and unavoidable impacts related to greenhouse gas (GHG) emissions and transportation. However, as described in Chapter 5, Other CEQA Considerations, of the Draft EIR, compliance with and implementation of the proposed project's mitigation measures, existing regulations, and the County's standard permit conditions would ensure that the proposed project would not result in substantial adverse effects on human beings. Therefore, there would be no significant and unavoidable impacts to public health and safety.

Please refer to Master Response 3, Health and Safety Issues Not Addressed in the Final EIR, in Section 2, Master Responses, of this document. Master Response 3 provides additional information related to health and safety issues that are not further discussed in the Final EIR. This Master Response includes information regarding how SB 330 and the Housing Accountability Act (HAA) applies to the proposed project.

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## Speaker 11: Ted Fong (T.FONG)

I'm Ted Fong, here with my wife, and we have lived in Ironwood for 10 years. This is the house I live in, and this is what I am going to see. So, to start, I want to thank Rodrigo, Aubrey, and Rachel for doing this work, and I want to thank them for being here, because what I'd like to do is propose a solution that maybe we can see through to the end of this. One of the things that we know is that the property owner, Steelwave, has owned this property for 20 years. For the last 10 years that we've been at the Village, they've been trying to put something in for new community. And all of the citizens here have been working and fighting and saying, "let's get this thing done the right way." Well, so far, it's still not being done the right way. So, when I look at this, I want to take a little different of a perspective. Rachel said that the environmental impact report deals with the environment. If we in the community are not part of the environment, I think this EIR is a complete waste of time. However, there are a lot of good points in EIR, those have to be dealt with.

So, I'm going to read now. I'm here to highlight a fundamental issue with the current approach and to propose a solution that serves all stakeholders, including us, not just the EIR. What we're witnessing is a critical failure of leadership. The City Council's previous dropping of the East Pleasanton Specific Plan, whether due to drought, COVID-19, or a desire for slow growth, has created a vacuum and hijack to happen, too. This lack of proactive leadership has turned the project into a political hot potato with no single entity taking responsibility for comprehensive planning. As a result, we're seeing reactive rather than strategic decision-making. The current piecemeal development approach through the County, while well intentioned, fails to address critical long-term planning needs. Let me highlight examples that you've already heard.

First of all, we're seeing inconsistent planning. Steve Reilly came to our community just a few days ago with a different plan, but the plan presented to the County is this, 34 houses, wall of houses along our back wall. He came on the 23rd, just a few days ago and said, "what we would propose is single-story, and we wouldn't raise it six feet. We'd raise it four feet." So, when you see something like that happening, who can you believe? You've got a landowner that has been trying to do the project in an opportunistic way for many years, and now they're trying to gain this thing without a way for solving the problem. For us, it needs to be solved. This inconsistency creates confusion and really erodes trust. So, I'm appealing to the County and also the City, but let me look at the second issue, and these are issues that have been brought up by many of you already.

Critical infrastructure questions remain unaddressed. Who will be responsible for sewage treatment? That's not only building but operating this thing. And when we have a sewage spill, whether it's in a few years or many years down the road, who is going to take that responsibility? We're going to be subject to that, and all the Pleasanton residents will be subject to a spill going into their water. That affects the entire City of Pleasanton.

What about traffic management? We talk about traffic management, and it's dealt with piecemeal. Again, there's no comprehensive plan to look at this and solve the problem. For all of us, these aren't just EIR checklist items. They're fundamental safety and quality of life issues.

Let me mention the third thing. This approach bypasses Pleasanton established development standards and guidelines. The City has carefully crafted requirements for residential development, including high density housing, with specific design guidelines, open space requirements and infrastructure standards. These should not be ignored. All the discussions we've had here doesn't address any of that at all.

So, the solution to me is clear. The City of Pleasanton should annex not just the Arroyo Lago property, but the property that Steelwave owns all the way to the back section of land. And when the question was asked, “Can it be moved 30 feet back?” If you annex all of that property, there's room to annex it and move the property development 30 feet back so you can have an access road, and then all of the privacy issues for us would be resolved in a satisfactory way. Now, if City of Pleasanton annexes this property, it will bring the development under the Pleasanton comprehensive planning process. It will ensure proper infrastructure integration; it will maintain consistent design standards and will better serve state housing mandates while preserving local control. This isn't just about one development. It's about proper city planning for Pleasanton. The housing element already demonstrates our commitment to meeting state requirements through thoughtful, planned development. As someone who learned from P&G, Procter & Gamble, that it's better to manage something well before someone else mismanages for you, I urge the County to push the City, and hopefully Jack and Vivek will be there to run the City, to annex this property. There will be leadership. The thing that's happening now is that there's no leadership. In conclusion, let’s not allow short term expediency to create long-term problems this time. It's now time for real leadership and strategic vision in developing our community of the future. So, I want to thank you for your time, and I hope this gets me applause.

### *Response to Ted Fong (T.FONG)*

The comment is noted, and this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project. The commenter should note that opinions on County or City leadership and the East Pleasanton Specific Plan are not impacts on the physical environment or specific to the proposed project, and thus, will not be further addressed in the Final EIR. Please refer to Master Response 2, Non-CEQA Issues Not Addressed in Final EIR, in Section 2, Master Responses, of this document. Master Response 2 provides additional information on the scope of CEQA and any non-CEQA issues that are not further discussed in the Final EIR. Additionally, please also refer to Master Response 4, General Opposition Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. Master Response 4 provides a response to comments that express general opposition or disapproval of the proposed project.

*Alternatives*

As discussed in Section 6.7, Alternatives Rejected from Further Consideration, of the Draft EIR, a single-story alternative was initially considered but rejected from further consideration because this alternative would not reduce any of the significant impacts of the proposed project. A Shadow Study was performed for the proposed project, as detailed in Section 3.1, Aesthetics, Light, and Glare, of the Draft EIR. The Shadow Study determined that the proposed project would not have a significant impact on solar energy systems on adjacent homes. As such, this alternative would not reduce any

significant impacts of the proposed project and was rejected from further consideration. Furthermore, a single-story alternative would reduce the density of the project, and therefore, would not meet the project objectives related to the development of additional housing opportunities in the County to the same degree that the proposed project would. Additionally, the applicant did not apply to change the components or the details of the proposed project, and as such, the project description, including the requested entitlements, are stable.

Additionally, the commenter should note that any community meetings between the project developer and the community on behalf of the City of Pleasanton is not related to the proposed project, and thus is not addressed in the Final EIR. Annexation to the City of Pleasanton was considered in the Draft EIR's Alternatives Chapter. As detailed in Section 6.4, Alternative 2—Annexation into the City of Pleasanton Alternative, the County as the Lead Agency for the proposed project does not have the authority to implement annexation into the City. Annexation is a process that would require collaboration and approval from the City and Local Agency Formation Commission (LAFCo), which cannot be guaranteed. Therefore, Alternative 2 was determined to be infeasible. As the proposed project would be constructed and approved by the County, the proposed project is not required to comply with City of Pleasanton standards. If Alternative 2 were selected, the proposed project would be required to comply with applicable standards and guidelines of the City.

The proposed project is located within the County's jurisdiction; therefore, the proposed project is only required to be analyzed against the County's design guidelines and municipal code, with which the proposed project is consistent. However, Alternative 2 – Annexation to the City of Pleasanton Alternative did consider the project's consistency with City of Pleasanton's land use and planning guidelines.

*Utilities and Service Systems*

Please refer to Master Response 10, Clarifying Information on Wastewater Treatment Plant Operation and Maintenance, in Section 2, Master Responses, of this document. Master Response 10 provides additional clarifying information on the operation and maintenance of the proposed WWTP, including who would operate it, what permits would be required, and details regarding odor, sizing, PFAS, and discharge of biosolids and byproducts. This Master Response specifically addresses what would happen in the unlikely event that an accident would occur and how the proposed WWTP is designed to avoid accidents.

*Traffic*

Impact TRANS-2 in Section 3.16, Transportation, of the Draft EIR explained that the VMT associated with a project is the basis for determining traffic impacts under CEQA. The proposed project would result in significant and unavoidable impacts related to VMT, even with the implementation of all feasible mitigation measures. Feasible mitigation measures would be required as MM TRANS-2, as noted in Chapter 5, Errata, of this Final EIR, which requires the implementation of traffic calming elements. MM TRANS-2b, which required approximately 1,000 feet of off-site sidewalk and bicycle lane improvements along Busch Road, has been removed as a mitigation measure and instead remains in Chapter 2, Project Description, of the Draft EIR. However, removal of this mitigation measure does not change any of the significance findings in the document, as it will be implemented

as part of the proposed project regardless. Impacts to VMT would remain significant and unavoidable. Related revisions are identified in Chapter 5, Errata, of this Final EIR. Please refer to Master Response 12, Clarifying Information on Transportation Draft EIR Section, in Section 2, Master Responses, of this document. Master Response 12 provides additional clarifying information on the methodology used to evaluate traffic impacts as it relates to VMT.

Additionally, Section 3.16, Transportation, of the Draft EIR provides a detailed analysis of transportation and traffic impacts, including those related to traffic and geometric design hazards. The potential for the proposed project to impact safety was evaluated in terms of the adequacy of sight distance and need for turn lanes at the project access points as well as the adequacy of dedicated turn lanes at the study intersections to accommodate additional queueing due to adding project-generated trips and need for additional right-of-way controls. The Draft EIR determined that there is adequate corner sight distance at the project access points on Busch Road for the posted speed limit of 35 mph. However, the Draft EIR determined that impacts related to queueing would be significant and unavoidable, as the mitigation measure which requires adjustments to signal timing has been deemed unenforceable because the City of Pleasanton is not the Lead Agency for the proposed project, and thus the County cannot ensure that the required adjustments to signal timing will be made.

## Speaker 12: Diana Atwell (DIANA ATWELL)

Rodrigo, Aubrey, I feel like we're family now. We've written back and forth so much. Vivek and Jack, thanks so much for coming. We talked a little bit about the owl, almost as it's more important than our senior community—trying to protect the owl is. My name is Diana Atwell, and I live at Chatham Place, adjacent to the planned development, and that is the wall. I want to express my EIR concerns, particularly its neglect to specifically consider impacts on the most vulnerable members of our community, the senior citizens, the elderly. The average age, as you heard before, is 76. This demographic faces unique challenges and are particularly sensitive to changes in the environment. As a nurse for over 42 years, I have worked extensively with the elderly patients, and I know firsthand of their many challenges. Their mobility is often compromised, and they frequently rely on assistive devices, such as walkers. They walk much slower than the general population. Their vision and perception is often impaired, and they are significantly affected by stress and noise. Research has shown that high levels of stress can lead to cognitive decline, exacerbating many conditions, especially dementia, blood pressure, heart issues, as we heard earlier, sleep disturbances and other mental health issues leading to decreased life expectancy. So, this is a life safety issue for the record.

There are numerous legal precedents, case law, which courts have reversed support for development projects due to their negative impact on the elderly population. Just to name a few, *Berkeley Hillside Preservation vs. City of Berkeley*; *Sierra Club vs. the County of San Diego*; *Environmental Council of Sacramento vs. City of Sacramento*; and *Napa Citizens for Honest Government vs. Napa County Board of Supervisors*. These cases all underscore the necessity of thorough environmental reviews that specifically consider health impacts on elderly residents. It is the duty of local government to mitigate risk and ensure that urban planning reflects the needs and safety of all community members. Buffer zones critical. Buffer zones are critical between new developments and elderly communities to reduce noise and enhance living conditions. This is not a preference. It is a necessity. Anything less could be viewed as contributing to elder abuse, increased traffic, and I will say, from personal knowledge, a few of our neighbors have already sought medical attention in response to this project—from just talking about it.

Increased traffic poses unreasonable risk to their well-being. I'm truly worried that they will suffer fatal injuries from those cars speeding through yellow lights on the corner of Valley after having been now waiting in longer lines to get through the light, and especially the younger kids driving into that community.

Lastly, adding any additional homes, 194 plus 49 ADUs to an already stressed EMS system—and I know Jack's aware, both candidates are talking about response times—will severely impact EMS response times putting our elderly at greater risk. The EIR states no significant impact to City services, on the community, of which I totally object. In conclusion, I urge the County to work together to create a community that respects and protects our senior residents. Our elderly residents desire a living environment that supports their health, not one that jeopardizes it. They chose this senior community for a reason. Thus, I reject the EIR and hope that – I'm going to call him the land flipper because my husband just showed he's putting that land up for sale. So once this is done, he's got his plan. He's already looking for buyers, and we're here. We plan to live here the rest of our lives if we can live in a safe environment. So, thank you very much. This is not a nuisance situation. This is a life safety situation. Thank you.

### *Response to Diana Atwell (DIANA ATWELL)*

The comment is noted, and this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project. Note that personal opinions regarding the project applicant and developer do not constitute physical impacts to the environment, and therefore, are not addressed in this Final EIR. Please refer to Master Response 2, Non-CEQA Issues Not Addressed in Final EIR, in Section 2, Master Responses, of this document. Master Response 2 provides additional information on the scope of CEQA and any non-CEQA issues are not further discussed in the Final EIR. Additionally, please refer to Master Response 4, General Opposition Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. Master Response 4 provides a response to comments that express general opposition or disapproval of the proposed project.

As described throughout the Draft EIR, the proposed project would result in significant and unavoidable impacts related to GHG emissions and transportation. However, as described in Chapter 5, Other CEQA Considerations, of the Draft EIR, compliance with and implementation of the proposed project's mitigation measures, existing regulations, and the County's standard permit conditions would ensure that the proposed project would not result in substantial adverse effects on all human beings, including the elderly population. Therefore, there would be no significant and unavoidable impacts to public health and safety. Please refer to Master Response 3, Health and Safety Issues Not Addressed in the Final EIR, in Section 2, Master Responses, of this document. Master Response 3 provides additional information related to health and safety issues that are not further discussed in the Final EIR.

There is no specific requirement in the Public Resources Code, CEQA Guidelines, or case law related to additional analysis required for projects that may affect nearby elderly populations. The commenter identifies *Berkeley Hillside Preservation vs. City of Berkeley*, which is a case that deals with situations in which a categorical exemption cannot be used to analyze certain projects. Section 15300.2(c) provides: "A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances." The Supreme Court reversed, holding (1) a proposed project's potential significant effect on the environment is not alone sufficient to trigger the unusual circumstances exception; and (2) remanded the case for reconsideration of the appropriate standards related to categorical exemptions. Therefore, this case neither demonstrates that a special analysis is needed for elderly populations nor does it apply to the proposed project, as the proposed project is evaluated using an EIR and does not utilize a categorical exemption. The commenter does not provide any evidence as to how this case applies to their concerns about the proposed project.

The commenter identifies *Sierra Club v. the County of San Diego*, which is a case in which the Sierra Club challenged the new San Diego County Climate Action Plan and their approval of a residential development without complying with requirements for enforceable mitigation measures to mitigate GHG emissions. Therefore, this case neither establishes that a special analysis is needed for elderly populations, nor does it apply to the proposed project, as the proposed project is evaluated using an approved climate action plan and does not propose any mitigation measures to address GHG that are not enforceable. The commenter does not provide any evidence as to how this case applies to their concerns about the proposed project.

The commenter identifies *Environmental Council of Sacramento (ECOS) v. City of Sacramento*, which is a case that dealt with whether the Natomas Basin Habitat Conservation Plan adequately mitigated impacts to special species. Therefore, this case neither establishes that a special analysis is needed for elderly populations, nor does it apply to the proposed project as the proposed project was found to have a less than significant impact with mitigation incorporated on an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State Habitat Conservation Plan, as discussed in Impact BIO-6 of the Draft EIR. The commenter does not provide any evidence as to how this case applies to their concerns about the proposed project.

Finally, the commenter also identifies *Napa Citizens for Honest Government v. Napa County Board of Supervisors*, in which Napa citizens generally challenged several aspects of an EIR, including traffic and circulation issues. However, none of the issues challenged establish a requirement for additional analysis for elderly populations. The commenter does not provide any evidence as to how this case applies to their concerns about the proposed project.

*Transportation*

The potential for the proposed project to impact safety was evaluated in terms of the adequacy of sight distance and need for turn lanes at the project access points as well as the adequacy of dedicated turn lanes at the study intersections to accommodate additional queueing due to adding project-generated trips and need for additional right-of-way controls. The Draft EIR determined that there is adequate corner sight distance at the project access points on Busch Road for the posted speed limit of 35 mph. However, the Draft EIR determined that impacts related to queueing would be significant and unavoidable, as the mitigation measure which requires adjustments to signal timing has been deemed unenforceable because the City of Pleasanton is not the Lead Agency for the proposed project, and thus the County cannot ensure that the required adjustments to signal timing will be made.

*Public Services*

Please refer to Master Response 9, Clarifying Information on Public Services EIR Section, in Section 2, Master Responses, of this document. Master Response 9 provides additional clarifying information on the analysis contained within the Draft EIR's section on Public Services, including details related to fire protection, police protection, parks, and libraries. The comment does not identify any adverse physical impacts to the environment related to the proposed project's effect on the provision of public services. Under CEQA's definition of environmental impacts, an increase in demands on public services, such as police and fire, that could result from a project are not generally potential adverse impacts on the physical environment that must be evaluated in an EIR. (*City of Hayward v. Board of Trustees of Cal. State Univ.* (2015) 242 CA4th 833, 843 ["The need for additional fire protection services is not an environmental impact that CEQA requires a project proponent to mitigate."; *Saltonstall v. City of Sacramento* (2015) 234 Cal.App.4th 549 [Upholding less than significant impact conclusion for stadium project because, while the project would increase police services demand, it would not result in the construction of new police facilities]; *Preserve Poway v. City of Poway* (2016) 245 Cal.App.4th 560, 575, FN7 ["increased student enrollment and potential for overcrowding by itself is not implicated in CEQA. . . "]). No further response is required.

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## Speaker 13: Hal LaFlash (LAFLASH)

Here are copies for all three of you in case you want to follow along. In response to earlier about Cindy and Ted's points on if the City took it over. If the City took it over and did their sewer, that sewer field and the whole sewer area is 38 acres. The 38 acres would provide a hell of a buffer space between the property wall, so there's a lot that could happen there.

Anyhow, what I'm talking about is traffic. So, my name is Hal LaFlash, and I'm here to discuss how a County jurisdictional project would impact the health and safety of Pleasanton residents. And I'll focus on traffic and Emergency Services. I'm a 35-year resident of Pleasanton, the last 10 years in the Village. I'm one of the approximately 900 people who live in the 420 residences in four Ironwood communities. The only access is via Busch Road. It's the way they get to their house. It's the way they get out in an emergency if they need to get out. That a road is also currently used by garbage trucks, transportation customers, industrial haulers, fire engines going to train and parents of preschoolers. Ambulances frequently use Busch to respond to emergencies at the two senior communities, because between the two senior communities when they got two thirds of the calls. On a recent normal day, specifically last Thursday, there were more than 3,900 cars on that road. The Draft EIR expects another 2,159 vehicles per day to be added to that 3,900. The health and safety of Ironwood residents, as well as that of the new development residents, depends on making changes to the roads and emergency services in Pleasanton.

Busch Road connects to Valley Avenue and northbound and southbound traffic on Valley would also be impacted. As Rachel noted, the Draft EIR assumes that you could make up for the distance that it goes into queueing by changing the timing on the lights. It also assumes that you can change the timing on the lights to make up for the other problem, not only turning left from Santa Rita onto Valley, but turning right from Valley onto Santa Rita there now. And the model assumes that you can change the timing of the light to change 115 percent of available space down to 98 percent. 98 percent is cutting it kind of close. When you consider that there's a crosswalk there that I'm pretty certain that the model didn't even consider that crosswalk is used by students in the morning and students in the afternoon. I've been on that crosswalk a number of times. It affects how that traffic turns in the model. Then this is the turn from Valley onto Busch, which backs up every afternoon under current conditions during the afternoon. The project would increase traffic on Busch by 60 percent to 549 vehicles per hour. That much additional traffic would make that turn lane back up into one of the through lanes. The Draft EIR recognizes that problem, but the model says it only be 97 percent of a problem, so that was no solution. Once again, I don't think the model is that accurate. That 97 percent is considered solved.

The EIR also shows in a table that there have been accidents at Valley and Busch. It does nothing to really address what's going to happen with the additional accidents at Valley and Busch. This traffic is going to cost us. That intersection is notorious for it, and so I did want to mention that it was more likely to happen after you get more traffic there and more congestion. In the past, the accidents have affected traffic so badly that it's prevented people from actually getting to their house. And if an emergency vehicle had to get to one of those two senior communities, or anywhere else in the Ironwood community, they wouldn't be able to get to it during those traffic incidents. The other thing it does for traffic is this Draft EIR looks at the 243 dwelling units proposed for this project.

The same EIR has a list of cumulative projects that shows an additional 959 dwelling units and 750,000 square feet of Amazon distribution, all meant to go down Busch Road. Any changes to Busch Road, Valley Avenue, Santa Rita Road, and Stanley Boulevard in the City of Pleasanton has to consider all of the relevant projects, not just this one, and doesn't even address the chaos that's going to likely occur during project construction, which by their proposed schedule, you'd have dump trucks and other construction vehicles moving way before these road improvements.

The Draft EIR acknowledges it would be more accidents at Valley, more accidents at Stanley. Those accidents are going to be responded to by emergency staff and vehicles in Pleasanton at a time when Pleasanton is considering reducing staff in those areas. The same Emergency Services staff and vehicles will also respond to emergencies within Arroyo Lago itself, since there's a mutual aid agreement between Alameda County Fire and Livermore-Pleasanton Fire, as noted in the Draft EIR. It pretty much assumes that Livermore-Pleasanton Fire will provide that service. Also, they talk about the County Sheriff providing service, but there's certain goals that County Sheriff's supposed to have met. And the Draft EIR notes that County Sheriff hasn't met those goals in the last 30 years. But that's okay, because Pleasanton PD is here to help in the event of an emergency. All of these above additional physical and service expenses will be incurred by the City of Pleasanton at a time when funding provided for existing services in question.

So, several times in EIR and as Rachel said earlier on regarding the traffic issues, “Because the City of Pleasanton is not the Lead Agency of this proposed project, the mitigation measure can be unenforceable, and therefore cannot be implemented as part of the proposed project.” So you go beyond these issues, the EIR says it's going to use Pleasanton parks, Pleasanton Unified School District. Very rarely do you hear Alameda County in there—you’re hearing Pleasanton. You know, if this was the State imposing these costs on the County, there's a constitutional provision that says they can't put up unfunded mandate. That’s basically what this would be. If the County approves this project, but expects Pleasanton to fund all these improvements, it’s an unfunded mandate. Clearly, this project shouldn’t be under the County jurisdiction if additional health and safety expenses and fiscal road improvements are being imposed on the City of Pleasanton. The City of Pleasanton should be the responsible jurisdiction of the project.

### *Response to Hal LaFlash (LAFLASH)*

The comment is noted, and this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project. Please refer to Master Response 4, General Opposition Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. Master Response 4 provides a response to comments that express general opposition or disapproval of the proposed project.

*Alternatives*

As discussed in Chapter 6, Alternatives, Annexation to the City of Pleasanton was considered in the Draft EIR’s Alternatives Chapter. As detailed in Section 6.4, Alternative 2—Annexation into the City of Pleasanton Alternative, the County as the Lead Agency for the proposed project does not have the authority to implement annexation into the City. Annexation is a process that would require collaboration and approval from the City and Local Agency Formation Commission (LAFCo), which cannot be guaranteed. Therefore, Alternative 2 was determined to be infeasible. As the proposed project would be constructed and approved by the County, the proposed project is not required to

comply with City of Pleasanton standards. If Alternative 2 were selected, the proposed project would be required to comply with applicable standards and guidelines of the City.

*Transportation*

As detailed in Section 3.16, Transportation, of the Draft EIR, and the project-specific transportation impact analyses, the Draft EIR's cumulative transportation analysis takes into account all reasonably foreseeable cumulative projects as noted in Chapter 3, Environmental Impact Analysis, Table 3-1, Cumulative Projects. The project-specific transportation analyses also took into account all surrounding crosswalks and pedestrian facilities in the project vicinity. Impact TRANS-4 determined that the proposed project would be designed to accommodate emergency response vehicles and would not impede emergency access, resulting in less than significant impacts related to emergency access. Therefore, the analysis contained within the Draft EIR is sufficient, and no changes are required. Please refer to Master Response 3, Health and Safety Issues Not Addressed in the Final EIR, in Section 2, Master Responses, of this document. Master Response 3 provides additional information related to health and safety issues that are not further discussed in the Final EIR.

Impact TRANS-2 in Section 3.16, Transportation, of the Draft EIR explained that the VMT associated with a project is the basis for determining traffic impacts under CEQA. The proposed project would result in significant and unavoidable impacts related to VMT, even with the implementation of all feasible mitigation measures. Feasible mitigation measures would be required as MM TRANS-2, as noted in Chapter 5, Errata, of this Final EIR, which requires the implementation of traffic calming elements. MM TRANS-2b, which required approximately 1,000 feet of off-site sidewalk and bicycle lane improvements along Busch Road, has been removed as a mitigation measure and instead remains in Chapter 2, Project Description, of the Draft EIR. However, removal of this mitigation measure does not change any of the significance findings in the document as it will be implemented as part of the proposed project regardless. Impacts to VMT would remain significant and unavoidable. Related revisions are identified in Chapter 5, Errata, of this Final EIR. As further explained in the Cumulative Impacts section of the Transportation section, the proposed project would result in significant and unavoidable cumulative impacts related to VMT by contributing to an increase in VMT, even though all cumulative projects would be required to comply with County and local ordinances and General Plan policies that address VMT, and to mitigate their fair share of impacts related to VMT. Please refer to Master Response 12, Clarifying Information on Transportation Analysis, in Section 2, Master Responses, of this document. Master Response 12 provides additional clarifying information on the methodology used to evaluate traffic impacts as it relates to VMT.

Furthermore, the Draft EIR also identifies a significant and unavoidable cumulative impact with respect to roadway hazards because there is no available mitigation that could address significant impact related to sufficient queue space.

*Public Services*

Please refer to Master Response 9, Clarifying Information on Public Services EIR Section, in Section 2, Master Responses, of this document. Master Response 9 provides additional clarifying information on the analysis contained within the Draft EIR's section on Public Services, including details related to fire protection, police protection, schools, parks, and libraries. No further response is required.

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## Speaker 14: Heather Liang (H.LIANG)

I am a bit of a different demographic here I think, but I live in the Ironwood community, and I have lived here since—almost 18 years in the City. My son was six months old when I moved in. I had another kid two years later; we have all lived here. We have walked our kids to school. They have ridden their bikes to school in this neighborhood, and we call it home. The lovely senior citizens here have saved my dog three times, who has run away from my house. There is not an hour practically that goes by where you don't see someone walking the neighborhood. We take walks in the morning; we take walks in the afternoon. We take walks in the evening. It is a beautiful community that I can't stand to see potential for more traffic, the potential health risks that everyone has just heard about. I am just shocked that this is the plan. And I was on the Council when the EIR was first presented, years and years ago, and we fought back then, and we are fighting back now. Again, saying the same thing that other people have said, you have to talk to us. You don't live in our community. You don't know what the best thing for us is. Please talk to us and come up with what would be right for us, right for this community.

I have grown up in California my entire life, spent 20 years in Milpitas. I don't know if you guys know where Milpitas is, but nobody wants to live in Milpitas. Don't make this into smelly Pleasanton by putting this plant here. All of those walks I just told you about. Nobody is going to go for those walks because it’s going to smell.

Let alone the fact—the reason why you saw me come in 30 minutes late. I spend 45 minutes going from my house at 7:00 a.m. to just get on the 680 which is just 3 miles away. Because I turn left, I go downtown. It goes to a one street road. Where is all this? Where are all these cars going to go? My 25-minute commute to just get on the freeway, requiring another 25 minutes to get to the Bay Area is going to double. We can't just look at what the traffic is going to be into our community. We have to look at what the traffic is going to be in downtown, because everyone here is going there, either for work or for fun, so we have to take that into account. And lastly, someone else mentioned—all of my five points that I put in my email have already been talked about, but the fact that the greed, I think that someone else said, but greed is why is this plan is here. We can't accept that. We have to have them come up with a plan that works for our community, not what works best for them.

### *Response to Heather Liang (H.LIANG)*

The comment is noted, and this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

*Utilities and Service Systems*

Please refer to Master Response 10, Clarifying Information on Wastewater Treatment Plant Operation and Maintenance, in Section 2, Master Responses, of this document. Master Response 10 provides additional clarifying information on the operation and maintenance of the proposed WWTP, including who would operate it, what permits would be required, and details regarding odor, sizing, PFAS, and discharge of biosolids and byproducts. This Master Response specifically addresses odor concerns.

*Transportation*

As detailed in Section 3.16, Transportation, of the Draft EIR, the scope of the Transportation Impact Study (TIS) for the Arroyo Lago Residential Project and Traffic Operations Study (TOS) for the Arroyo Lago Residential Project, including study intersections and road segments, were developed through coordination with the County and the City of Pleasanton. Furthermore, the scope of analysis for both the TIS and TOS took into account the comments received during the NOP scoping period related to transportation and traffic. No comments during the NOP scoping period were received that suggested or required a traffic analysis for the Downtown area of the City of Pleasanton. Additionally, the project site is more than 1 mile from the Downtown area of the City of Pleasanton.

Impact TRANS-2 in Section 3.16, Transportation, of the Draft EIR explained that the VMT associated with a project is the basis for determining traffic impacts under CEQA. The proposed project would result in significant and unavoidable impacts related to VMT, even with the implementation of all feasible mitigation measures. Feasible mitigation measures would be required as MM TRANS-2, as noted in Chapter 5, Errata, of this Final EIR, which requires the implementation of traffic calming elements. MM TRANS-2b, which required approximately 1,000 feet of off-site sidewalk and bicycle lane improvements along Busch Road, has been removed as a mitigation measure and instead remains in Chapter 2, Project Description, of the Draft EIR. However, removal of this mitigation measure does not change any of the significance findings in the document as it will be implemented as part of the proposed project regardless. Impacts to VMT would remain significant and unavoidable. Related revisions are identified in Chapter 5, Errata, of this Final EIR. Therefore, the Draft EIR sufficiently analyzed transportation impacts, and no changes to the Draft EIR are required. Please refer to Master Response 12, Clarifying Information on Transportation Analysis, in Section 2, Master Responses, of this document. Master Response 12 provides additional clarifying information on the methodology used to evaluate traffic impacts as it relates to VMT. No further response is required.

## Speaker 15: Pamela Hardy Alpert (ALPERT)

I'm Pam. I'm an Ironwood resident. That portion of the neighborhood known as the classics and all of those homes rely solely Busch Road getting to and from home. I want to thank everyone who came tonight. I'm just blown away by all those making their voices matter. I have been to a lot of these types of meetings, and I have to say this awesome. And just wanted to add, I'm still trying to get my head around—and this more directed toward County staff—I'm still trying to get my head around vehicle miles traveled. And I look at the distribution that's in the report and I don't get that at all. Does the fact that there are three schools in very close proximity, which is elementary school, middle school, and high school considered in the baseline data? If that would throw the distribution was completely off? There's no measurement of that.

Also, there is another application on file for the Kiewit Property, and I'm hoping to get utter clarification from whether or not this project has or has not been considered as a cumulative impact on Busch Road. Arguably, the most impacted congested portion of the entire City is Valley Avenue between Santa Rita and Stanley, and I have been going through that intersection for over 32 years, and we all know the number of cars you know what I'm saying. Now it's also the Livermore folks, people going into Hacienda, people try to avoid the interchange. It's just there's a lot of volume on that street. So, I think that beyond just mitigation of signal timing, which I think is probably not adequate, likely, not accurate. I think there has to be a broader or global discussion about traffic improvements to that area, beyond simply adding striping for a new left lane on Stanley and adding a third turn lane from Santa Rita to Valley. I think we're looking at adding more cumulative and I want the traffic report to take a look at that. We're certainly anxious to hear what the City of Pleasanton's traffic report or traffic engineers think the impacts are long term with these other applications coming in that was mentioned. It's just not about signal timing. It's kind of a, in my opinion, it's kind of a joke, you know? If you look at the report and all the analysis, it just doesn't seem right. Just something doesn't seem right. Something's off. So anyway, that's all. Thank you.

### *Response to Pamela Hardy Alpert (ALPERT)*

The comment is noted, and this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

*Transportation*

As detailed in Section 3.16, Transportation, of the Draft EIR, the scope of the TIS and TOS, including study intersections and road segments, were developed through coordination with the County and the City of Pleasanton. Section 3.16, Transportation, of the Draft EIR and the project-specific transportation impact analyses utilized the County Transportation Commission (CTC) travel demand model to model TAZ 1080 under "no project" and "with project" conditions. Therefore, the Draft EIR considered existing land uses in the project vicinity, as well as predicted vehicle trips to schools and work destinations. The Draft EIR's cumulative transportation analysis also takes into account all reasonably foreseeable cumulative projects as noted in Chapter 3, Environmental Impact Analysis, Table 3-1, Cumulative Projects.

Impact TRANS-2 in Section 3.16, Transportation, of the Draft EIR explained that the VMT associated with a project is the basis for determining traffic impacts under CEQA. The proposed project would

result in significant and unavoidable impacts related to VMT, even with the implementation of all feasible mitigation measures. Feasible mitigation measures would be required as MM TRANS-2, as noted in Chapter 5, Errata, of this Final EIR, which requires the implementation of traffic calming elements. MM TRANS-2b, which required approximately 1,000 feet of off-site sidewalk and bicycle lane improvements along Busch Road, has been removed as a mitigation measure and instead remains in Chapter 2, Project Description, of the Draft EIR. However, removal of this mitigation measure does not change any of the significance findings in the document as it will be implemented as part of the proposed project regardless. Impacts to VMT would remain significant and unavoidable. Related revisions are identified in Chapter 5, Errata, of this Final EIR. As further explained in the Cumulative Impacts section of the Transportation section, the proposed project would result in significant and unavoidable cumulative impacts related to VMT by contributing to an increase in VMT, even though all cumulative projects would be required to comply with County and local ordinances and General Plan policies that address VMT, and mitigate their fair share of impacts related to VMT. Please refer to Master Response 12, Clarifying Information on Transportation Analysis, in Section 2, Master Responses, of this document. Master Response 12 provides additional clarifying information on the methodology used to evaluate traffic impacts as it relates to VMT.

The potential for the proposed project to impact safety was evaluated in terms of the adequacy of sight distance and need for turn lanes at the project access points as well as the adequacy of dedicated turn lanes at the study intersections to accommodate additional queueing due to adding project-generated trips and need for additional right-of-way controls. The Draft EIR determined that there is adequate corner sight distance at the project access points on Busch Road for the posted speed limit of 35 mph. However, the Draft EIR determined that impacts related to queueing would be significant and unavoidable, as the mitigation measure which requires adjustments to signal timing has been deemed unenforceable because the City of Pleasanton is not the Lead Agency for the proposed project, and thus the County cannot ensure that the required adjustments to signal timing will be made. Similarly, the Draft EIR also identifies a significant and unavoidable cumulative impact with respect to roadway hazards.

Additionally, the County has the discretion under CEQA to weigh the evidence relating to the accuracy and sufficiency of the information in the EIR and to decide whether to accept it. The County may adopt the environmental conclusions reached by the experts that prepared the EIR even though others may disagree with the underlying data, analysis, or conclusions. (*Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.* (1988) 47 C3d 376, 408; *State Water Resources Control Bd. Cases* (2006) 136 CA4th 674, 795). The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure. (CEQA Guidelines § 15151). Differing opinions is not a basis for finding the EIR to be inadequate; the County has the discretion to resolve a dispute among experts about the accuracy of the EIR's environmental forecasts. (*Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal*., *supra*; *Association of Irritated Residents v. County of Madera* (2003) 107 CA4th 1383, 1397).

A lead agency may also reject lay or non-expert criticism on an issue as long as its determination is supported by substantial evidence. (*East Sacramento Partnership for a Livable City v. City of Sacramento* (2016) 5 CA5th 281, 297. "[I]n the absence of a specific factual foundation in the record, dire predictions by nonexperts regarding the consequences of a project do not constitute substantial

evidence."; *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359, 1417. "Unsubstantiated opinions, concerns, and suspicions about a project, though sincere and deeply felt, do not rise to the level of substantial evidence . . . .' [Citation.] Thus, 'project opponents must produce . . . evidence, other than their unsubstantiated opinions, that a project will produce a particular adverse effect."; *Banker's Hill, Hillcrest, Park West Community Preservation Group v. City of San Diego* (2006) 139 Cal.App.4th 249, 274 (internal citations omitted)).

*Cumulative Projects*

As identified on Page 3-7 of the Draft EIR, the Kiewit Property at 3300 Busch Road was considered in the Draft EIR as Cumulative Project No. 6, 3300 Busch Road—Square Miles Pleasanton, LLC Property. Cumulative impacts are considered in each topical section of the Draft EIR, including Section 3.16, Transportation. No further response is required.

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## Speaker 16: Jim Vlamis (VLAMIS)

My name is Jim Vlamis, and I am an Ironwood resident. More importantly, I've lived in Pleasanton for 56 years. I've seen a lot of public hearings like this, and what they say I saw the romance come together in between a developer and periphery community. I really haven't seen that at this point. Ellen, I'm glad you're here. Ellen Clark handles our community development. Now, this is very interesting. All of the project traffic exits, they're on Busch Road. Anything happens on Busch Road? Schools and liability, the City of Pleasanton takes that on, not the County. Wow. The County wants it done to us. Is that a harsh word? No, that's not what you're doing. You're doing your job. But I think you need to listen to the safety concerns of traffic. Not necessarily—we need to look at the vision of this property.

Everybody has to come out one exit and get to a freeway somewhere. This development should not be done at any time until the City, the County and everybody gets involved and finds a way to use the Zone 7 access road other than Busch Road because guess where it goes. It would go to a freeway. We would eliminate all those people coming this way.

So, all I can say, everybody who presented tonight did a wonderful job. So did you, young lady. And continuity of developers. I think there was a letter I wrote to you. I live on the west wall, and I want you to know that when that developer, Ponderosa, built it. They literally gave us so much space between that two-story home and my residence—it has to be at least 30 to 40 feet. I think that developer was thinking a little bit more of the well-being of the new owners in the Village. So, five feet, eight feet is not adequate, and you've heard why. So, all I have to say is pause. Rethink what we need to do to make it right. Having an access road, my God, Tim, that's a wonderful idea, and I only encourage Jack and the rest of the Council members to do one thing: incorporate the area that we're talking about tonight. Thank you.

### *Response to Jim Vlamis (VLAMIS)*

The comment is noted, and this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

*Transportation*

As detailed in Section 3.16, Transportation, of the Draft EIR, and the project-specific transportation impact analyses, the Draft EIR's cumulative transportation analysis takes into account all reasonably foreseeable cumulative projects as noted in Chapter 3, Environmental Impact Analysis, Table 3-1, Cumulative Projects. The project-specific transportation analyses also took into account all surrounding crosswalks and pedestrian facilities in the project vicinity.

The potential for the proposed project to impact safety was evaluated in terms of the adequacy of sight distance and need for turn lanes at the project access points as well as the adequacy of dedicated turn lanes at the study intersections to accommodate additional queueing due to adding project-generated trips and need for additional right-of-way controls. The Draft EIR determined that there is adequate corner sight distance at the project access points on Busch Road for the posted speed limit of 35 mph. However, the Draft EIR determined that impacts related to queueing would be significant and unavoidable, as the mitigation measure which requires adjustments to signal

timing has been deemed unenforceable because the City of Pleasanton is not the Lead Agency for the proposed project, and thus the County cannot ensure that the required adjustments to signal timing will be made. Similarly, the Draft EIR also identifies a significant and unavoidable cumulative impact with respect to roadway hazards.

*Alternatives*

As discussed in Section 6.7, Alternatives Rejected from Further Consideration, of the Draft EIR, a single-story alternative was initially considered but rejected from further consideration because this alternative would not reduce any of the significant impacts of the proposed project. A Shadow Study was performed for the proposed project, as detailed in Section 3.1, Aesthetics, Light, and Glare, of the Draft EIR. The Shadow Study determined that the proposed project would not have a significant impact on solar energy systems on adjacent homes. As such, this alternative would not reduce any significant impacts of the proposed project and was rejected from further consideration. Furthermore, a single-story alternative would reduce the density of the project, and therefore, would not meet the project objectives related to the development of additional housing opportunities in the County to the same degree that the proposed project would.

Similarly, increased setbacks from the existing residential neighborhood would not reduce any of the significant impacts of the proposed project and would not meet the project objectives related to the development of additional housing opportunities in the County to the same degree that the proposed project would. Additionally, the setbacks are derived from development standards established by the County for the R-1 Zoning District.

Additionally, as stated in CEQA Guidelines Section 15126.6, an EIR need not consider every conceivable alternative to a project. The Draft EIR considers a reasonable range of alternatives, including three alternatives and two alternatives rejected from further consideration. An alternative that retained the Zone 7 access road would not meet project objectives related to the development of additional housing opportunities in the County to the same degree that the proposed project would, and would not reduce any of the significant impacts of the proposed project. No further response is required.

## Speaker 17: Carla Boufarhet (BOUFARHET)

Hi, I'm Carla Boufarhet. I live in the community. I walk every day with my dog in the neighborhood. I've been living here for 12 years now. My kids ride their bikes. We walk. We love the community. We love the fresh air that we breathe every day in this neighborhood. If you want a sample of what our neighborhood will smell like, just go walk by Johnson Drive where the City owns a treatment facility. And this is this will give you an idea how our neighborhood will smell like after this project is on. I used to drive and drop off my son for soccer practice, and you cannot even sit and watch your son play because of the smell.

And if you want your property value to go down… if the County can pay us back the loss, that's great, but if it can't, then I don't think you can ignore the safety and health issues that this project is going to bring on our community. This is going to impact our health. Somebody talked about eyes, allergies, breathing. This project is going to bring all these health issues to our community, and not to mention the quality of our air. Thank you.

### *Response to Carla Boufarhet (BOUFARHET)*

The comment is noted, and this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project.

Please refer to Master Response 2, Non-CEQA Issues Not Addressed in Final EIR, in Section 2, Master Responses, of this document. Master Response 2 provides additional information on the scope of CEQA and any non-CEQA issues that are not further discussed in the Final EIR. As such, economic issues related to property values do not constitute an impact to the physical environment, and are thus, not further addressed in the Final EIR.

Additionally, as described throughout the Draft EIR, the proposed project would result in significant and unavoidable impacts related to GHG emissions and transportation. However, as described in Chapter 5, Other CEQA Considerations, of the Draft EIR, compliance with and implementation of the proposed project's mitigation measures, existing regulations, and the County's standard permit conditions would ensure that the proposed project would not result in substantial adverse effects on human beings. Therefore, there would be no significant and unavoidable impacts to public health and safety.

Please refer to Master Response 3, Health and Safety Issues Not Addressed in the Final EIR, in Section 2, Master Responses, of this document. Master Response 3 provides additional information related to health and safety issues that are not further discussed in the Final EIR. This Master Response includes information regarding how SB 330 and the HAA applies to the proposed project.

*Utilities and Service Systems*

Please refer to Master Response 10, Clarifying Information on Wastewater Treatment Plant Operation and Maintenance, in Section 2, Master Responses, of this document. Master Response 10 provides additional clarifying information on the operation and maintenance of the proposed WWTP, including who would operate it, what permits would be required, and details regarding odor, sizing, PFAS, and discharge of biosolids and byproducts. This Master Response specifically addresses odor concerns. No further response is required.

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## Speaker 18: Doug Miller (MILLER)

My name is Doug Miller. I live in the Village, the senior community that is a part of Ironwood. I'm here. I've been here in Pleasanton for about 34 years in two different parts of the town. I'm currently the HOA Board President for the Village, and I want to express our appreciation for you guys coming out here and putting on a great meeting, collecting a lot of information.

But on the other hand, Alameda County is huge, I think, over 800 square miles of County, which consists of a lot of different things, a seaport, an airport, lots of highway infrastructure, things that we don't deal with. On the other hand, we're part of Pleasanton, only about 25 square miles and a community that has management expertise and experience dealing with communities like this. I think for the County, I don't want to speak for you guys, but housing, new communities is a very small part of what the County does. And for Pleasanton, it's a huge part. I'm aware of issues up on Castlewood, which is part of Alameda County, unincorporated. We have friends up there because the water system is failing. They're going to put their house on the market and leave again.

We have the expertise here in Pleasanton to do what needs to be done. They do it all the time. And so, our future lies with annexation, with Pleasanton, that's going to be the solution to all of our issues, the mitigation of all our concerns. And I want to point out people who are here from the City today, we've already heard from the Community Development Department. Sitting here is Jack Balch, who is running for mayor, and Vivek Mohan, who is currently on the Planning Commission and is running for City Council. And these people, I know them pretty well. They're really concerned about these kinds of issues. Our future lies with the new people in the Council. Three of the people in the current Council voted to stop, maybe four, no only three voted, to stop comprehensive planning some time ago on the east side where we live, and now we're stuck with this hodgepodge. So, I believe our future is with the City in terms of mitigating these issues and incorporating the new community within the existing infrastructure of the City. And I believe that the people who showed up tonight, who are running for office, are worthy of consideration. They represent the future and solutions to all our issues. Thank you.

### *Response to Doug Miller (MILLER)*

The comment is noted, and this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project. Please refer to Master Response 4, General Opposition Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. Master Response 4 provides a response to comments that express general opposition or disapproval of the proposed project.

*Utilities and Service Systems*

As discussed in Chapter 3.17, Utilities and Service Systems, the Draft EIR found that there would be less than significant impacts related to availability of water supply for the proposed project.

*Alternatives*

As discussed in Chapter 6, Alternatives, Annexation to the City of Pleasanton was considered in the Draft EIR's Alternatives Chapter. As detailed in Section 6.4, Alternative 2—Annexation into the City of Pleasanton Alternative, the County as the Lead Agency for the proposed project does not have the

authority to implement annexation into the City. Annexation is a process that would require collaboration and approval from the City and Local Agency Formation Commission (LAFCo), which cannot be guaranteed. Therefore, Alternative 2 was determined to be infeasible. As the proposed project would be constructed and approved by the County, the proposed project is not required to comply with City of Pleasanton standards. If Alternative 2 were selected, the proposed project would be required to comply with applicable standards and guidelines of the City. No further response is required.

## Speaker 19: Tom Grudkowski (GRUDOWSKI)

Hi, I'm Tom Grudkowski. If you haven't seen me before, you have read my letters. Anyway, thank you all for coming as far as Jack and company. Anyway, so I've been involved in this rebuttal, I guess you could call it, of the EIR, and I didn't expect that the common theme of everything on this list here would be conservation, you know. This whole project, and every aspect of it, walking the dog, the sewer thing, traffic, sunlight. I mean, for 55 plus or 58 whatever that age is for the Garden, and I work with the other communities, as well as the Village where I live, you know, it didn't happen until, like, a couple weeks ago that it clicked.

That everything here should be under health and safety and hazards, not just traffic, not just sunlight or you know. Well-being is also part of health and safety, believe it or not, so everything, including worrying about this project, affects people's mental health. I don't know if people think mental health is important or not, but I think it is. So, everyone in this room is not in favor of the plan as it stands. Not in favor. Is there anybody in favor of this plan as it stands? Okay, so that kind of says it, and I think that health and safety is a dream real issue, and a hazard part of that is part of health and safety and mental health is also important. So, thank you for the microphone. I didn't really want this, but I had to do it.

### *Response to Tom Grudkowski (GRUDKOWSKI)*

The comment is noted, and this comment has been reviewed by the Lead Agency and will be provided to County decision-makers for consideration of the merits of the proposed project. Please refer to Master Response 3, Health and Safety Issues Not Addressed in the Final EIR, in Section 2, Master Responses, of this document. Master Response 3 provides additional information related to health and safety issues that are not further discussed in the Final EIR. Please also refer to Master Response 4, General Opposition Comments Not Addressed in Final EIR, in Section 2, Master Responses, of this document. Master Response 4 provides a response to comments that express general opposition or disapproval of the proposed project. No further response is required.

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# SECTION 5: ERRATA

The following are revisions to the Draft EIR for the Arroyo Lago Residential Project. These revisions are minor refinements, amplifications and clarifications to the document, and do not change the significance of any of the environmental issue conclusions within the Draft EIR or otherwise trigger recirculation. The revisions are listed by page number. All additions to the text are underlined (underlined) and all deletions from the text are stricken (~~stricken~~).

## 5.1 - Changes in Response to Specific Comments

### Executive Summary

#### *Page ES-26, Impact TRANS-2, Mitigation Measures*

Mitigation Measure (MM) TRANS-2b has been removed as a mitigation measure and instead remains treated as a project design feature, consistent with the Project Description set forth in Chapter 2 of the Draft EIR. Therefore, MM TRANS-2a has been renumbered to MM TRANS-2.

| | | |
|---|---|---|
| **Impact TRANS-2:** The proposed project would conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). | **MM TRANS-2~~a~~:** Prior to project operation, the proposed project would implement traffic calming elements on all of the street improvements included in the proposed project.<br><br>~~**MM TRANS-2b**: Prior to project operation, the proposed project would construct approximately 1,000 feet of off-site sidewalk improvements and bicycle lane improvements along Busch Road, which would connect to existing facilities on Busch Road and Ironwood Drive.~~ | Significant and Unavoidable Impact. |

#### *Page ES-26, Cumulative Impact, Mitigation Measures*

MM TRANS-2b has been removed as a mitigation measure and instead remains treated as a project design feature, consistent with the Project Description set forth in Chapter 2 of the Draft EIR. Therefore, MM TRANS-2a has been renumbered to MM TRANS-2.

| | | |
|---|---|---|
| **Cumulative Impact:** The proposed project would have a significant and unavoidable cumulative impact related to transportation**.** | **MM TRANS-2~~a~~:** Prior to project operation, the proposed project would implement traffic calming elements on all of the street improvements included in the proposed project.<br><br>~~**MM TRANS-2b**: Prior to project operation, the proposed project would construct approximately 1,000 feet of off-site sidewalk improvements and bicycle lane improvements along Busch Road, which would connect to existing facilities on Busch Road and Ironwood Drive.~~ | Significant and Unavoidable Impact. |

## Chapter 1, Introduction

### *Page 1-38, "Documents Prepared for the Proposed Project"*

The following bullets have been updated to reflect the correct appendix.

- Wastewater Balance Technical Memorandum prepared by EKI Environment & Water, Inc. (Appendix ~~K~~ J)
- Wastewater and Water Service Memorandum prepared by Bert L. Michalczyk Consulting Engineers, Inc. (Appendix ~~K~~ J)

## Chapter 2, Project Description

### *Page 2-44, Section 2.4.2–Responsible and Trustee Agencies*

The list of Responsible and Trustee Agencies has been edited to include the City of Pleasanton as a Responsible Agency for the proposed project.

These agencies may include, but are not limited to, the following:

- United States Fish and Wildlife Service (USFWS)
- California Department of Fish and Wildlife (CDFW)
- San Francisco Bay Regional Water Quality Control Board (San Francisco Bay RWQCB)
- Alameda County Flood Control and Water Conservation District (Zone and Water Agency)
- Pleasanton Garbage Service (PGS)
- Pacific Gas and Electric Company (PG&E)
- California Water Services Company (Cal Water)
- Livermore-Pleasanton Fire Department (LPFD)
- Pleasanton Unified School District (PUSD)
- California Public Utilities Commission (CPUC)
- Zone 7 Water Agency (Zone 7)
- California Department of Water Resources (DWR)
- California State Water Resources Control Board (State Water Board)
- Alameda County Environmental Health Department (ACEHD)
- City of Pleasanton

## Section 3.2, Air Quality

### *Page 3.2-26, Model Assumptions—Construction, First Paragraph*

This paragraph has been revised to include additional information about other potential soil harvest locations that have been considered for the proposed project in light of information determined after the Draft EIR was released.

> Based on applicant provided information, any import and export of soil would be accomplished by using soil from a soil harvest site east of the residential project site. As such, import and export of material would not generate long haul trips but would expand the area to be disturbed to include the vacant lot located directly east of the residential project site. However, for purposes of a conservative analysis, this analysis also includes consideration of construction emissions from haul trips 30 miles from the project site in the event that the project applicant identifies a different off-site soil harvest site.

### *Page 3.2-46, Impact AIR-2, Construction Air Pollutant Emissions: ROG, $NO_X$, $PM_{10}$, and $PM_{2.5}$, Second Paragraph*

This paragraph has been revised to include additional information about other potential soil harvest locations that have been considered for the proposed project in light of information determined after the Draft EIR was released.

> According to the applicant-provided information, the grading would not lead to significant import or export material. Material movement would be limited to an off-site location, which is within 1 mile of the residential project site. However, for purposes of a conservative analysis, this analysis also includes consideration of construction emission from haul trips 30 miles from the project site in the event that the project applicant identifies a different off-site soil harvest site.

### *Page 3.2-46, Table 3.2-11: Construction Emissions*

This table has been revised to include construction emissions for haul trips if off-site soil site is used. The total construction emissions with the additional haul trips are included.

**Table 3.2-11: Construction Emissions**

| Construction Activity | Criteria Pollutant Emissions | | | |
|---|---|---|---|---|
| | ROG | $NO_X$ | $PM_{10}$ (Exhaust) | $PM_{2.5}$ (Exhaust) |
| **Residential Project Site Construction** | | | | |
| Mass Grading (2025) | 829.1 | 7,561.2 | 324.8 | 298.8 |
| Utility Trenching (2025) | 36.5 | 255.8 | 10.0 | 9.2 |
| Main Site and Frontage Improvement (2025) | 67.6 | 651.1 | 25.4 | 23.5 |
| Main Site and Frontage Improvement (2026) | 199.9 | 1,928.1 | 72.5 | 64.9 |
| Building Construction (2025) | 295.2 | 2,536.4 | 104.0 | 95.8 |

| Construction Activity | Criteria Pollutant Emissions | | | |
|---|---|---|---|---|
| | ROG | $NO_X$ | $PM_{10}$ (Exhaust) | $PM_{2.5}$ (Exhaust) |
| Building Construction (2026) | 668.3 | 5,737.5 | 220.6 | 203.1 |
| Building Construction (2027) | 413.2 | 3,506.7 | 127.3 | 117.3 |
| Architectural Coating (2027) | 9,466.6 | 6.0 | 0 | 0 |
| **Off-site Improvements** | | | | |
| Site Preparation (2025) | 101.0 | 950.7 | 41.0 | 37.7 |
| Grading (2025) | 50.4 | 463.0 | 20.3 | 18.6 |
| Agriculture Field Trenching (2025) | 3.5 | 22.6 | 1.0 | 0.9 |
| Building Construction (2025) | 177.5 | 1,725.1 | 68.8 | 63.4 |
| Building Construction (2026) | 47.6 | 459.8 | 17.1 | 15.6 |
| Paving (2026) | 94.6 | 798.3 | 33.9 | 30.9 |
| Architectural Coating (2026) | 64.6 | 19.7 | 0.5 | 0.5 |
| **Average Daily Emissions** | | | | |
| Total Construction Emissions (Pounds) | 12,515.~~5~~6 | 26,622.0 | 1,067.~~1~~2 | 980.~~3~~2 |
| ~~**Average Daily Construction Emissions (Pounds/Day)**~~ | ~~**14**~~ | ~~**29**~~ | ~~**1**~~ | ~~**1**~~ |
| **Haul Trip Emissions if Off-Site Soil Site is Used (Pounds)** | 34.4 | 2,367.0 | 34.5 | 118.9 |
| **Total Construction Emissions with Additional Off Haul (Pounds)** | **12,550.0** | **28,989.0** | **1,101.7** | **1,099.1** |
| **Average Daily Construction Emissions (Pounds/Day)** | **13.90** | **32.10** | **1.22** | **1.22** |
| BAAQMD Significance Thresholds | 54 | 54 | 82 | 54 |
| **Significant Impact?** | **No** | **No** | **No** | **No** |

Notes:
This analysis relies on a 903-day construction schedule, consistent with the construction schedule and modeling results contained in Appendix B.
BAAQMD = Bay Area Air Quality Management District
$NO_X$ = nitrogen oxides
$PM_{10}$ = particulate matter less than 10 micrometers in diameter
$PM_{2.5}$ = particulate matter less than 2.5 micrometers in diameter
ROG = reactive organic gases
Source: Appendix B.

## Section 3.2, Biological Resources

### *Page 3.3-14, "Wetlands and Waters of the United States," First Sentence*

The appendix numbering has been updated.

> WRA conducted a field survey on November 8, 2023, to inspect the constructed stormwater drainage swale that bisects a portion of the project site and authored a subsequent jurisdictional memorandum on November 20, 2023 (Appendix C~~3~~).

## Section 3.7, Greenhouse Gas Emissions

### *Page 3.7-27, Impact GHG-1 and Impact GHG-2, Mitigation Measures*

MM TRANS-2b has been removed as a mitigation measure and instead remains treated as a project design feature, consistent with the Project Description in Section 2.0 of the Project Description. Therefore, MM TRANS-2a has been renumbered to MM TRANS-2.

Additionally, it is important to note that MM TRANS-2~~a and MM TRANS-2b~~ would be implemented to reduce project-related VMT, which is one of the criteria under BAAQMD's 2022 GHG threshold (A).

**MM TRANS-2~~a~~** Prior to project operation, the proposed project would implement traffic calming elements on all of the street improvements included in the proposed project.

~~**MM TRANS-2b** Prior to project operation, the proposed project would construct approximately 1,000 feet of off-site sidewalk improvements and bicycle lane improvements along Busch Road, which would connect to existing facilities on Busch Road and Ironwood Drive.~~

## Section 3.8, Hazards and Hazardous Materials

### *Page 3.8-4, "Per- and Polyfluoroalkyl Substances," Fourth to Fifth Paragraphs*

This section has been updated to include additional clarifying information regarding Per- and Polyfluroalkyl Substances (PFAS) in the City of Pleasanton.

According to the California Water Service (Cal Water) 2022 Water Quality Report for the Livermore District System, prior to issuance of this regulation, Cal Water had already proactively tested active sources in their systems for all six PFAS and took the affected sources out of service until treatment was installed. Thus, none of their active water sources have levels of the six PFAS compounds over current California response levels. The response level, which is the level at which a water system should make operational changes to reduce the concentration of a compound, is set with a margin of protection for all people (including sensitive populations) over a lifetime of exposure.[1]

<u>The City of Pleasanton has three active groundwater wells: Well 5, Well 6, and Well 8, which have all been tested for PFAS contamination. Initial test results for the three wells were above the Notification Level for perfluro octane-sulfonic acid (PFOS). Well 8 was also above the Response Level for combined perfluorooctanoic acid (PFOA) and PFOS. As such, Well 8 has been placed as a last priority well and has not been operation since initial testing. Wells 5 and 6 are still in service since they are currently below response levels, but have not been in operation since November 2022.[2]</u>

[1] California Water Service (Cal Water). 2022. Water Quality Report for Livermore District, Livermore System. Website: https://www.calwater.com/docs/ccr/2022/liv-liv-2022.pdf. Accessed May 7, 2024.

[2] <u>City of Pleasanton. Pleasanton Water. Website: https://www.cityofpleasantonca.gov/our-government/public-works/pleasanton-water/. Accessed December 10, 2024.</u>

On April 10, 2024, the EPA announced the final National Primary Drinking Water Regulation (NPDWR) for six PFAS, including individual Maximum Contaminant Levels (MCLs) for PFOA and PFOS at 4 parts per trillion (ppt), individual MCLs for PFHxS, PFNA, and GenX Chemicals at 10 ppt, and an MCL for a mixture of 4 PFAS (PFHxS, PFNA, GenX Chemicals, and PFBS) at no greater than a Hazard Index of 1.0.[3]

## Section 3.9, Hydrology and Water Quality

### *Page 3.9-25, "Groundwater and Wastewater Treatment Plant Water Quality," First Paragraph*

This paragraph has been revised to include additional clarifying information regarding the Alternative Groundwater Sustainability Plan.

The proposed project is located within the basin area under sustainable groundwater management by Zone 7 as per the Alternative Groundwater Sustainability Plan for the Livermore Valley Groundwater Basin. The Alternative Groundwater Sustainability Plan identifies the Sustainable Management Criteria that are to be met for the Livermore Valley Groundwater Basin. However, the Alternative Groundwater Sustainability Plan neither identifies specific project-level mitigation that applies to individual projects nor imposes land use restrictions.

Zone 7 has adopted the following sustainability goal for the Livermore Valley Groundwater Basin:

> Continue to operate the Livermore Valley Groundwater Basin within its Sustainable Yield and to manage the groundwater resources for the prevention of significant and unreasonable: (1) chronic lowering of groundwater levels, (2) reduction of groundwater storage, (3) degradation of groundwater quality, (4) inelastic land subsidence, and (5) depletion of interconnected surface water supplies such that beneficial uses are not adversely impacted.

The WSE prepared for the proposed project (Appendix J) concludes that the water supply needs of the proposed project, along with other present and future needs within the Zone 7 service area, can be met without a long-term increased use of the safe yield of the groundwater basin. Accordingly, there are no significant impacts from the proposed project related to the following adopted sustainability criteria (noting that these criteria, together with seawater intrusion are the criteria that must be met per DWR and SGMA):

- Chronic lowering of groundwater levels;
- Reduction of groundwater storage;
- Inelastic land subsidence; or
- Depletion of interconnected surface water supplies such that beneficial uses are not adversely impacted.

[3] Zone 7 Water Agency. 2024. PFAS Information. Website: https://www.zone7water.com/pfas#:~:text=On%20April%2010%2C%202024%2C%20the%20U.S.%20Environmental%20Protection,Zone%207%20has%20been%20doing%20voluntarily%20since%202019. Accessed July 2, 2024.

The proposed project would have less than significant impacts related to groundwater supply and quality, and therefore, the proposed project would meet the adopted sustainability criteria of the Alternative Groundwater Sustainability Plan.

~~Thus, the proposed project would meet all applicable sustainable groundwater management actions as required. Implementation of these management impacts would ensure that groundwater quality is not impacted.~~

### *Page 3.9-27, "Operation," Second Paragraph*

This paragraph has been revised to include additional clarifying information regarding the Alternative Groundwater Sustainability Plan.

As discussed above, the proposed project is located within the basin area under sustainable groundwater management by Zone 7 as per the Alternative Groundwater Sustainability Plan for the Livermore Valley Groundwater Basin. The Alternative Groundwater Sustainability Plan identifies the Sustainable Management Criteria that are to be met for the Livermore Valley Groundwater Basin. However, the Alternative Groundwater Sustainability Plan neither identifies specific project-level mitigation that applies to individual projects nor imposes land use restrictions. The WSE prepared for the proposed project (Appendix J) concludes that the water supply needs of the proposed project, along with other present and future needs within the Zone 7 service area, can be met without a long-term increased use of the safe yield of the groundwater basin. Accordingly, there are no significant impacts from the proposed project related to the adopted sustainability criteria. Thus, the proposed project would meet all applicable sustainable groundwater management actions as required.

## Section 3.10, Land Use and Planning

### *Page 3.10-3, "Surrounding Area"*

This section has been updated to include edits related to the correct zoning designations for the land west and south of the proposed project site.

*West*

The land just west of the north part of the project site is zoned as Planned Unit Development (PUD)Low Density Residential (LDR), MDR, High Density Residential (HDR), Single Family Residential (R-1), and Mixed R-1/MDR according to the City of Pleasanton's Parcel Zoning Map.

The land just west of the southern part of the project site is zoned as ~~Office Commercial (O), Study District (S), and Commercial (C)~~ Public and Institutional (P) according to the City of Pleasanton's Parcel Zoning Map.

*North*

The land just north of the project site is designated as MDR according to the ECAP. Further north of that is Lake 1 of the Zone 7 Chain of Lakes. Lake 1 is designated as WM according to the ECAP.

*East*

The project site is adjacent to vacant land designated as LPA by the ECAP.

*South*

The land just south of the project site is zoned as General Industrial, 40,000 Square Foot Minimum Lot (I-G-40) and Housing Opportunity Site Zone (HOZ) according to the City of Pleasanton's Parcel Zoning Map.

## Section 3.16, Transportation

### *Page 3.16-1, "Introduction," First Paragraph*

The appendix numbering has been updated.

This section describes existing conditions related to transportation in the project area as well as the relevant regulatory framework. This section also evaluates the possible impacts related to transportation that could result from implementation of the project. Information in this section is based on the project-specific Transportation Impact Study for the Arroyo Lago Residential Project (TIS) and Traffic Operations Study for the Arroyo Lago Residential Project (TOS) (both included in Appendix ~~J~~ I of the Draft EIR) and on a review of applicable transportation policies and regulation, including the East County Area Plan (ECAP), and the City of Pleasanton General Plan.

### *Page 3.16-3, "Queueing Analysis," First Paragraph, Last Sentence*

The appendix numbering has been updated.

Copies of the SIMTRAFFIC projections are contained in Appendix ~~J~~ I.

### *Page 3.16-13, "Methodology"*

The appendix numbering has been updated.

The proposed project's potential impacts to transportation have been evaluated using the analysis includes in the TIS attached as Appendix ~~J~~ I of this Draft EIR and a variety of published resources publicly available online.

### *Page 3.16-17, "Queueing," Second Paragraph, Last Sentence*

The appendix numbering has been updated.

Copies of the SIMTRAFFIC projections are contained in Appendix ~~J~~ I.

### *Page 3.16-19, "Pedestrian Facilities," Second Paragraph, Fourth Sentence*

The appendix numbering has been updated.

Additional information on these collisions is provided in Appendix ~~J~~ I of the Draft EIR.

### *Page 3.16-20, "Bicycle Facilities," Second Paragraph, Fourth Sentence*

The appendix numbering has been updated.

> Additional information on these collisions is provided in Appendix ~~J~~ I of the Draft EIR.

### *Page 3.16-22, Sidewalk Traffic Calming TDM, First Paragraph*

MM TRANS-2b has been removed as a mitigation measure and instead remains treated as a project design feature, consistent with the Section 2.0, Project Description, of the Draft EIR. Therefore, MM TRANS-2a is renumbered to MM TRANS-2.

> While the Alameda CTC tool suggests that increasing the density of intersections would result in a reduction in VMT, this strategy refers to Citywide or regional improvements in street connectivity that would not apply on the scale of the proposed project. According to the Alameda CTC tool, traffic calming improvements could result in a reduction in VMT between 0.25 and 1 percent based on the proportion of project streets and intersections with traffic calming, with a 1 percent reduction corresponding to all project streets and intersections being designed with traffic calming features. Implementation of MM TRANS-2~~a~~ would require all project streets to be designed with traffic calming features, and therefore, a 1 percent reduction in VMT would occur.

### *Page 3.16-22, Sidewalk Improvements TDM, First Paragraph*

MM TRANS-2b has been removed as a mitigation measure and instead remains treated as a project design feature, consistent with Section 2.0, Project Description, of the Draft EIR.

> As previously discussed, ~~through the implementation of MM TRANS-2b,~~ the proposed project would construct approximately 1,000 feet of off-site sidewalk improvements and bicycle lane improvements along Busch Road, which would connect to existing facilities on Busch Road and Ironwood Drive. These proposed improvements ~~required by MM TRANS-2b~~ would improve connectivity to nearby commercial facilities, reducing the VMT per capita by 0.5 percent.

### *Page 3.16-23, Table 3.16-8: VMT Mitigation Measures and Associated Reductions*

MM TRANS-2b has been removed as a mitigation measure and instead remains treated as a project design feature, consistent with Section 2.0, Project Description, of the Draft EIR. Therefore, MM TRANS-2a is renumbered to MM TRANS-2.

| | | | | |
|---|---|---|---|---|
| Traffic Calming | 0.25 | 1 | 25 to 100 percent of project streets and intersections would have traffic calming elements | The proposed project would implement traffic calming elements on project streets through implementation of MM TRANS-2~~a~~. |
| Sidewalk Improvements | 0.5 | 0.5 | Sidewalk would be added along Busch Road between Ironwood Drive and the east edge of the project site. | The proposed project would implement sidewalk improvements ~~through implementation of MM TRANS-2b~~. |

### *Page 3.16-24, "Impact TRANS-2," Final Paragraph*

MM TRANS-2b has been removed as a mitigation measure and instead remains treated as a project design feature, consistent with Section 2.0, Project Description, of the Draft EIR. Therefore, MM TRANS-2a is renumbered to MM TRANS-2.

> As shown in Table 3.16-8 above, even if the proposed project implemented all of the potential TDMs proposed, the proposed project's VMT per capita would be reduced by 4.2 to 5.7 percent below the baseline value for the TAZ. This would translate to a project-specific rate of 28.6 to 28.2 VMT per capita, which would still be greater than the applied significance threshold of 25.9 for the East Planning Area of Alameda County. As previously stated, the proposed project's overall daily VMT of 29.9 per capita would need to be reduced by 13.4 percent to avoid significant impacts. Therefore, implementation of MM TRANS-2~~a and MM TRANS-2b~~ would help to reduce the proposed project's VMT but would not reduce impacts to a less than significant level. Thus, the proposed project would result in significant and unavoidable impact.

### *Page 3.16-24, "Impact TRANS-2," Mitigation Measures*

MM TRANS-2b has been removed as a mitigation measure and remains a project design feature. Therefore, MM TRANS-2a is renumbered to MM TRANS-2.

> **MM TRANS-2~~a~~** Prior to project operation, the proposed project would implement traffic calming elements on all of the street improvements included in the proposed project.
>
> **~~MM TRANS-2b~~** ~~Prior to project operation, the proposed project would construct approximately 1,000 feet of off-site sidewalk improvements and bicycle lane improvements along Busch Road, which would connect to existing facilities on Busch Road and Ironwood Drive~~.

### *Page 3.16-25, "Impact TRANS-3"*

This impact statement has been revised to correctly reflect the conclusion identified in Impact TRANS-3.

> The proposed project would ~~not~~ substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

### *Page 3.16-26, "Left-Turn Lane Warrants," Second Paragraph, Third Sentence*

The appendix numbering has been updated.

> Copies of the warrant spreadsheets are provided in Appendix ~~J~~ I.

### *Page 3.16-26, "Traffic Signal Warrants," Seventh Sentence*

The appendix numbering has been updated.

> Copies of the Peak-hour Warrant worksheets are included in Appendix ~~J~~ I.

### *Page 3.16-28, "Adequacy of Site Access," Second Paragraph, First Sentence*

The appendix numbering has been updated.

> As detailed in the TIS prepared for the proposed project and included in Appendix ~~J~~ I of the Draft EIR, the addition of project traffic to Existing, Baseline, and Future volumes would cause minor increases in delay and/or continued acceptable operation of the signalized study intersections, except for at the intersection of Santa Rita Road/Valley Avenue under Baseline Plus Project conditions.

## Section 3.17, Utilities and Service Systems

### *Page 3.17-12, "Safe Drinking Water Act"*

This paragraph has been updated to state that the State Water Resources Control Board (State Water Board) is the agency that regulates the Safe Drinking Water Act.

> The Safe Drinking Water Act authorizes the United States Environmental Protection Agency (EPA) to establish national standards for drinking water, called the National Primary Drinking Water Regulations, to protect against both naturally occurring and man-made contaminants. These standards set enforceable maximum contaminant levels in drinking water and require all water providers in the United States to treat water to remove contaminants, except for private wells serving fewer than 25 people. In California, the State Water Board regulates activities affecting drinking water under the Safe Drinking Water Act. ~~the State Department of Health Services conducts most enforcement activities~~.

### *Page 3.17-24, "Impact UTIL-1," Wastewater Treatment*

The description of wastewater treatment has been revised to include three Conditions of Approval (COAs) as further discussed in Master Response 10, Clarifying Information on the Wastewater Treatment Facility Operation and Maintenance, of this Final EIR.

> Additionally, the project applicant would file a Notice of Intent (NOI) under the Statewide General Recycled Water Order with the San Francisco Bay RWQCB for Waste Discharge Requirements (WDRs) related to its treatment and agricultural spray field in compliance with Title 22. Consistent with the above regulatory requirements, the proposed sewer treatment plant would be subject to three enforceable Conditions of Approval (COAs), which would outline these mandatory requirements. COAs UTIL-1a through UTIL-1c would ensure that documentation of a certified operator, the construction permit, and the capacity sizing is provided to the lead agency prior to commencement of project operation. As such, impacts related to wastewater treatment facilities would be less than significant.

### *Page 3.17-25, "Impact UTIL-1," Mitigation Measures*

The COAs identified in Impact UTIL-1 are included in a new heading under Mitigation Measures.

> ***Mitigation Measures***
>
> None required.

***Conditions of Approval***

While there are no project-specific mitigation measures required for this impact, there are three conditions of approval applicable to the proposed project.

**COA UTIL-1a** Prior to commencement of operation of the proposed project's wastewater treatment plant (WWTP), the project applicant shall provide documentation to the Lead Agency that the project's Homeowner's Association (HOA) has retained a certified, registered contractor to operate the proposed WWTP.

**COA UTIL-1b** Prior to commencement of operation of the proposed project's WWTP, the project applicant shall provide documentation to the Lead Agency to verify that the construction permit issued by the State Water Board has been secured by the WWTP as required under applicable laws and regulations.

**COA UTIL-1c** Prior to commencement of operation of the project project's WWTP, the project applicant shall provide documentation to the Lead Agency that the proposed project has installed the smallest standard membrane bioreactor (MBR) capacity module from the selected manufacturer that is then available and of sufficient size to serve the proposed project's wastewater demand.

## Chapter 5, Other CEQA Considerations

***Page 5-3, 5.1.2–Transportation, Conflict with CEQA Guidelines Section 15064.3, Subdivision (b)***

MM TRANS-2b has been removed as a mitigation measure and instead remains treated as a project design feature, consistent with Section 2.0, Project Description, of the Draft EIR. Therefore, MM TRANS-2a is renumbered to MM TRANS-2.

> As detailed in Section 3.16, Transportation, the residents of the proposed project would be expected to generate 29.9 VMT per capita daily which is greater than the threshold of 25.9 VMT per capita, or 15 percent below the average VMT per capita for the Alameda County East Planning Area (which includes Dublin, Pleasanton, Livermore, and surrounding unincorporated areas). Implementing a variety of countermeasures would be expected to result in a reduction of VMT between 4.2 to 5.7 percent only. The proposed project would implement MM TRANS-2~~a and MM TRANS-2b~~, which implement ~~sidewalk improvements and~~ traffic calming measures on all project roadways. However, even with the implementation of the proposed mitigation, the proposed project would still result in a significant and unavoidable impact.

***Page 5-3, 5.1.2–Transportation, Cumulative Impacts, Second Paragraph***

MM TRANS-2b has been removed as a mitigation measure and instead remains treated as a project design feature, consistent with Section 2.0, Project Description, of the Draft EIR. Therefore, MM TRANS-2a is renumbered to MM TRANS-2.

As discussed above, VMT is, by definition, cumulative. The proposed project would contribute to an increase in VMT, and that increase would be considered significant and unavoidable with the implementation of MM TRANS-2~~a and MM TRANS-2b~~. Therefore, the proposed project would have a cumulatively considerable contribution to VMT. As such, the proposed project, in conjunction with other planned and approved projects, would result in a significant and unavoidable cumulative impact with respect to VMT.

### *Page 5-7, 5.3 Mandatory Findings of Significance, Third Paragraph*

MM TRANS-2b has been removed as a mitigation measure and instead remains treated as a project design feature, consistent with Section 2.0, Project Description, of the Draft EIR. Therefore, MM TRANS-2a is renumbered to MM TRANS-2.

Significant and unavoidable impacts would occur related to GHG emissions and transportation. While implementation of MM GHG-1, MM GHG-2, and MM TRANS-2~~a, and MM TRANS-2b~~ would reduce impacts to these topical sections, there is no feasible mitigation available that would fully bring these impacts to less than significant levels.

## Appendix B: Air Quality, Greenhouse Gas, and Energy Supporting Information

Although not required under CEQA, in order to be responsive to comments received, additional modeling related to the implementation of Tier 4 Interim engines as specified in MM AIR-3 included as Appendix B, Air Quality Supporting Information, of this Final EIR is incorporated into Appendix B, Air Quality, Greenhouse Gas, and Energy Supporting Information, of the Draft EIR.

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