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### **3.3 - Responses to September 4, 2007 Planning Commission Hearing Comments**

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Responses to the comments made at the September 4, 2007 Planning Commission Hearing are addressed through both master responses and individual responses.

#### **3.3.1 - Master Responses**

Master responses address similar comments made by multiple speakers.

##### *Master Response 1 - Request for Extension of DSEIR Public Review Period*

Multiple speakers requested that the 45-day public review period of the DSEIR be extended. Upon closure of the public comment period of the DSEIR, the Planning Commission voted to extend the closure of the public comment period an additional 15 days to October 11, thereby providing a 60-day public comment period (refer to Page 99 of the transcript).

##### *Master Response 2 - Reduced Building Height Alternative*

Two speakers requested that the DSEIR evaluate an alternative that reduces building heights to five stories and includes civic uses adjacent to Central Park, similar to the City Civic Center proposal.

The DSEIR evaluated the City Civic Center concept as a project alternative. However, the DSEIR did not evaluate reducing the proposed project's building height to five stories or less as an alternative because it would have required re-designing the project in a manner that would have created a number of feasibility concerns. For example, because residential, hotel, commercial, and office uses occupy the upper floors of the project structures and parking occupies the lower floors, reducing building height would have required a substantial reallocation of space within the project components, such that many uses would likely be relocated. Because no architectural or engineering plans were available showing how this could be accomplished, this was considered too speculative and, therefore, was rejected from further consideration. This rationale is supported by CEQA Guidelines Section 15126.6, which states that, "...an EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives."

##### *Master Response 3 - Plaza District Retail End Uses*

Several speakers asserted that because no specific tenants were identified in the DSEIR for the Plaza District retail space, the DSEIR's Urban Decay analysis should consider potential discount retailer tenants such as Wal-Mart.

According to CEQA, the primary consideration when evaluating potential impacts is the type of end use, not the actual business. On Page 3-22, the DSEIR identifies potential Plaza District end users as "two possible anchor stores, a six-screen arts cinema, and smaller inline retail uses such [as] shops, restaurants, and spa/fitness/wellness." The target demographic of the individual tenants is not relevant from a CEQA perspective, so long as they are consistent with the nature of the

mentioned commercial uses. Therefore, analysis of the potential impacts of discount retail uses occupying the Plaza District is not warranted in the DSEIR.

The project concept is based on the City Center being a high-quality cultural, entertainment, and shopping destination; therefore, it would be expected that actual Plaza District tenants would reflect that concept. The likelihood of discount retail uses occupying the Plaza District is not considered realistic because it would not be compatible with the project objectives.

### **3.3.2 - Individual Responses**

Responses have been prepared for all comments regarding the DSEIR. In cases where multiple speakers made the same comment, the response is addressed in a master response provided in Section 3.3.1 above. In all other cases, responses have been prepared for each comment.

#### **Michael Jones**

##### *Response to MJ-1*

Refer to Master Response 1.

##### *Response to MJ-2*

The speaker referenced the proposed project's significant unavoidable impacts and requested clarification about how such a finding is determined. The speaker also inquired about the enforceability of mitigation measures and if the project applicant would be obligated to implement them.

CEQA requires that, where feasible, significant impacts must be mitigated to a level of less than significant. The statute recognizes that economic, environmental, social, and technological constraints may make certain mitigation measures infeasible and, therefore, result in significant unavoidable impacts. If this occurs, CEQA requires the lead agency to adopt a Statement of Overriding Considerations that asserts that the economic, social, and/or technological benefits of a project outweigh its significant unavoidable impacts.

The DSEIR identified six significant unavoidable impacts of the San Ramon City Center (refer to Section 2, Executive Summary, of the DSEIR). Mitigation is proposed for two of the impacts (Project Air Emissions and Greenhouse Gas Emissions), but mitigation would not fully reduce either impact to a level of less than significant and, therefore, these two impacts are significant and unavoidable. No mitigation is available for the other four impacts and, therefore, they are significant and unavoidable. Ultimately, the Planning Commission will have the discretion to adopt a Statement of Overriding Considerations for the proposed project.

Regarding the speaker's comment about the enforcement of mitigation measures, such measures are legally binding and are enforced by the lead agency through a Mitigation Monitoring and Reporting Program (MMRP). The MMRP identifies the timing of mitigation measures, responsible parties for implementing mitigation, and ultimate accountability for enforcing mitigation. If the proposed

project is approved, the project applicant is legally obligated to implement the mitigation measures contained in the MMRP.

*Response to MJ-3*

The speaker noted that reducing greenhouse gas emissions is one of the project objectives and questioned how the proposed project would be consistent with that goal if it causes a net increase in emissions.

The proposed project does incorporate a number of features and mitigation measures that would promote reductions in greenhouse gas emissions (refer to Impact AIR-7, in Section 4.2, Air Quality). Although the DSEIR concludes that the development of the proposed project would result in a net increase in greenhouse gas emissions above baseline conditions on the project site, the proposed project's greenhouse gas emission reduction measures would serve to reduce emissions relative to what would occur if they were not included in the project. Moreover, as discussed in the DSEIR, the proposed project is an infill high-density mixed-use project that incorporates transit facilities and is readily accessible to pedestrian and bicycle modes of transportation. This type of development is consistent with state and regional strategies intended to reduce greenhouse gas emissions. Therefore, it is reasonable to state that the proposed project's design features and mitigation measures would reduce greenhouse gas emissions.

*Response to MJ-4*

Comment noted. No further response is necessary.

*Response to MJ-5*

The speaker asserted that the DSEIR inappropriately advocates on behalf of the proposed project and suggested that the document may not provide an impartial evaluation of the proposed project's environmental impacts. As evidence supporting his claim, the speaker cites the "before" and "after" "picture" simulations of the proposed project contained in Section 4.1, Aesthetics, Light, and Glare of the DSEIR. The speaker expressed his criticism of the "after" images shown in three of the simulations (Exhibits 4.1-4g, 4.1-4i, and 4.1-4l), which he suggested is inappropriate advocacy on behalf of the proposed project. The speaker had concerns with two pedestrians and dog shown in the "after" image in Exhibit 4.1-4g, the absence of traffic congestion and inclusion of a sports car and bicycle in the "after" image in Exhibit 4.1-4i, and the inclusion of green vegetation along the Iron Horse Trail in the "after" image in Exhibit 4.1-4l.

A total of 11 photo simulations of the proposed project were prepared by Gates and Associates, a landscape architecture firm, and were included in the DSEIR to depict the building massing and height that would occur as a result of the development of the multi-story structures associated with the proposed project. The inclusion of "before" and "after" photo simulations in EIRs is a common practice, particular for large development projects that have the potential to substantially alter views and change visual character. As is obvious in the three aforementioned "after" simulations, Gates and

Associates used computer software to create representative images. The features in these images are considered acceptable, as they are plausible and did not serve to downplay or minimize the building massing or height of the proposed structures.

Finally, as a point of information, the Impact AES-1 analysis (which employs the use of the “before” and “after” simulations) acknowledged that the proposed project’s multi-story structures would alter or obstruct views of surrounding hills and ridgelines from various vantage points shown in Exhibits 4.1-4b through 4.1-4l. This finding was based on the “after” images shown in several of the exhibits and demonstrates that the DSEIR analysis evaluated potential impacts in accordance with the intended purpose of the simulations.

For these reasons, the speaker’s assertion that the DSEIR inappropriately advocates for the proposed project is based on a misinterpretation of the exhibits and no further response is necessary.

**John Koerber**

*Response to JK-1*

Refer to Master Response 1.

**Anne Cavazos**

*Response to AC-1*

Refer to Master Response 1.

*Response to AC-2*

The speaker referenced the proposed project’s significant unavoidable impacts and inquired if the City of San Ramon was required to modify the project to avoid the impacts.

Mitigation measures are a form of project modification that are employed to reduce or avoid significant environmental impacts. CEQA recognizes that economic, environmental, social, and technological constraints may make certain mitigation measures infeasible and, therefore, result in significant unavoidable impacts. If this occurs, CEQA requires the lead agency to adopt a Statement of Overriding Considerations that asserts that the economic, social, or technological benefits of a project outweigh its significant unavoidable impacts.

In this case, the DSEIR identified six significant unavoidable impacts of the San Ramon City Center (refer to Section 2, Executive Summary, of the DSEIR) that cannot be mitigated to a level of less than significant. Because these significant impacts cannot be avoided, the Planning Commission would be required to adopt a Statement of Overriding Considerations for the proposed project if it decides to approve the project.

*Response to AC-3*

Comment AC-3 is a question about the role of the Planning Commission and does not concern this DSEIR.

The Planning Commission is obligated to receive testimony of the adequacy of the DSEIR and consider such comments in deciding whether to certify the Final SEIR and approve the project.

*Response to AC-4*

The speaker inquired if the proposed project was pursuing a Leadership in Environmental and Energy Design (LEED) certification. At the present time, the project applicant is not proposing to pursue such a certification.

**Jim Blickenstaff**

*Response to JB-1*

Refer to Master Response 1.

*Response to JB-2*

This comment pertains to the previous City Civic Center concept and does not concern the DSEIR. No further response is necessary.

*Response to JB-3*

Refer to Master Response 2.

*Response to JB-4*

The speaker suggested that preparing a three-dimensional model of the proposed project would be helpful in evaluating the proposed project's visual impacts.

The DSEIR includes elevations, illustrative renderings, photo simulations, perspectives, and other images of the proposed project. These images provide a variety of views and depictions of the project buildings.

*Response to JB-5*

The speaker asserted that the visual impact analysis in the DSEIR is inadequate because not enough vantage points were used during the "before" and "after" photo simulations. The speaker identified several locations that should be included in the analysis, including Alcosta Boulevard, Morgan Drive, Woodridge Terrace [sic], and Canyon Lakes Roads [sic].

The DSEIR contains 11 photo simulation vantage point locations, including several locations that are representative of the locations the speaker listed.

Alcosta Boulevard is located east of the project site and is screened from view of the project site by Central Park. Moreover, the Central Park and Market Place vantage points are located between Alcosta Boulevard and the project site, and would be more directly impacted by the proposed project than any vantage point along Alcosta Boulevard.

Morgan Drive is located west of Memorial Park and at roughly the same elevation as the images shown in Exhibit 4.1-1b. As shown in that exhibit, the proposed project structures are barely visible in the “after” image.

There is no street in San Ramon named “Woodridge Terrace;” however, it appears the speaker was referring to “Woodview Terrace,” which is located east of the project site in the Vista San Ramon neighborhood. Exhibit 4.1-4e depicts a view from Ridgeview Court, which intersects with Woodview Terrace. As shown in the exhibit, the proposed project would not be visible from Ridgeview Terrace and, therefore, it is reasonable to conclude that it would also not likely be visible from Woodview Terrace.

There is also no street or streets in San Ramon named “Canyon Lakes Roads;” however, it appears the speaker was referring to Canyon Lakes Drive. This road winds through the Canyon Lakes Golf Course and does not have any direct views of the project site.

For these reasons, no additional vantage points are warranted.

*Response to JB-6*

The speaker expressed concern about the development intensity of the proposed project and suggested that this is a significant growth inducing impact that was not considered in the DSEIR.

For clarification, CEQA defines growth inducement as an action that would result in direct or indirect population growth that would exceed adopted population projections. Direct growth inducement occurs when new residential units are constructed and could accommodate population in excess of forecast projections. Indirect growth inducement occurs when either a substantial number of new jobs are created resulting in population growth from employees that would exceed adopted population projections, or when a physical barrier to population growth is removed (e.g., the extension of utility infrastructure into an undeveloped area) that would create the potential for population growth to exceed adopted population projections.

The DSEIR identifies growth inducement as a significant unavoidable impact of the proposed project because the proposed project would contribute to population growth in San Ramon that would exceed projections issued by the Association of Bay Area Governments (ABAG). As discussed in Impact POP-1 in the DSEIR, there is an inconsistency between the City of San Ramon General Plan’s population growth projections and ABAG’s growth projections for San Ramon. The inconsistency between the two growth forecasts is the cause of the significant unavoidable impact.

In this case, the speaker suggested that the development intensity of the proposed project constitutes a significant growth inducing aspect because it may create the impetus for the redevelopment of low-rise buildings in San Ramon to denser, high-rise structures. While it is possible that other property owners may elect to redevelop their properties in response to the development of the proposed project, this would not be considered growth inducement because any redevelopment would be

limited to the density limits established in the General Plan and Zoning Ordinance. Moreover, the City Center Mixed Use (CCMU) Zoning District is the only district that allows development at the scale and intensity contemplated for the proposed project and is limited to the 44 acres that comprise the project site. Thus, even if other property owners were to pursue redevelopment of their properties to the maximum intensity allowed by the Zoning Ordinance, such redevelopment projects would be at substantially lower intensities than the proposed project. Regardless, redeveloping a property to the maximum intensity allowed by a land use plan or zoning ordinance is not considered growth inducement because such density is within the parameters identified by each document. Therefore, the author's assertion that the City Center project would substantially induce growth because of its development intensity is incorrect.

*Response to JB-7*

The speaker asserted that the traffic analysis in the DSEIR did not sufficiently evaluate impacts in the Dougherty Valley and, therefore, may create some potential legal conflicts with the Dougherty Valley Settlement Agreement.

The Traffic Operations Evaluation prepared for the proposed project by DMJM Harris evaluated 30 intersections, including several intersections in or on roads leading to the Dougherty Valley: Bollinger Canyon Road / Dougherty Road, Crow Canyon Road / Dougherty Road, Bollinger Canyon Road / Canyon Lakes Drive, and Old Ranch Road / Dougherty Road. In addition, all of the intersections covered by the Dougherty Valley Settlement Agreement were analyzed in the Traffic Operations Evaluation. As such, the traffic analysis is in conformance with the Dougherty Valley Settlement Agreement.

*Response to JB-8*

Refer to Master Response 3.

*Response to JB-9*

Refer to Master Response 1.

**Thomas Albert**

*Response to TA-1*

The speaker asserted his opinion that the DSEIR is adequate and that the proposed project should be denied because of the significant unavoidable impacts identified in the document. No further response is necessary.

**John Nunes**

*Response to JN-1*

Refer to Master Response 1.

*Response to JN-2*

The speaker offered his opinion of the proposed project's mixed-use component, which prompted the Planning Commission Chair to ask him to confine his remarks to the DSEIR. No further response is necessary.

*Response to JN-3*

The speaker expressed his concerns regarding the aesthetics of multi-story parking garages and the height of the proposed project's structures.

The potential for the proposed project's structures to alter views of scenic vistas was evaluated in Impact AES-1 of the DSEIR. The potential for the proposed project to degrade visual character was evaluated in Impact AES-3 of the DSEIR. The speaker did not challenge the conclusion of either impact and no further response is necessary.

*Response to JN-4*

The speaker asserted that the DSEIR did not properly evaluate intersection operations impacts on Bollinger Canyon Road and noted that future development in the Dougherty Valley will cumulatively add to traffic on local roadways.

The Traffic Operations Evaluation prepared for the proposed project quantitatively evaluated intersection operation impacts at 30 intersections and qualitatively evaluated impacts at three intersections, including all of the intersections covered under the Dougherty Valley Settlement Agreement. Refer to Response JB-7 for additional discussion of the Dougherty Valley Settlement Agreement.

All project-related intersection operations impacts can be mitigated to a level of less than significant. Necessary mitigation to ensure that intersections operate at acceptable levels is identified in Mitigation Measures TRANS-1a, TRANS-1b, TRANS-1c, and TRANS-2. The speaker offered no explanation or evidence as to why the mitigation is inadequate or otherwise lacking in effectiveness. No further response is necessary.

*Response to JN-5*

The speaker expressed his concern that freeway operations impacts on Interstate 680 cannot be mitigated, but did not offer any comments on the DSEIR analysis. No further response is necessary.

*Response to JN-6*

Refer to Master Response 3.

**Roz Rogoff**

*Response to RR-1*

Refer to Master Response 1.

*Response to RR-2*

Comment RR-2 pertains to the speaker's opinion of the proposed project's design. No further response is necessary.

*Response to RR-3*

Refer to Master Response 1.

**David Ernest**

*Response to DE-1*

The speaker stated that the DSEIR discussion of traffic mitigation is difficult to understand and recommended that it be clarified to make it clearer to the average reader.

As background, the nature of the proposed project and the regulatory framework that governs roadway operations in the San Ramon area required the Traffic Operations Evaluation (and subsequently the DSEIR Transportation section) to provide more detailed explanation and analysis than would ordinarily be contained in a typical traffic study. To accurately and completely describe the existing conditions, the regulatory framework, and the proposed project's impacts on transportation, the DSEIR Transportation section is detailed and extensive, which some readers may find hard to follow. Nonetheless, the speaker specifically requested that the traffic impacts and mitigation be restated in a more accessible format, which is provided below.

***Impact TRANS-1: Existing Plus Project Intersection Operations***

Impact TRANS-1 evaluated the proposed project's potential impacts on intersection operations at the time of complete project opening, which is based upon current 2007 conditions. As shown in Table 4.12-15 in the DSEIR, the addition of project-generated trips would contribute to unacceptable intersection operations at the following three intersections:

- Bollinger Canyon Road / San Ramon Valley Boulevard
- Bollinger Canyon Road / Sunset Drive / Chevron Park
- Bollinger Canyon Road / Alcosta Boulevard

The unacceptable operations for these three intersections are significant impacts requiring mitigation.

Mitigation for the Bollinger Canyon Road / San Ramon Valley Boulevard intersection consists of installing a northbound right-turn lane on San Ramon Valley Boulevard. With the installation of this improvement, intersection operations would be improved to acceptable levels.

Mitigation for the Bollinger Canyon Road / Sunset Drive / Chevron Park intersection consists of a two-part measure that reflects the narrowing of Camino Ramon between Bishop Drive and Bollinger Canyon Road during the non-peak hours. The first part of the measure requires the installation of free southbound right-turn lane on Sunset Drive and the physical separation of the southbound curb lane on Sunset Drive for exclusive use of traffic bound for the I-680 northbound on-ramp on westbound

Bollinger Canyon Road. The second part of the measure is intended to improve traffic circulation in the Plaza District vicinity by installing signage on southbound Camino Ramon indicating that the curb lane is a through right-lane during peak (non-parking hours). The underlying concept with the second part is to promote the use of Camino Ramon during peak hours when all four lanes are available and provide an alternate route to I-680 via Sunset Drive during non-peak hours when only two lanes are available. With the installation of these improvements, intersection operations would be improved to acceptable levels.

Mitigation for the Bollinger Canyon Road / Alcosta Boulevard intersection consists of a third eastbound and westbound through lane on Bollinger Canyon. With the installation of this improvement, intersection operations would be improved to acceptable levels.

**Impact TRANS-2: Year 2020 Intersection Operations**

Impact TRANS-2 evaluated the proposed project's potential impacts on intersection operations under Year 2020 conditions, which represents the "build-out" year of the City of San Ramon General Plan. As shown in Table 4.12-15 in the DSEIR, the addition of project-generated trips would contribute to unacceptable intersection operations at the following two intersections:

- Bollinger Canyon Road / Sunset Drive / Chevron Park
- Bollinger Canyon Road / Norris Canyon Road

These are significant impacts requiring mitigation.

Mitigation for the Bollinger Canyon Road / Sunset Drive / Chevron Park intersection consists of the aforementioned improvement under the Existing Plus Project scenario. Note that this improvement was not assumed to be in place for the Year 2020 analysis. With the installation of these improvements, intersection operations would be improved to acceptable levels.

Mitigation for the Bollinger Canyon Road / Norris Canyon Road intersection consists of signaling the intersection. With the installation of this improvement, intersection operations would be improved to acceptable levels.

**Response to DE-2**

The speaker expressed concern that the DSEIR did not adequately address the issue of the proposed project interfacing with Central Park and suggested that all impacts associated with the interface (e.g., views, shade, and shadow, etc.) be centralized in one place in the document.

The Plaza District would have a direct pedestrian connection across the future extension of Bishop Drive to the Iron Horse Trail. However, the City of San Ramon indicated that the interface with Central Park is a separate project and outside the scope of the DSEIR. As such, the proposed interface with Central Park and the potential environmental impacts associated with it are outside the purview of this DSEIR.

## **Jim Gibbon**

### *Response to JG-1*

The speaker asserted that the proposed project would generate 30,000 vehicular trips daily and expressed concern about traffic impacts on local roadways.

As a point of clarification, the proposed project is anticipated to generate a net increase of 24,926 daily trips (refer to Table 4.12-13 of the DSEIR). This figure accounts for existing trips factored into the Contra Costa Transportation Agency Regional Travel Demand Forecasting Model from Bishop Ranch 2 and the un-built office entitlement on Parcel 1A. While the trips generated from the un-built office entitlement are “paper” trips in the sense that they do not physically exist, they are currently factored into the Regional Travel Demand Forecasting Model, which is used to evaluate project impacts on intersection operations. If the un-built office entitlement trips are removed from consideration, the proposed project would result in a net increase of 28,104 daily trips.

However, intersection impacts are evaluated using the morning (AM) and afternoon (PM) peak hours. The proposed project would generate a net increase of 865 AM peak-hour trips and 2,293 PM peak-hour trips. If the un-built office entitlement trips were removed from consideration, the proposed project would generate a net increase of 1,353 AM peak-hour trips and 2,711 PM peak-hour trips.

Regardless, the DSEIR quantitatively evaluated project-related impacts at 30 intersections and qualitatively evaluated impacts at three intersections, including every intersection on Bollinger Canyon Road between San Ramon Valley Boulevard and Canyon Lakes Drive. Under both the “Existing Plus Project” and the “Year 2020” scenarios, all intersections would operate at acceptable levels after the implementation of mitigation.

### *Response to JG-2*

Comment JG-2 pertains to the speaker’s opinion of the proposed project’s design and the economic value of the project site parcels owned by the City of San Ramon. No further response is necessary.

## **Paul Desmarais**

### *Response to PD-1*

The speaker referenced language from the City of San Ramon General Plan and stated that the proposed City Center project is not consistent with the General Plan. The speaker quoted a portion of a passage describing the existing land uses in the Bishop Ranch subarea as evidence that the proposed City Center is inconsistent with the General Plan. For contextual purposes, the complete passage from the City of San Ramon General Plan, including the portion the speaker quoted, is provided below:

### **Bishop Ranch**

The Bishop Ranch subarea has established San Ramon as one of the major employment centers of the San Francisco Bay Area. Office, manufacturing and warehouse, retail, and commercial services uses total about 6.4 million square feet of floor space. This area

accounts for roughly 50 percent of the non-residential floor space in the City and provides nearly 25,000 jobs. Since 1995, more than 2 million square feet of space has been added in Bishop Ranch. While the majority of this additional space reflects office development (approximately 1.7 million square feet), about 346,000 square feet was retail/commercial space, most of which is associated with the Shops at Bishop Ranch. An additional 728,000 square feet of office space, part of the Bishop Ranch 1 project, is currently under construction.

The Central Park, San Ramon Community Center, Iron Horse Middle School, and the San Ramon Public Library have been added to the Bishop Ranch subarea since the City was incorporated in July 1983. These facilities provide a central focus for the San Ramon community. A City Center for San Ramon in the form of primarily civic and cultural facilities—along with smaller restaurants, cafes, and retail establishments—and an outdoor public plaza is envisioned on an 11-acre parcel at the northeast corner of the intersection of Bollinger Canyon Road and Camino Ramon, adjacent to the Iron Horse Trail, Central Park and Community Center. In addition, a 7.5-acre parcel, located across the street that was dedicated to the City as a result of Bishop Ranch 1 approvals, will be incorporated into City Center resulting in a vital and cohesive development spanning Bollinger Canyon Road. (City of San Ramon General Plan, Pg. 4-2.)

The General Plan language provided above describes the Bishop Ranch subarea in order to provide the reader with a general idea of existing and planned land uses. The description of the City Center concept contained in the above passage reflected the vision of the project at the time of the General Plan preparation (2001) to provide a general idea of the type of future development expected to occur at that site. This passage is not policy language and does not establish any parameters for the development of the City Center.

Moreover, the General Plan establishes a number of policies that set parameters for the development of the City Center concept. The proposed project is required to demonstrate consistency with these policies. These policies, as well as more than 100 other General Plan policies were analyzed in Impact LU-2 in Section 4.8, Land Use, of the DSEIR. For the reasons discussed in the impact analysis, the proposed project is consistent with the City Center concept identified in the General Plan.

#### *Response to PD-2*

The speaker requested to obtain a copy of the scope of work the environmental consultant provided to the City of San Ramon. This comment does not pertain to the DSEIR and no further response is required.

*Response to PD-3*

The speaker asserted that the shade and shadow analysis contain in Section 4.1, Aesthetics, Light, and Glare, of the DSEIR is inadequate because it considered impacts at 10 a.m. and 2 p.m. on the days of the summer and winter solstices. The speaker suggested that the shade and shadow analysis should look at the complete summer hours instead of just 10 a.m. and 2 p.m.

General Plan Policy 4.8-I-17 includes a requirement stating that sun access planes should be established adjacent to public parks at a ratio of 1:3.5 to prevent substantial shadow impacts. Focus 360, a visual analysis firm, prepared the shade and shadow simulations for the purpose of determining if the proposed project would comply with this policy as it relates to Central Park. The proposed project is located west of the park, and therefore, the time of most concern is the afternoon hours of the winter solstice because the angle of the sun would be low enough to create the potential for building shadows to extend into the park. The 2 p.m. winter solstice simulation is considered the worst-case scenario because it represents the time at which building shadows could potentially extend into the park at a time of peak park usage. Likewise, because San Ramon is located in the northern hemisphere, the summer solstice is the time of least concern because the angle of the sun will cause the shortest building shadows of any day of the year at 2 p.m. (refer to Exhibit 4.1-7b in the DSEIR). Therefore, providing additional shade and shadow simulations of the proposed project's structures during the summer solstice would not provide any additional meaningful analysis.

*Response to PD-4*

The speaker asserted that the Iron Horse Trail should be treated as a park in accordance with General Plan Policy 4.8-I-17 and, therefore, the DSEIR should analyze shade and shadow impacts on the trail in accordance with the sun access plane requirement.

Figure 4-7 of the City of San Ramon General Plan depicts the sun-access plane requirement in relation to Central Park. In the figure, shadows are shown extending across the Iron Horse Trail, thereby indicating that General Plan Policy 4.8-I-17 acknowledges that shading of the trail may occur.

In addition, the Iron Horse Trail is a regional bicycle/pedestrian facility located within an abandoned railroad right-of-way that extends from Pleasanton to Concord. The trail corridor extends through densely developed areas where buildings cast shadows on many parts of the trail. Examples include the Dublin/Pleasanton BART station, the Market Place, the Bishop Ranch Business Park, downtown Danville, downtown Walnut Creek, and the Pleasant Hill BART station. Moreover, because the Iron Horse Trail is a transportation corridor and not a destination where users would be in the same place for extended periods, there is no compelling reason why it should be treated in the same manner as an active use park. For these reasons, the City of San Ramon does not consider it appropriate to apply the sun access plane requirement to the Iron Horse Trail.

*Response to PD-5*

Refer to Master Response 1.

*Response to PD-6*

The speaker expressed concern that truck ingress and egress to the Plaza District loading docks located adjacent to Bollinger Canyon will impair traffic.

As shown in Exhibit 3-6 of the DSEIR, loading dock access to the hotel on Block C and the anchor store on Block D would be taken from a right-in access point near Camino Ramon and a right-out point near Sunset Drive. These points would only allow ingress from and egress to westbound Bollinger Canyon Road. Egress onto Bollinger Canyon Road would be controlled by a stop sign. This lane geometry is considered conventional and the presence of the stop control is considered an appropriate and effective traffic control device for this type of egress point. Therefore, the truck ingress into and egress from the loading docks is not expected to result in the impairment of traffic on Bollinger Canyon Road.

*Response to PD-7*

The speaker asserted his objection to the proposed Norris Canyon Road carpool on- and off-ramps, which does not pertain to the analysis in the DSEIR. No further response is required.

*Response to PD-8*

The speaker expressed his concern about the proposed project's financing, which does not pertain to the analysis in the DSEIR. No further response is required.

*Response to PD-9*

The speaker stated that he would like to see the DSEIR presented in the "King's English."

CEQA Guidelines Section 15140 states that EIRs should be written in "plain language." The DSEIR was prepared in accordance with this requirement and, therefore, it is not necessary to present the DSEIR in another format. This is the speaker's opinion and no further response is necessary.

**Jan Desmarais**

*Response to JD-1*

Refer to Master Response 1.

*Response to JD-2*

The speaker referenced the significant unavoidable impacts of the proposed project and expressed her disapproval of approving a project with such impacts. She also discussed various concerns she had about the project that did not relate to the analysis in the DSEIR. No further response is necessary.

*Response to JD-3*

The speaker expressed concerns about the ability of emergency vehicles to traverse local roadways if the proposed project is developed.

Intersection operations on local roadways were evaluated in Impacts TRANS-1 and TRANS-2. Intersection operations are the best indicator of roadway performance and it was found that the

proposed project would not cause any intersections to operate at unacceptable levels of service (LOS). Therefore, roadways would be expected to operate without significant congestion and emergency vehicles would not be expected to experience significant delays.

As discussed in Impact PSR-2, the San Ramon Police Department indicated in a letter—provided in Appendix H of the DSEIR—that it anticipates response times to all parts of the city to improve from the development of the new police headquarters included in the proposed project.

**Glen May**

*Response to GM-1*

Refer to Master Response 1.

*Response to GM-2*

The speaker requested more information about when the traffic counts for the Traffic Operations Evaluation were performed because he was concerned they were performed on either a Friday or a non-school day.

As shown in Appendix G of the Traffic Operations Evaluation (contained in Appendix I of the DSEIR), traffic counts used in the intersection operations analysis were taken between Monday and Thursdays on days when local schools were in session.

*Response to GM-3*

The speaker asked that more discussion of the reasons why no mitigation was available to reduce the proposed project's impact on freeway operations be included and requested analysis of the proposed Norris Canyon Road carpool on- and off-ramps.

As explained in Impact TRANS-3, the California Department of Transportation's guidelines indicate that if a freeway mainline or ramp segment is operating at a deficient LOS—in this case LOS F—any contribution of vehicle trips to a deficient mainline or ramp segment that results in further deterioration of the segment is considered a significant impact. The proposed project would add trips to deficient mainline or ramp segments on I-680 at Bollinger Canyon Road that would cause them to further deteriorate and, therefore, create a significant impact. Mitigating this impact would require major capital improvements such as widening the freeway corridor. No local or regional transportation improvement plans identify any planned improvement at I-680 at Bollinger Canyon Road. CEQA requires that mitigation be feasible and have a reasonable degree of certainty for being implemented. In this case, because no improvements have been identified, there was not a reasonable degree of certainty for implementation.

The Norris Canyon Road high occupancy vehicle lane on- and off-ramps were not included in the DSEIR analysis of freeway ramp operations because it was assumed that project-related vehicle trips would use the nearest freeway access point, which is the Bollinger Canyon Road interchange. Moreover, because the Norris Canyon Road carpool lane on- and off-ramps may not actually be

developed, assuming that project trips would only use the Bollinger Canyon Road interchange represents a more conservative, worst-case analysis scenario.

In addition, the development of the Norris Canyon Road high occupancy vehicle lane on- and off-ramps are independent of the proposed project. They are not intended to mitigate for any project impacts and are outside of the scope of the DSEIR review.

*Response to GM-4*

The speaker questioned why noise measurements were made when the wind speed was measured at only 5 miles per hour, which he asserted is a low wind speed for the San Ramon area.

The Western Regional Climate Center indicates that the average annual wind speed is 6.8 miles per hour at the Livermore Airport, the nearest wind measurement station to San Ramon, and is considered representative of the local wind conditions. Therefore, 5 miles an hour is not considered an unusually low wind speed that would skew noise measurements. Moreover, noise measurement guidelines issued by the California Department of Transportation indicate that measurements should not be taken when wind speeds are greater than 10 miles per hour because of the potential for inaccurate readings. For these reasons, the noise measurements taken for the noise analysis contained in the DSEIR are considered representative of the ambient noise conditions in the project vicinity.

*Response to GM-5*

The speaker expressed concern that the noise analysis did not consider impacts from truck deliveries at the loading docks during nighttime hours.

Impact NOI-3 in the DSEIR accounted for operational noise impacts from both vehicular sources and stationary sources, including activity in parking structures and in the loading docks for the hotel on Block C and the anchor store on Block D. Combined noise levels were modeled using SoundPlan Version 6.4 software and the resulting noise levels are shown in Exhibit 4.9-6 of the DSEIR.

As shown in the exhibit and documented in DSEIR Table 4.9-15, Bollinger Canyon Road is the primary source of ambient noise in the project vicinity. Existing roadway noise levels along Bollinger Canyon Road are currently 66.8 community noise equivalent level (CNEL), as measured 100 feet from the roadway centerline on the project site. Under the Existing Plus Project scenario, roadway noise levels are projected to be 66.5 CNEL at 100 feet from centerline; under the Year 2020 scenario, noise levels are projected to be 66.9 CNEL at 100 feet from center line. Because the loading docks on Blocks C and D would be approximately 100 feet from the roadway centerline, vehicular noise would be expected to drown out noise from loading activities. Moreover, because the noisiest loading dock operations (e.g., truck deliveries) would be expected to occur during business hours, they would correspond with the times of peak vehicular noise on Bollinger Canyon Road. Therefore, loading dock noise would not be expected to be heard beyond the loading dock vicinity. Roadway noise would dissipate during nighttime hours; however, nighttime would also be the period

of least activity in the loading docks and, therefore, it would be unlikely that loading dock noise would be noticeable. For these reasons, stationary noise generated in the loading docks would not be a significant source of noise that could impact neighboring land uses.

*Response to GM-6*

The speaker stated that the proposed project would result in the relocation of the San Ramon Transit Center to the proposed project and, therefore, the DSEIR should evaluate the corresponding change in air pollutant concentrations at Bollinger Canyon Road and Camino Ramon.

As a point of clarification, the existing San Ramon Transit Center on Executive Parkway will remain at its current location and a new transit center would be included in the proposed project.

The air quality analysis prepared for the proposed project used the URBEMIS2007 Version 9.2 model, which is the California Air Resources Board-approved model for evaluating air pollutant emissions. The proposed project's daily trip generation rate identified in the Traffic Operations Evaluation was input into the URBEMIS model to determine daily vehicular emissions. The URBMEIS includes assumptions about vehicle fleet mix to account for different emissions rates. Urban buses are included in the fleet mix.

Pollutant concentrations are only modeled for individual locations when intersections operate at LOS E or worse, which indicates the likelihood of lengthy idling. This is in accordance with guidance issued by the Institute of Transportation Studies at the University of California Davis. When intersections operate at LOS D or better, it is assumed that traffic is moving fast enough to allow for dispersal of pollutants in a manner that would preclude the possibility of significant exposure. In the instance of the proposed project, all intersections would operate at LOS D or better with the addition of project-related trips and, therefore, it was not necessary to model pollutant concentrations for any specific locations.

**Sriram Guremvathy**

*Response to SG-1*

The speaker inquired about impacts associated with enrollment increases in local schools caused by student generation associated with the proposed project's residences.

The proposed project's impacts on the San Ramon Valley Unified School District are discussed in Impact PSR-3 in the DSEIR.

**Phil Henry**

*Response to PH-1*

The speaker referenced the DSEIR's discussion of the proposed project's energy demands and suggested that more energy-related mitigation should be considered, such as photovoltaic solar panels.

The mitigation measures proposed in Impact US-5 exceed energy efficiency requirements contained in existing building codes. The implementation of these measures is expected to result in substantial reductions in energy usage and reduce the project's cumulative contribution to energy demand.

With regard to the speaker's suggestion that photovoltaic solar panels be considered, final architectural and engineering design has not yet been completed and, therefore, it is unknown if solar panels would be feasible from a technical perspective at the present time. The viability of solar panels would also depend on economic factors associated with acquisition and installation, operations and maintenance, and return on investment, all of which are also unknown at the present time. Because of the significant uncertainty associated with economic and technical feasibility, the DSEIR did not identify solar panels as a mitigation measure. However, this does not preclude the project applicant from pursuing this technology if economic and technical feasibility prove to be favorable.

*Response to PH-2*

The speaker expressed concern that the DSEIR did not analyze the loss of event parking space that would occur with the development of Parcel 3A.

Parking impacts are analyzed in relation to the established minimum parking standards established in a particular jurisdiction's Zoning Ordinance. The City of San Ramon Zoning Ordinance establishes off-street parking requirements for permanent land uses and does not have any requirements for temporary events. Therefore, temporary parking is outside the purview of CEQA.

Moreover, as its name indicates, temporary event parking is short-term in nature and, therefore, does not require the development of permanent parking facilities. Given the abundance of parking areas in the Bishop Ranch Business Park, it would be expected that event parking could readily be found elsewhere within walking distance of Central Park.

*Response to PH-3*

The speaker referenced the DSEIR discussion of a grade-separated crossing of the Iron Horse Trail at Bollinger Canyon Road and suggested that it be incorporated as a requirement into the DSEIR.

As discussed in Impact PSR-6 (page 4.11-24) and on page 4.12-50 in the DSEIR, the Iron Horse Trail Corridor Concept Plan is currently underway and is evaluating the feasibility of grade separating the trail crossing at Bollinger Canyon Road, as well as at Crow Canyon Road and Sycamore Valley Road. The feasibility study will evaluate technical and safety factors and provide an estimate of the cost of the grade separations. Because the study is not yet complete, it is unknown if such a grade separation is feasible. In addition, these separations are considered regional transportation improvements and would be funded from regional funding sources. For this reason, it would not be appropriate to require grade separation as a project-specific mitigation measure.

**Kevin Wheelwright**

*Response to KW-1*

Refer to Master Response 3.

*Response to KW-2*

The speaker expressed his concern that the DSEIR did not adequately address the issue of the proposed project interfacing with Central Park.

The Plaza District would have a direct pedestrian connection across the future extension of Bishop Drive to the Iron Horse Trail. However, the City of San Ramon indicated that the interface with Central Park was a separate project and would be evaluated in a separate environmental review process. As such, it is outside of the purview of this DSEIR.

*Response to KW-3*

The speaker asserted that the DSEIR's urban decay analysis did not evaluate the potential for the six-screen arts cinema proposed for the Plaza District to fail and, therefore, end up vacant.

To provide some background, the urban decay analysis was prepared because of recent CEQA case law. The case law establishes that EIRs of large commercial retail projects must evaluate the potential for competing businesses and retail centers to incur substantial lost businesses, resulting in store closures that creates the potential for extended vacancies and, ultimately, urban decay. An underlying assumption in all urban decay analyses is that the proposed project would be fully tenanted in order to provide a "worst case" scenario in terms of retail impacts on competing businesses. Therefore, the urban decay analysis for the City Center project assumes that the cinema would be tenanted and would attract retail sales from consumers in the Trade Area (San Ramon, Danville, and Dublin).

There are several reasons it is not realistic to assume that the proposed project's commercial retail areas (including cinema) would not be tenanted. First, as explained on Page 14 of the Urban Decay Analysis prepared by Economic and Planning Systems (located in the DSEIR's Appendix J), commercial retail vacancies in the Trade Area are less than 3 percent, indicating that there is strong demand for retail space. Second, as described on Page 17 of the Urban Decay Analysis, new retail space historically outperforms older retail space on a square footage basis, suggesting that new retail space is viewed as preferable by both tenants and consumers.

With regard to the speaker's contention that small movie theaters in Blackhawk, Moraga, and Orinda have struggled and, therefore, the proposed cinema is likely to struggle as well, it is not clear what the basis of this statement is. Blackhawk Movies Seven, the Rheem Theater (Moraga), and the Orinda Theatre, are all open for business and have all been continuously operating for more than 10 years. This suggests that these theaters are doing well enough to remain in business and contradicts the speaker's claim that these businesses are struggling. Therefore, there is no evidence suggesting that the proposed project's cinema would likely fail and create a long-term vacancy in the Plaza District.

**Cliff Sanburn**

*Response to CS-1*

The speaker expressed his opinion that the size of the proposed project would have detrimental impacts related to aesthetics, light, and glare; noise; and traffic on nearby residential areas and asserted that the DSEIR was vague in addressing these impacts.

The DSEIR evaluated visual impacts and light and glare impacts in Section 4.1, Aesthetics, Light, and Glare; noise impacts in Section 4.9, Noise; and transportation impacts in Section 4.12, Transportation. Each section describes the methodology used to evaluate potential project impacts and all three sections considered impacts on surrounding land uses. However, because the speaker did not identify any specific concerns with the DSEIR, no further response can be provided.

**Phil O'Loane**

*Response to PO-1*

The speaker stated that he had difficulty understanding the intersection operations analysis and wanted to know in "American English" what traffic conditions would be on Bollinger Canyon Road during the afternoon commute hour.

As discussed in Impacts TRANS-1 and TRANS-2, after the implementation of mitigation, all intersections on Bollinger Canyon Road would operate at LOS D or better during the weekday morning and afternoon peak hours. In lay terms, at 5:30 p.m. on a weekday, traffic on Bollinger Canyon Road would be moving slower than the posted speed limit, and in some cases, it may take more than one signal cycle to clear an intersection under normal conditions. However, the roadway would not be congested to the point that excessive delays occur. LOS D would only occur at a few intersections on Bollinger Canyon Road; most intersections would operate at LOS C or better.

*Response to PO-2*

The speaker questioned the need for an additional left-turn lane on westbound Bollinger Canyon Road to provide access to Chevron Park (refer to Exhibit 4.12-8 in the DSEIR).

The need for the additional left-turn lane on westbound Bollinger Canyon Road at Chevron Park results from the extension of dual left turn lanes on eastbound Bollinger Canyon Road to Camino Ramon. The extension of the dual left turn lanes would eliminate storage capacity in the westbound left turn lane to the extent that an additional left turn lane would be required to replace the lost capacity.

**Dennis Viers**

*Response to DV-1*

The speaker requested additional explanation about the Priority Development Area designation the proposed project is seeking from ABAG.

The ABAG, the Metropolitan Transportation Commission, the Bay Area Air Quality Management District, and the Bay Conservation and Development Commission are undertaking a regional planning initiative known as “FOCUS” to promote smart growth principles in land development projects. FOCUS allows the aforementioned agencies to seek local government partners to create a specific and shared concept of where growth can be accommodated, known as Priority Development Areas. A Priority Development Area must meet all of the following criteria: 1) be located within an existing community, 2) be located near existing or planned fixed transit or be served by comparable bus service), and 3) contain housing. Project’s that receive a Priority Development Area designation are eligible for incentives and technical assistance from the regional agencies.