

**SECTION 2: RESPONSES TO WRITTEN COMMENTS ON THE DRAFT
SUBSEQUENT EIR**

2.1 - List of Commentors

A list of public agencies, organizations, and individuals that provided comments on the Draft Subsequent EIR (DSEIR) 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.

Commentor **Author Code**

State Agencies

Department of California Highway Patrol CHP
Governor’s Office of Planning and Research, State Clearinghouse Unit OPR
California Department of Transportation DOT

Local Agencies

Central Contra Costa Transit Authority CCCTA
East Bay Municipal Utility DistrictEBMUD
City of DublinDUB
Contra Costa County Public Works Department CCCPWD
East Bay Regional Parks District EBRPD
Town of DanvilleDAN
San Ramon Valley Unified School District..... SRVUSD

Individuals

Ivan Dimcheff ID
Thomas Albert (September 25, 2007) TA.1
Jim Gibbon (October 1, 2007) JG.1
Thomas Albert (October 2, 2007) TA.2
Thomas Albert (October 5, 2007) TA.3
Stuart M. FlashmanSF
Rosalind Rogoff RR
Jim Blickenstaff..... JB
Jim Gibbon (October 10, 2007) JG.2
Anne Cavazos.....AC

2.2 - Responses to Comments

2.2.1 - Introduction

In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15088, the City of San Ramon, as the lead agency, evaluated the comments received on the Draft Subsequent EIR (State Clearinghouse No. 2007042022) for the San Ramon City Center Project and has prepared the following responses to the comments received. This Response to Comments document becomes part of the Final Subsequent EIR for the project in accordance with CEQA Guidelines Section 15132.

2.2.2 - Master Responses

Master responses address similar comments made by multiple comment authors. Where an individual comment addresses a subject covered by a master response, a reference to the master response is provided.

Master Response 1 - Iron Horse Trail/Bollinger Canyon Road Grade Separation

Multiple comment authors requested that the DSEIR address the issue of grade separating the Iron Horse Trail with either an overcrossing (i.e., a bridge) or an undercrossing (i.e., a tunnel).

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.

Master Response 2 - I-680 Freeway Operations Impacts

Multiple comment authors referenced the DSEIR's conclusion in Impact TRANS-3 that the proposed project would have a significant unavoidable impact on Interstate (I) 680 ramp and mainline operations at Bollinger Canyon Road, and that no mitigation was available to mitigate this impact. Several authors requested that the DSEIR evaluate potential mitigation measures, including adding auxiliary lanes, providing regional express bus service, and the developing the Norris Canyon Road high occupancy vehicle lane on- and off-ramps.

Currently, auxiliary lanes exist on I-680 in the northbound and southbound directions between Bollinger Canyon Road and Crow Canyon Road. Auxiliary lanes do not exist between Bollinger Canyon Road and Alcosta Boulevard and installing auxiliary lanes on this segment would improve freeway ramp and mainline operations at the Bollinger Canyon Road interchange. The southbound on-ramp would improve from level of service (LOS) F to LOS A during both peak hours with an auxiliary lane to Alcosta Boulevard. The northbound off-ramp would improve from F to C in the PM

peak hour with an auxiliary lane between Alcosta Boulevard to Bollinger Canyon Road. The mainline freeway segment between Alcosta Boulevard and Bollinger Canyon Road would improve from E and F to C and D with the addition of an auxiliary lane. However, because of the lack of a feasibility study and the absence of any identified funding sources, the installation of these auxiliary lanes are not considered foreseeable improvements and, therefore, cannot be relied upon to mitigate the proposed project's impacts on I-680 ramp and mainline operations. Nonetheless, the City of San Ramon will continue to work with Caltrans and other regional transportation agencies to explore the feasibility of these auxiliary lanes.

The proposed project will provide regional transportation mitigation fees to fund regional transportation projects, including the installation of auxiliary lanes on I-680 between Sycamore Valley Road and Crow Canyon Road, the development of the Norris Canyon Road high occupancy vehicle lane on- and off-ramps, and regional express bus service. However, the City of San Ramon does not have the authority to allocate the proposed project's regional transportation mitigation fees to these projects and, therefore, it cannot provide any certainty that the fees would be used to fund these improvements or that these improvements would be in place by the time of project opening. Therefore, they are not considered feasible mitigation measures and are not appropriate for inclusion in the DSEIR.

Master Response 3 - City Civic Center Alternative

Two comment authors questioned why the City Civic Center Alternative was included for analysis in the DSEIR and requested that the concept either be modified (e.g., remove the aquatic center and the Children's Museum) to reflect changes that have occurred since this alternative was proposed in 2003.

As explained in Section 5, Alternatives to the Proposed Project, the City Civic Center Alternative was evaluated in the DSEIR because it represented a previous version of the City Center concept and had been evaluated in an EIR that was certified by the San Ramon City Council in 2003. Because it had been given extensive consideration and had completed CEQA review, it represents a feasible alternative to the proposed project. Moreover, the aquatic center and Children's Museum were two of several components of the City Civic Center Alternative and were not essential to the concept's viability. Therefore, the inclusion of the aquatic center and Children's Museum in the City Civic Center Alternative does not disqualify it as a feasible alternative.

Master Response 4 - Photovoltaic Solar Panels

Multiple comment authors requested that the DSEIR include mitigation requiring the proposed project to use photovoltaic solar panels, as well as other energy conservation technologies such as solar hot water systems and interior light switches that shut off lights when ambient day light is sufficient.

Final architectural and engineering design has not yet been completed and, therefore, it is unknown if photovoltaic solar panels would be feasible from a technical perspective. 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. 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.

Mitigation Measure US-5 requires the proposed project to incorporate a number of energy conservation technologies, including natural day lighting, automatic occupancy sensors that shut off lights when rooms are unoccupied, participation in Pacific Gas & Electric Company energy efficiency rebate programs, high efficiency clothes washers and dishwashing machines, re-circulating hot water systems, and tankless water heaters. 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.

Regarding the various energy conservation measures proposed by individual comment authors, final architectural and engineering design has not yet been completed and, therefore, it is unknown if these measures can be feasibly incorporated into the project. Because of the significant uncertainty associated with economic and technical feasibility, the DSEIR did not identify these measures as mitigation. However, this does not preclude the project applicant from pursuing this technology if economic and technical feasibility prove to be favorable.

Master Response 5 - Parking Fees

Two comment authors proposed mitigation measures that would require the project applicant to assess parking fees to discourage driving and promote the use of public transportation, bicycles, and walking to mitigate for the proposed project's operational air quality and transportation impacts.

The feasibility of assessing parking fees is dependent on a number of factors, most notably supply and demand. However, the proposed project can mitigate all intersection operations impacts to a level of less than significant and, therefore, no additional mitigation is necessary for this impact. The proposed project's significant unavoidable impact on freeway operations is a result of it adding additional trips to I-680 ramp and mainline segments operating at unacceptable LOS. Assessing parking fees would not prevent project-generated trips from using the I-680 ramps or mainline segment at the Bollinger Canyon Road interchange, which is the basis for the Impact TRANS-3 conclusion that project impacts are significant and unavoidable.

Regarding the ability of parking fees to mitigate for air quality impacts, such fees reflect willingness to pay for parking and not necessarily willingness to use an alternative mode of transportation. Therefore, there is no certainty that parking fees would mitigate project operational air quality emissions beyond the mitigated levels identified in Table 4.2-13 of the DSEIR. Thus, the DSEIR

does not propose parking fees as a mitigation measure. However, this does not preclude the project applicant from assessing parking fees if it is found to be economically feasible.

Master Response 6 - Congestion Pricing

One comment author proposed congestion pricing as a mitigation measure to mitigate for the proposed project's operational air quality and transportation impacts.

As for the proposed project's significant unavoidable impacts on freeway operations, this impact is a result of project-generated trips being added to I-680 ramps and mainline segments at the Bollinger Canyon Road interchange that already operate at unacceptable LOS. Congestion pricing would not mitigate for this project-specific impact because it would not prevent these trips from using the Bollinger Canyon Road interchange, which is the basis of the significant unavoidable impact conclusion. Refer to Master Response 2 for further discussion.

Regarding congestion pricing reducing the significant unavoidable air quality impacts, this mechanism reflects willingness to pay to drive and not necessarily willingness to carpool or use alternative forms of transportation. Moreover, the effectiveness of such a system is dependent on the extent of the boundaries of the congestion pricing zone, enforcement measures to prevent free riding, and the establishment of an optimal price for congestion such that driving is actually reduced. Given the tremendous uncertainties with these factors, there is no certainty that congestion pricing would mitigate project operational air quality emissions beyond the mitigated levels identified in Table 4.2-13.

Congestion pricing has not been implemented in any suburban city in the United States and, therefore, its effectiveness in changing American driving behavior to the extent that peak-hour vehicle trips are reduced is far from certain. On a broader note, congestion pricing is considered a regional trip reduction strategy and is not a feasible project-specific mitigation measure.

Master Response 7 - Shared Vehicle Program

Two comment authors proposed mitigation measures that would require the project applicant to implement a shared vehicle program for project residents that would mitigate for the proposed project's operational air quality and transportation impacts. The program would include additional incentives for shared vehicle usage by reducing or eliminating parking fees, providing preferential parking, and providing outlets to charge plug-in hybrid vehicles.

The logistics of managing such a program could prove to be a significant obstacle to implementation. Moreover, monitoring such a program for vehicle damage or theft may require expensive technological features or 24-hour staffing. For these reasons, a shared vehicle program may not be feasible.

The proposed project can mitigate all intersection operations impacts to a level of less than significant and, therefore, no additional mitigation is necessary for this impact. The proposed project's

significant unavoidable impact on freeway operations is a result of it adding additional trips to I-680 ramp and mainline segments operating at unacceptable LOS. As discussed in Master Response 2, no mitigation is available to reduce this impact to a level of less than significant. A shared vehicle program would not prevent project-generated trips from using the I-680 ramps or mainline segment at the Bollinger Canyon Road interchange, which is the basis for the Impact TRANS-3 conclusion that project impacts are significant and unavoidable.

Finally, there is no guarantee that a shared vehicle program would substantially reduce vehicle trips because project residents may elect to retain a personal vehicle for convenience or extended trips associated with business, family, or vacation. Therefore, there is no certainty that a shared vehicle program would mitigate project operational air quality emissions beyond the mitigated levels identified in Table 4.2-13. Thus, the DSEIR did not propose a shared vehicle program as a mitigation measure. However, this does not preclude the project applicant from pursuing such a program if technical factors prove to be favorable.

2.2.3 - Comment Letters and Individual Responses

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

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

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Dublin, CA 94568-3310
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(925) 828-1377 - Facsimile
(800) 735-2929 (TT/TDD)
(800) 735-2922 (Voice)



August 29, 2007

File No.: 390.11767

Ms. Lauren Barr, Senior Planner
City of San Ramon
2222 Camino Ramon
San Ramon, CA 94583



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9/26/07
e

Dear Ms. Barr:

The Dublin Area office of the California Highway Patrol (CHP) received the "Notice of Completion" of the Environmental document prepared for the proposed San Ramon City Center Project; State Clearinghouse number 2007042022. After reviewing this document, we have a concern with this project.

Our concern relates to the impact this proposed project will no doubt have on traffic patterns and public safety in the region. The new construction of 2.1 million feet of retail, hotel, residential, office and civic uses on 44 acres within the city limits will increase traffic volume on local roadways, which include Crow Canyon Road, Alcosta Road, Bollinger Canyon Road, and Dougherty Road, all of which connect to either Interstate 680 or Interstate 580. The increased traffic may ultimately cause delays in emergency response times. Additionally, the proposed project would necessitate additional resources and officers to provide adequate traffic enforcement, emergency incident management, public service, assistance and accident investigation on the surrounding unincorporated roadways and Interstate freeways.

CHP-1

Lieutenant S. Latimer will be our Department's contact person for the project. If you have any questions or concerns, she may be reached at the above address or telephone number. Thank you for allowing us the opportunity to comment on this project.

Sincerely,

A handwritten signature in black ink, appearing to read "M. M. Mueller".

M. M. MUELLER, Captain
Commander
Dublin Area

CC: California Highway Patrol – Special Projects Section and Golden Gate Division
State Clearinghouse

2.2.4 - State Agencies

Department of California Highway Patrol (CHP)

Response to CHP-1

The comment letter expressed concern that the proposed project would increase traffic volumes on Crow Canyon Road, Alcosta Boulevard, Bollinger Canyon Road, and Dougherty Road, thereby increasing emergency response times and creating a need for additional resources and officers to provide adequate traffic enforcement and other law enforcement activities.

The Traffic Operations Evaluation prepared for the proposed project evaluated 30 intersections quantitatively and three intersections qualitatively, including intersections on roadways identified in the comment letter. Intersection operations are the best indicator of roadway performance. As discussed in Impacts TRANS-1 and TRANS-2, all project-related intersection operations impacts can be mitigated to a level of less than significant and all intersections would operate at LOS D or better during the peak commute hours. Roadways would not be significantly congested as a result of project-generated traffic and it would be doubtful that emergency response times would experience significant change relative to existing times.

As discussed in Impact PSR-2, the San Ramon Police Department indicated in a letter 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. The Police Department also indicated that it anticipates hiring as many as five new officers and two civilian parking enforcement personnel as a result of the proposed project. These new hires would be able to handle the additional demand for law enforcement caused by the project and, therefore, avoid placing the burden on other police agencies such as the California Highway Patrol to provide policing to the proposed project.



STATE OF CALIFORNIA

GOVERNOR'S OFFICE of PLANNING AND RESEARCH

STATE CLEARINGHOUSE AND PLANNING UNIT



ARNOLD SCHWARZENEGGER
GOVERNOR

CYNTHIA BRYANT
DIRECTOR

September 27, 2007

RECEIVED
OCT 01 2007

CITY OF SAN RAMON
PLANNING SERVICES

Lauren Barr
City of San Ramon
2222 Camino Ramon
San Ramon, CA 94583

Subject: San Ramon City Center Project
SCH#: 2007042022

Dear Lauren Barr:

The State Clearinghouse submitted the above named Supplemental EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on September 26, 2007, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

OPR-1

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Terry Roberts
Director, State Clearinghouse

Enclosures
cc: Resources Agency

**Document Details Report
State Clearinghouse Data Base**

SCH# 2007042022
Project Title San Ramon City Center Project
Lead Agency San Ramon, City of

Type SIR Supplemental EIR
Description The proposed project consists of the new construction of approx. 2.1 million sq. ft. of retail, hotel, residential, office, and civic uses on approx. 44 acres. As part of the project, 194,652 sq. ft. of existing office space will be demolished, and the project will utilize a vested un-built office entitlement of 328,220 sq. ft. As a result, the project would result in a net increase of 1.6 million sq. ft. above the existing vested entitlements for the site. Specific project elements include approx.: 635,000 sq. ft. of retail and cinema uses, a 169 room hotel, up to 487 residential dwelling units

Lead Agency Contact

Name Lauren Barr
Agency City of San Ramon
Phone (925) 973-2560 **Fax**
email
Address 2222 Camino Ramon
City San Ramon **State** CA **Zip** 94583

Project Location

County Contra Costa
City San Ramon
Region
Cross Streets Bollinger Canyon Road and Camino Ramon, Sunset Drive, Bishop Drive
Parcel No. 213-120-009, 013; 213-133-063, 086
Township 2S **Range** 1W **Section** 30 **Base** MDB&M

Proximity to:

Highways I-680
Airports
Railways
Waterways South San Ramon Creek
Schools Iron Horse MS
Land Use Mixed use; City Center Mixed Use

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Cumulative Effects; Drainage/Absorption; Economics/Jobs; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Growth Inducing; Landuse; Minerals; Noise; Other Issues; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Septic System; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife

Reviewing Agencies Air Resources Board, Transportation Projects; Caltrans, District 4; California Highway Patrol; Department of Water Resources; Department of Fish and Game, Region 3; Department of General Services; Department of Housing and Community Development; Integrated Waste Management Board; Native American Heritage Commission; Department of Parks and Recreation; Regional Water Quality Control Board, Region 2; Resources Agency

Date Received 08/13/2007 **Start of Review** 08/13/2007 **End of Review** 09/26/2007

Governor's Office of Planning and Research, State Clearinghouse Unit (OPR)

Response to OPR-1

The comment letter is the standard form letter issued by the Office of Planning and Research, State Clearinghouse Unit confirming that the DSEIR was distributed to various state agencies and that the City of San Ramon has complied with statutory noticing obligations. No further response is necessary.

DEPARTMENT OF TRANSPORTATION

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*Flex your power!
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October 9, 2007

CC680575
CC-680-R2.89
SCH2007042022

Ms. Lauren Barr
City of San Ramon
Community Development Department
2222 Camino Ramon
San Ramon, CA 94583

Dear Ms. Barr:

San Ramon City Center – Draft Subsequent Environmental Impact Report

Thank you for including the California Department of Transportation (Department) in the environmental review process for the San Ramon City Center Project. The following comments are based on the Draft Subsequent Environmental Impact Report (DSEIR):

DOT-1

The City of San Ramon is responsible for all project mitigation, which include future improvements to State Highways. The project's fair share contribution, financing, scheduling, implementation responsibilities and monitoring should be fully discussed for all proposed mainline and ramp mitigation measures.

DOT-2

Community Planning

The analysis of impacts on freeway operations shows that the project "would contribute to deficient freeway ramp operations" and would lead to an increase in traffic density and decrease in speed for freeway mainline segment operations. The project nonetheless would provide a transit center on the south side of Bollinger Canyon Road served by buses and shuttles to BART. The transit center is proximate to City Hall and the Bishop Ranch 1A office complex, but is divided from the proposed Plaza District by Bollinger Canyon Road, which would be 10 lanes wide and therefore could be daunting to cross on foot without pedestrian-oriented treatments. Employees at Bishop Ranch 1A may find it difficult to access needed services and retail during breaks from work without having use of a car. Residents in the Plaza District may in turn find it difficult to access jobs in Bishop Ranch 1A and the transit center without use of a car. In order to increase transit ridership at the project and reduce the above-described impacts on the state highway system, describe in the "Pedestrians" section on pages 4.12-103 to 4.12-104 the pedestrian treatments at the Bollinger Canyon Road/Camino Ramon intersection and how this crossing will be made safe and inviting for pedestrians. Treatments we suggest be considered include high-visibility crosswalks, pedestrian countdown signals and pedestrian refuge islands in the median.

DOT-3

The section titled "Pedestrians" on page 4.12-104 states that "two additional crosswalks would also be added to the Bollinger Canyon Road/Bishop Drive/Bishop Ranch 1 East road intersection to provide for pedestrian crossings on all four legs." However, Exhibit 4.12-16 "Roadway

DOT-4

"Caltrans improves mobility across California"

Ms. Lauren Barr
October 9, 2007
Page 2

Concept Plan" appears to show only two crosswalk legs at this intersection. Please reconcile these.

DOT-4
CONT.

Forecasting

The Department would like to see the turning movement traffic per project driveway in the project site. The Department would like to review the inbound and outbound traffic generated from the proposed project demonstrated in Table 4.12-9: Trip Generation Totals – Flex Retail.

DOT-5

According to Exhibit 4.12-2a: Existing Traffic Volumes in year 2020 without Project Traffic Volumes at the intersections 10 and 11, we find the traffic growth rate is about 1% along Bollinger Canyon Road between I-680 and the project site. We would like to know how the assumptions of the Contra Costa County Travel Demand Model derive a low growth in highly developed areas. We believe the traffic growth rate should be greater than 1% based upon the Table 4.1-1: Surrounding Land Use Summary as well as the additional future approved and pending projects.

DOT-6

Why is the San Ramon City Center Project not incorporated into the 2020 Contra Costa County Travel Demand Model. Please list approved and pending local-area projects that are included in the 2020 Contra Costa County Travel Demand Model.

DOT-7

Traffic Operations

On page 4.12-91 there is no mention of the project’s impacts to freeway operations. Mitigation Measures to improve the freeway operations should be provided.

DOT-8

Signal Operations

Pages 4.12-34 through 4.12-38 show a number of trip generation reductions applied to the whole development concept. The increase in volume would cause a large eastbound left-turn overspill at Bollinger Canyon Road and Sunset at Chevron Park during the PM peak using 2020 volumes. In the worse case scenario would the mitigation measures for that intersection be adequate?

DOT-9

Design

The Department’s typical analysis for traffic is a 20-year design after project completion. The study should provide analysis for a 20-year design period.

DOT-10

Highway Operations

Page 2-6: Freeway Operations, we are concerned about the conclusion that no mitigation is available for freeway operations impact. Table 4.12-5 (page 4.12-18, Appendix I) compares the freeway sections from Crow Canyon Road to Bollinger Canyon Road (with auxiliary lane) and from Bollinger Canyon Road to Alcosta Boulevard (without auxiliary lane). The LOS is better on both northbound and southbound directions with the presence of auxiliary lanes. To minimize impact to freeway facilities, mitigation measures should be considered, including auxiliary lanes in both freeway directions.

DOT-11

Ms. Lauren Barr
October 9, 2007
Page 3

Page 2-27: Mitigation Measure of Impact Trans-3: we are concerned about the negative impact on the AM northbound off-ramp and both the AM and PM southbound on-ramp and off-ramp. The Department is very concerned that the analysis' conclusion states that no mitigation is available for freeway ramp impacts.

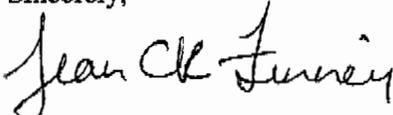
DOT-12

In the "Synchro" analysis printout in Appendix I of this report at intersection #11 (Bollinger Canyon Road/I-680 northbound ramp), the Existing AM peak hour right-turn approach delay is shown to be 202.1 seconds (LOS F) on the northbound off-ramp. The Existing plus Project AM peak hour right-turn approach delay at intersection #11 is not provided in this report. However, since the volume per capacity ratio shows the Existing plus Project is worse than the Existing condition, then the Existing plus Project approach delay is worse, too. Therefore, we are concerned about the queuing at the off-ramp. To avoid this delay, a mitigation plan is necessary.

DOT-13

Should you have any questions regarding this letter, please call Christian Bushong of my staff at (510) 286 -5606.

Sincerely,



TIMOTHY C. SABLE
District Branch Chief
IGR/CEQA



c: State Clearinghouse

California Department of Transportation (DOT)

Response to DOT-1

The author provided some introductory remarks to preface the comment letter. No further response is necessary.

Response to DOT-2

The author stated that the City of San Ramon is responsible for all project mitigation, including future improvements to facilities under the jurisdiction of the California Department of Transportation. No further response is necessary.

Response to DOT-3

The author recommended that the project applicant install treatments at the intersection of Bollinger Canyon Road / Camino Ramon to enhance pedestrian safety. Recommended treatments include high-visibility sidewalks, pedestrian countdown signals, and pedestrian refuge islands in the roadway medians.

The existing pedestrian crossings of Bollinger Canyon Road at Bishop Ranch 1 East (which also serves as the crossing for the Iron Horse Trail), Camino Ramon, and Sunset Drive / Chevron Park have pedestrian countdown signals. These signals would be maintained as part of the proposed project. In addition, the pedestrian crossing timing lengths would be extended because of the planned widening of Bollinger Canyon Road.

Additional pedestrian treatments, such as high-visibility crosswalks, advanced warnings, and possibly pedestrian grade separation are being considered by the City of San Ramon for installation along Bollinger Canyon Road. The City will determine the specific improvements for pedestrian improvements and, when feasible, will construct appropriate pedestrian enhancements.

In addition, as a proposed condition of approval, the City of San Ramon will require the applicant to explore the feasibility of shuttle service between the Plaza District and surrounding employment centers.

Response to DOT-4

The author stated that Exhibit 4.12-6 in the DSEIR does not show the anticipated pedestrian crossings on all four legs of the intersection of Bollinger Canyon Road / Bishop Ranch 1 East identified on page 4.12-104.

As a matter of clarification, three legs of this intersection will have pedestrian crossing (north, east, and south). This change is noted in Section 4, Errata. Exhibit 4.12-6 does not show all three legs; just the two existing legs.

Response to DOT-5

The author requested that Caltrans be provided with turning movement traffic for each project driveway, consistent with the trip generation projections shown in Table 4.12-9.

Project turning movements counts are reflected in the intersection analysis and are shown on Exhibit 4.12-7(a-b). Inbound and outbound trips can be determined by placing a cordon around the project and using the volumes shown in Exhibit 4.12-7(a-b).

Response to DOT-6

The author noted that the traffic growth rate on Bollinger Canyon Road between I-680 and the project site is 1 percent between the existing and Year 2020 without project condition and asserted that the traffic growth rate should be higher because of surrounding land uses and planned projects.

The growth in traffic on Bollinger Canyon Road from the existing conditions to Year 2020 without project condition is 14 percent during the AM peak hour and 9 percent during the PM peak hour. Because much of Bishop Ranch is built-out, traffic volume growth will not increase substantially compared to other areas with developable land.

Response to DOT-7

The author inquired about why the City Center project is not incorporated into the Contra Costa Transportation Authority Regional Travel Demand Forecasting Model.

A portion of the City Center project, based on a previous concept, is included in the Contra Costa Transportation Authority Regional Travel Demand Forecasting Model. To create the no-project condition, the City Center land use was removed from the model. The project condition was then created by incorporating the manual trip generation trip distribution, and trip assignment process for project-specific traffic. The remainder of the land use growth included in the travel demand model is based on ABAG projections for 2020 and the City of San Ramon's General Plan and is not based on a specific list of projects. In addition, the traffic model was adopted by the Contra Costa Transportation Authority in February 2007 and reflects current existing and forecasted land use data.

Response to DOT-8

The author stated that page 4.12-91 did not mention any of the proposed project's impacts on freeway operations and asserted that mitigation measures to improve freeway operations should be provided.

Page 4.12-91 contains a summary of the proposed project's impacts on the I-680 ramp and freeway operations. As noted on this page, the proposed project would contribute vehicle trips to I-680 ramp and mainline segments that operate at unacceptable LOS and, therefore, result in a significant impact. Refer to Master Response 2 for further discussion.

Response to DOT-9

The author inquired if the queuing mitigation (Mitigation Measure TRANS-4b) proposed for eastbound Bollinger Canyon Road turning movements onto northbound Sunset Drive would sufficiently mitigate for project impacts.

A queuing analysis was conducted for the eastbound left turn on Bollinger Canyon Road at Sunset Drive using Synchro modeling software. The analysis indicated that 900 feet of storage is required. There is sufficient room to increase the storage to 900 feet and, therefore, the proposed mitigation is adequate.

Response to DOT-10

The author noted that Caltrans' typical analysis for traffic is a 20-year design after project completion and requested that the DSEIR provide such analysis.

The City Center traffic analysis used a horizon of 2020, which is the planning horizon for buildout of the City of San Ramon General Plan. Therefore, the Year 2020 scenario represents a conservative analysis because it assumes the City of San Ramon is built-out.

Response to DOT-11

The author referenced the proposed project's significant unavoidable impact on I-680 ramp and mainline operations and asserted that mitigation measures should be considered to improve freeway operations.

Refer to Master Response 2.

Response to DOT-12

The author referenced the proposed project's significant unavoidable impact on I-680 ramp and mainline operations and expressed concern that no mitigation measures are proposed to mitigate for this impact.

Refer to Master Response 2.

Response to DOT-13

The author expressed concern that queuing at the Bollinger Canyon Road / I-680 Northbound Ramp during the AM peak hour may be exacerbated by the proposed project.

The queuing at the off-ramp for the existing condition in the AM peak is 788 feet for the right turn and 117 feet for the left turn. Total storage is approximately 900 feet and, therefore, the existing queues exceed the available storage. The addition of project traffic increases the right turn queue to 1,440 feet and the left turn queue to 164 feet, also exceeding the available storage. As part of the overall improvements planned for Bollinger Canyon Road, the northbound off-ramp geometry is proposed to be modified from a one left turn lane and two right turn lanes to one left turn lane and three right turn lanes (refer to Exhibit 4.12-13a). With this improvement, which will be partially

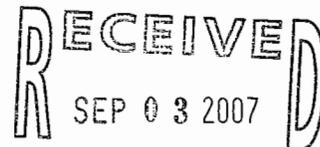
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Concord, CA 94520-5326
(925) 676-1976
Fax (925) 687-7306



CUSTOMER SERVICE
TRANSPORTATION CENTER
At Walnut Creek BART
220 Ygnacio Valley Rd
Walnut Creek, CA 94596-3739
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Fax (925) 932-1478

28 August 2007

Lauren Barr, Senior Planner
City of San Ramon
Planning Division
2222 Camino Ramon
San Ramon, CA 94583



CITY OF SAN RAMON
PLANNING SERVICES

RE: Draft Environmental Impact Report (DEIR) – San Ramon City Center

Dear Mr. Barr,

The Central Contra Costa Transit Authority, as the public transportation provider for the City of San Ramon, submits the following comments in response to the City's circulation of the DEIR for the proposed San Ramon City Center. These comments are based upon CCCTA's *Principles for Bus Transit Accommodation at BART and Rail Stations, and Major Transit Centers in the CCCTA Service Area*, a copy of which is attached for your information.

CCCTA-1

1. Under Section 8 of the DEIR, *Persons and Organizations Consulted*, we did not see that CCCTA had been consulted concerning the proposed transit center adjacent to the proposed new City Hall. None of the staff to whom such consultations would normally be directed recalled speaking with anyone from the consultant's staff.

CCCTA-2

2. We have not seen any diagrams of circulation patterns to and from the proposed transit center either for buses, pedestrians, or other vehicles. Our standards call for maximum separation between buses and vehicles, and buses and pedestrians, with separation of entrances, exits, through put and loading areas. The transit center should be designed with this separation in mind, and we would like an opportunity to review these circulation diagrams when they become available and provide further input. This would include the circulation of transit vehicles through the entire City Center complex, based upon consultation between CCCTA and the developer.

CCCTA-3

3. The current conceptual drawings show a four-bus transit center, the design of which appears to be very similar, if not an exact copy, of the existing San Ramon Transit Center. In order to make this facility usable for the future, we believe there should be a minimum of six bus bays at the new transit center, to accommodate future growth, particularly for possible shuttles and expanded express bus service, as described in the *I-680 Investment Options Study*. We support the incorporation of sawtooth bays.

CCCTA-4

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Moraga • Orinda • Pleasant Hill • San Ramon • Walnut Creek

4. There are no elevation drawings that show the area with buses at the transit center. This leaves us unable to determine how the transit center will look. Since it appears as though this transit center is planned to be constructed either at grade with parking built above it, or perhaps even underground, we have strong objections to any design that will enclose the area without careful analysis of the impacts of noise and air quality on passengers at the transit center. We are opposed to undergrounding of the transit center, but can accept one at grade with parking above, as long as noise and air quality issues are addressed, the design is open on at least three sides, ceilings are high, ambient lighting is of the highest quality, and the design provides color, texture, attention to passenger amenities and safety, and proper geometrics.

CCCTA-5

5. We understand that there are plans for a transit information office at the site. We would be interested in seeing that floor plan, and assuring that this office would be open to CCCTA bus operators for the use of restroom facilities and perhaps a kitchen area.

CCCTA-6

6. We are also interested in a more developed analysis of pedestrian and bicycle circulation throughout the City Center, and particularly the pedestrian circulation assumption between the office complex, civic center, and retail areas.

CCCTA-7

7. The transit center must include disabled access and a dedicated parking space for paratransit vehicles providing service pursuant to the Americans with Disabilities Act (ADA).

CCCTA-8

8. Wayfinding and information signage at the transit center must be fully ADA compliant and of the highest visual, artistic, and architectural quality.

CCCTA-9

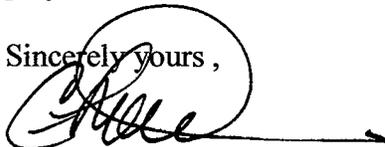
9. The transit center must incorporate public art, secure bicycle parking, landscaping if possible, and be highly vandal resistant.

CCCTA-10

In order for the proposed City Center Transit Center to provide a true mode choice for those who live, work, shop, and recreate there, careful attention needs to be made to the Center's design, aesthetics, safety, and accessibility so that it will be an asset to the entire project well into the future.

CCCTA-11

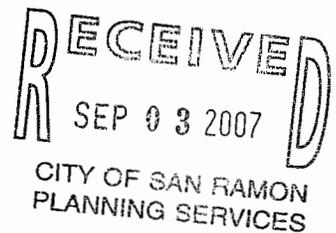
Sincerely yours ,



Celinda Dahlgren
Director of Administration

enclosure

cc: Lisa Bobadilla, Transportation Program manager
Rick Ramacier, CCCTA General Manager



The County Connection



CCCTA PRINCIPLES FOR BUS TRANSIT ACCOMMODATION AT BART AND RAIL STATIONS, AND MAJOR TRANSIT CENTERS IN THE CCCTA SERVICE AREA

GOAL: *To assure that the developers and planners of new and upgraded rail stations include thoughtful accommodation of bus transit needs in order to provide first class multi modal travel options for the public.*

Access/Egress/Geometrics/ Circulation:

- Maximize separation between buses and other vehicles at entrances, exits and throughways at the station or Transit Center
- Maximize separation between buses and pedestrians at entrances, exits and through ways at the station or Transit Center
- Maximize direct routing for buses within the facility
- Maximize direct routing to and from the facility
- Maximize safe, direct and convenient access to buses from station for passengers, minimizing the need to cross roadways or vehicle travel lanes
- Maximize the utilization of space needed for buses by designing for sawtooth bays wherever possible.
- Consider the size of the buses using the facility during the design.
- Maximize access to multi modal information (bus and BART) at all stations

Passenger and Operator Amenities

- Maximize visibility of bus transit center to rail passengers arriving at and departing the station areas
- Provide well lit sheltered, graffiti-resistant and well maintained areas for passengers waiting for the bus
- Provide clear signage and wayfinding for bus/rail passengers
- Provide bicycle parking
- Provide a dedicated paratransit stop and complete disabled accessibility
- Provide direct convenient access to transit information and ability to purchase multi modal fare instruments
- Provide landscaping, color, texture and public art to make the area welcoming to passengers

- Provide transit information at the bus waiting areas controlled by the bus agencies
- Provide layover area for buses
- Provide for bus operator access to break and restroom facilities
- Provide appropriate access to bus and passenger loading areas for public safety vehicles and personnel
- Maximize passenger and operator safety through the installation of appropriate site lighting, surveillance cameras, emergency phones, and other appropriate technology.

Bus Facility Siting

- Consider surrounding uses and locate facilities for maximum compatibility with nearby development
- Minimize air quality impacts on surrounding areas and bus passengers

Planning for the Future

- Provide for current transit needs as well as capacity for future growth
- Provide for multiple operators
- Provide footprint and utilities for real time information, signal pre-emption and coordination technology in the future
- Involve transit operators in all stages of planning and development of the project

Adopted April 19, 2007

2.2.5 - Local Agencies

Central Contra Costa Transit Authority (CCCTA)

Response to CCCTA-1

The author provided some introductory remarks to preface the comment letter. No further response is necessary.

Response to CCCTA-2

The author noted that CCCTA was not listed in Section 8, Persons and Organizations Consulted, of the DSEIR and stated that no one at the agency was consulted regarding the proposed project's Transit Center.

The agencies and persons listed in Section 8 provided comments in response to the Notice of Preparation (NOP) or were involved with the planning process for the proposed project. CCCTA was on the distribution list for the NOP, but did not provide a comment letter. In addition, CCCTA was not involved in the planning process. Therefore, CCCTA was not listed in Section 8. Potential impacts on CCCTA bus service were evaluated in the DSEIR in Section 4.12, Transportation.

Response to CCCTA-3

The author indicated that CCCTA had not reviewed the plans for the Transit Center and noted the agency's various requirements for separation distances.

Detailed plans of the Transit Center showing separation distances are not available at the time of this writing. The City of San Ramon will provide CCCTA with such plans when they become available.

Response to CCCTA-4

The author asserted that the Transit Center should have a minimum of six bus bays, which is two more than the four bays currently proposed.

The City of San Ramon will consider the feasibility of providing an appropriate number of bus bays in the Transit Center. However, until the final design process is complete, it cannot assure that six bays are feasible.

Response to CCCTA-5

The author noted that no elevations of the Transit Center are available and expressed concern about the appearance of the facility, as well as concerns about air quality and noise impacts within an enclosed Transit Center. The author requested that the Transit Center be located at-grade and be open on three sides, with high ceilings, quality ambient lighting, and design treatments that enhance the facility's appearance.

An elevation of the exterior of the Transit Center was provided in Exhibit 3-14 of the DSEIR. As shown in the exhibit, the Transit Center would be located at-grade, with parking located above. The sides of the Transit Center would be open for ventilation and the ceiling of the facility would be a

minimum of 16 feet above grade. No detailed lighting or design plans are available for the facility at the time of this writing.

Response to CCCTA-6

The author requested a floor plan for the transit information office that is proposed for the Transit Center.

No floor plan is available at the time of this writing. The City of San Ramon will provide CCCTA with a floor plan when it becomes available for review and comment.

Response to CCCTA-7

The author requested a more developed analysis of pedestrian and bicycle circulation throughout the City Center project, particularly between the three project components (Plaza District, Bishop Ranch 1A, and the City Hall and Transit Center).

Pedestrian and bicycle mobility were evaluated in the DSEIR in Impact TRANS-8 in Section 4.12, Transportation. The analysis was performed in relation to the CEQA significance criteria, which concerns impairment of such modes of transportation. The discussion in Impact TRANS-8 emphasized the pedestrian and bicycle features the proposed project would provide, such as direct connections with the Iron Horse Trail and surrounding land uses, the extension of Class II bicycle lanes on Bishop Drive, and pedestrian-oriented design of the Plaza District. It was assumed that pedestrians and bicyclists would circulate between the various project components at designated crossing points because of the project design and the traffic volumes on Bollinger Canyon Road and Camino Ramon.

Response to CCCTA-8

The author stated that the Transit Center must provide disabled access and dedicated parking space for paratransit vehicles.

The City of San Ramon intends to comply with the Americans with Disabilities Act and other applicable requirements concerning these features.

Response to CCCTA-9

The author stated that wayfinding and information signage in the Transit Center must be fully compliant with the Americans with Disabilities Act and be of the highest visual, artistic, and architectural quality.

The City of San Ramon will comply with applicable provisions of the Americans with Disabilities Act as it relates to the Transit Center.

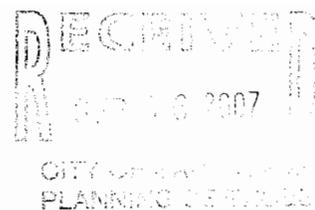
Response to CCCTA-10

The author asserted that the Transit Center must incorporate public art, secure bicycle parking, landscaping (if possible) and be vandalism resistant.

Detailed plans of the Transit Center showing public art, bicycle parking, and landscaping were not available at the time of this writing. The City of San Ramon will provide CCCTA with such plans when they become available. The San Ramon Police Department headquarters is planned to be located adjacent to the Transit Center and, therefore, it is expected that the Transit Center will provide a high degree of safety and security for transit users and CCCTA employees.

Response to CCCTA-11

The author provides some closing remarks emphasizing the need to carefully design the Transit Center. No further response is necessary.



September 25, 2007

Lauren Barr, Senior Planner
City of San Ramon
Planning/Community Development Department
2226 Camino San Ramon
San Ramon, CA 94583

Re: Notice of Availability of a Draft Subsequent Environmental Impact Report for the San Ramon City Center Project, San Ramon

Dear Ms. Barr:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to review the Draft Subsequent Environmental Impact Report (EIR) for the San Ramon City Center Project located in the City of San Ramon. EBMUD has the following comments.

EBMUD-1

WATER SERVICE

On page 4.14-2 under Distribution System, change the Amador Pressure Zone service elevation to read "340 to 540 feet".

EBMUD-2

As stated in the response to the Notice of Preparation of a Draft EIR, water main extensions, at the project sponsor's expense, will be required to serve the proposed development. Off-site pipeline improvements, also at the project sponsor's expense, may be required to meet domestic demands and fire flow requirements set by the local fire department. Off-site pipeline improvements include, but are not limited to, replacement of existing water mains to the project site. When the development plans are finalized, the project sponsor should contact EBMUD's New Business Office and request a water service estimate to determine costs and conditions for providing water service to the proposed development. Engineering and installation of water mains and services requires substantial lead-time, which should be provided for in the project sponsor's development schedule.

EBMUD-3

EBMUD owns and operates 8-inch, 12-inch, and 16-inch water distribution and recycled water pipelines in Bishop Drive, Camino Ramon, and Bollinger Canyon Road. These pipelines provide water service to the existing property and surrounding area. The integrity of these pipelines needs to be maintained at all times. Any proposed construction activity within the roadways would need to be coordinated with EBMUD and may require relocation of the pipelines, at the project sponsor's expense.

EBMUD-4

Lauren Barr, Senior Planner
September 25, 2007
Page 2

WATER CONSERVATION

On page 4.14-22, Mitigation Measure MM US-1c, please modify the bullet "Water budgets for landscape irrigation" to read "Water budgets and monitoring of water budgets for landscape irrigation."

EBMUD-5

If you have any questions concerning this response, please contact David J. Rehnstrom, Senior Civil Engineer, Water Service Planning, at (510) 287-1365.

Sincerely,



William R. Kirkpatrick
Manager of Water Distribution Planning

WRK:TNS:sb
sb07_240.doc

cc: Jason Brandman, Vice President
Michael Brandman Associates
Bishop Ranch 3
2633 Camino Ramon, Suite 460
San Ramon, CA 94583

East Bay Municipal Utility District (EBMUD)

Response to EBMUD-1

The author provided some introductory remarks to preface the comment letter. No further response is necessary.

Response to EBMUD-2

The author requested a correction to the DSEIR's description of the Amador Pressure Zone on page 4.14-2. That change has been made and is contained in Section 4, Errata. The change is not considered substantial and does not alter any conclusions presented in the DSEIR.

Response to EBMUD-3

The author provided a standard disclaimer noting that the project applicant may be responsible for water main upgrades and improvements and should coordinate with EBMUD regarding such activities. No further response is necessary.

Response to EBMUD-4

The author noted that EBMUD owns and operates several water mains in the vicinity of the project site and asserted that the integrity of these lines must be maintained at all times during project construction. No further response is necessary.

Response to EBMUD-5

The author requested a modification to Mitigation Measure US-1c. That change has been made and is contained in Section 4, Errata. The change is not considered substantial and does not alter any conclusions presented in the DSEIR.



CITY OF DUBLIN

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Website: <http://www.ci.dublin.ca.us>

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CITY OF SAN RAMON
PLANNING SERVICES

September 28, 2007

Lauren Barr
City of San Ramon
Planning/Community Development
2226 Camino Ramon
San Ramon, CA 94583

Subject: City Center Draft Subsequent Environmental Impact Report

Dear Ms. Barr:

Thank you for the opportunity to comment on the San Ramon City Center Draft Subsequent Environmental Impact Report (DSEIR). The project site is approximately 44 acres and is located at the intersection of Camino Ramon and Bollinger Canyon Road. The City Center project consists of the new construction of approximately 2.1 million square feet of retail, hotel, residential, office and civic uses. The project includes approximately 635,000 square feet of retail and cinema uses, a 169-room hotel, up to 487 residential dwelling units, 680,000 square feet of office space, 50,000 square feet of retail/flex uses, and a 110,000 square-foot City Hall, including Council Chambers, Library and Police Department headquarters.

DUB-1

The City of Dublin respectfully submits the following comments:

1. The construction of a transit center as part of the project will not only enhance access to and comfort of existing bus service but will also encourage alternative travel for future trips to and from the proposed development. Notably, an important link will be between the project site and the Dublin/Pleasanton BART station. Rightfully so, vehicle trip generation reductions are assumed in the analysis due to transit ridership. Reductions were applied to the residential, hotel, office park and City Hall uses; however, data is not provided about the current bus loads and capacity for new passengers generated by the project. The traffic impact study contained in the appendix states that the project would add additional bus service during critical peak hours to accommodate demand should demand exceed capacity. Please address what mechanism is in place for monitoring bus loads and identifying when and how bus service should be added. Also, please clarify whether the project would pay for the additional costs for new service indefinitely.
2. Impact "TRANS-3" should be expanded to read: "The proposed project would contribute to deficient freeway mainline and ramp operations."

DUB-2

DUB-3

3. While the freeway segment analysis only included I-680 just north and just south of Bollinger Canyon Road, new vehicle trips would likely be added to other freeway segments that are currently operating or will be operating at unacceptable levels of service. Although the impact remains significant and unavoidable, payment of the Tri-Valley Transportation Development Fee will help contribute to regional improvements.

Thank you for the opportunity to comment on this DSEIR. Please feel free to contact me at 925-833-6610 if you require additional information.

Best Regards,



Martha Aja
Assistant Planner

cc: Mary Jo Wilson, Planning Manager
Melissa Morton, Public Works Director
Jaimee Bourgeois, Senior Civil Engineer

City of Dublin (DUB)

Response to DUB-1

The author provided some introductory remarks to preface the comment letter. No further response is necessary.

Response to DUB-2

The author requested more information about how County Connection (CCCTA) bus service at the Transit Center would be monitored and what criteria would be used to modify bus service in response to passenger demand patterns. The author also inquired about whether the project applicant would pay for the additional costs of new service indefinitely.

CCCTA monitors ridership on all of its bus routes and modifies service based on changes in ridership. CCCTA has not identified planned route or service modifications to County Connection bus service in the project vicinity that would occur as a result of the development of the City Center project and is not expected to unless the proposed project is approved. Therefore, it would be speculative to predict bus ridership figures, modification of routes or service, or the financial cost of doing so until CCCTA has initiated its planning efforts. However, the Measure J expenditure plan includes express bus service and it is anticipated that such will be added to the I-680 corridor. It would be expected that future express bus service on the I-680 corridor would include serve the City Center project.

The Bishop Ranch Transportation Association, which is comprised of Sunset Development (and its tenants), Chevron Corporation, and Marriott International, Inc., provides the 960 B/C and 970 B/C express bus service between the Bishop Ranch Business Park and the Dublin/Pleasanton and Walnut Creek BART stations. This service would be modified to serve the City Center project.

Response to DUB-3

The author suggested revising the Impact TRANS-3 impact statement to reference freeway mainline operations. That change has been made and is contained in Section 4, Errata. The change is not considered substantial and does not alter any conclusions presented in the DSEIR.

Response to DUB-4

The author noted that project-generated trips would also add trips to other freeway segments in the region currently operating or projected to operate at unacceptable LOS, and advised that payment of the Tri-Valley Transportation Development Fee would contribute to regional transportation improvements. No further response is necessary.



Contra Costa County
Public Works
D e p a r t m e n t

Maurice M. Shiu, Director
Julia R. Bueren, Chief Deputy
Deputy Directors
R. Mitch Avalon • Brian Balbas
Steve Kowalewski • Patricia McNamee

October 4, 2007

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OCT 12 2007
CITY OF SAN RAMON
PLANNING SERVICES

Lauren Barr, Senior Planner
City of San Ramon
Planning/Community Development
2226 Camino Ramon
San Ramon, CA 94583

**RE: City Center Draft Subsequent
Environmental Impact Report**

Dear Ms. Barr:

Contra Costa County Public Works Department has reviewed the Draft Subsequent Environmental Impact Report (DSEIR) for the San Ramon City Center Mixed Use Project and offers the following comments regarding the DSEIR's scope and content relevant to our agency.

CCCPWD-1

Mitigation Measure MM-PSR-6 should be re-written to include the County as the final authority on approving any landscaping or other improvements placed within the Iron Horse Corridor. The City of San Ramon should not condition any developer to place or install anything within the Iron Horse Corridor without first consulting with and receiving approval from the Contra Costa County Public Works Department.

CCCPWD-2

One of the project's stated objectives is to "Capitalize on the proposed project's adjacency to the Iron Horse Trail to promote the use of pedestrian and bicycle modes of transportation and encourage trip and greenhouse gas reduction and energy conservation." While the project includes some pedestrian and bicycle-related improvements, it could go further in promoting the use of the Iron Horse Trail to reduce trip generation and mitigate for the project's traffic impacts.

CCCPWD-3

For example, the proposed design isolates the Iron Horse Trail from the City Center development with the Bishop Drive extension, which includes a fence and landscaping that channels all pedestrian and bicycle traffic from the Iron Horse Trail into a single crossing across Bishop Drive. A more pedestrian and bicycle-friendly design might include eliminating the Bishop Drive extension so that the Iron Horse Trail could be more thoroughly integrated into the project, highlighting the trail as a transportation

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corridor and increasing the public's use of the trail as a way to get to and from the City Center.

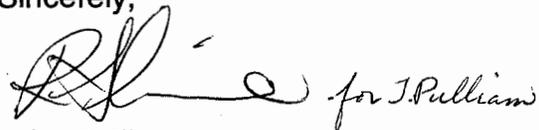
CCCPWD-3
CONT.

Another improvement which would encourage bicycling and walking as a way to access the City Center would be a grade-separated crossing for the Iron Horse Trail at Bollinger Canyon Road. Since this project recognizes that it will increase traffic along both city streets and I-680, installing a grade-separated crossing at Bollinger Canyon Road would encourage non-motorized transportation, thereby mitigating traffic impacts. In addition, a grade-separated trail crossing would make Bollinger Canyon Road function more efficiently.

CCCPWD-4

Thank you for considering these comments. Our Department looks forward to working with the City through the continued project development.

Sincerely,

A handwritten signature in black ink, appearing to read "John Pulliam", with a flourish at the end.

John Pulliam
Associate Civil Engineer
Transportation Engineering

JP:tr
G:\TransEng\EIR\San Ramon\San Ramon City Center\DSEIR\City Center DSEIR.doc

cc: S. Kowalewski, Transportation Engineering
P. Roche, Community Development Department
David Hudson, Iron Horse Corridor Advisory Committee Member
J. Perkins, East Bay Regional Park District

Contra Costa County Public Works Department (CCCPWD)

Response to CCCPWD-1

The author provided some introductory remarks to preface the comment letter. No further response is necessary.

Response to CCCPWD-2

The author requested a minor revision to Mitigation Measure PSR-6 to reflect Contra Costa County's ownership of the Iron Horse Trail corridor. That change has been made and is contained in Section 4, Errata. The change is not considered substantial and does not alter any conclusions presented in the DSEIR.

Response to CCCPWD-3

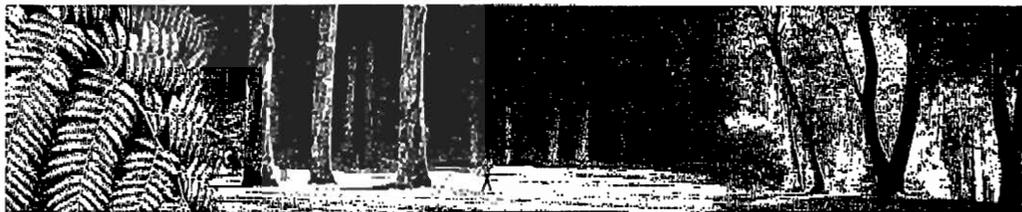
The author referenced the project objective of capitalizing on the proposed project's adjacency to the Iron Horse Trail to promote the use of pedestrian and bicycle modes of transportation to encourage trip and greenhouse gas reduction and energy conservation, and suggested that that further mitigation could be employed to accomplish this goal. The author proposed eliminating the Bishop Drive extension around the east and north sides of the Plaza District to provide for a more pedestrian friendly design.

The Bishop Drive extension would provide primary access to the parking structures located on Blocks E and F-G and, therefore, eliminating this roadway would require substantial reconfiguration of the parking structure access. In addition, the extension of Bishop Drive would serve as a bypass around the segment of Camino Ramon between Bollinger Canyon Road and Bishop Drive that would be narrowed to one lane in each direction during the non-commute hours to allow for on-street parking. Providing a bypass around this segment of Camino Ramon would allow for better circulation around the Plaza District, particularly for emergency vehicles and trucks. The bypass would also enhance the pedestrian-oriented nature of the project by diverting through trips around the perimeter of the Plaza District and not through the internal streets of this project component. For these reasons, eliminating the extension of Bishop Drive is not considered feasible.

Response to CCCPWD-4

The author suggested that the proposed project grade-separate the Iron Horse Trail crossing of Bollinger Canyon Road to encourage bicycle and pedestrian usage.

Refer to Master Response 1.



2950 PERALTA OAKS COURT P.O. BOX 5381 OAKLAND CALIFORNIA 94605-0381 T. 510 635 0135 F. 510 569 4319 TDD. 510 633 0460 WWW.EBPARKS.ORG

October 11, 2007

Lauren Barr, Senior Planner
City of San Ramon Planning Division
2226 Camino Ramon
San Ramon, CA 94583
Via fax (925) 806-0118

RE: Iron Horse Trail – Bishop Ranch, San Ramon
City Center Draft Subsequent Environmental Impact Report
(SCH# 2007042022)

Dear Mr. Barr:

East Bay Regional Park District (“District”), appreciates the opportunity to comment on the Draft Subsequent Environmental Impact Report (DSEIR) for the proposed San Ramon City Center project. Tiered off of the 2001 City of San Ramon General Plan EIR and the 2003 City Civic Center EIR, the DSEIR provides a project-level analysis of the environmental impacts of the proposed San Ramon City Center Project. The District looks forward to working cooperatively with the project proponents and the City in creating a successful, vibrant and pedestrian-friendly city center in San Ramon.

EBRPD-1

The District would like to make the following comments on the DSEIR:

Impacts under CEQA

Impact 2.4 -Significant Unavoidable Adverse Environmental Impacts. The DSEIR states that after the implementation of feasible mitigation measures, the proposed project would nonetheless result in impacts that cannot be fully reduced to a level of less than significant in relation to thresholds establish by the CEQA guidelines, because there is no available mitigation. The document includes significant unavoidable adverse environmental impacts of the proposed project from 1) Construction and operational emissions, 2) Cumulative air emissions, 3) Inconsistency with the Clean Air Plan, 4) Greenhouse gas emissions, 5) growth inducement, 6) freeway operations due to the contribution of new vehicle trips to Interstate 680. The first three would exceed the regulatory thresholds of the Bay Area Air Quality Management District (BAAQMD), and be inconsistent with, the BAAQMD Clean Air Plan. Additional unavoidable impacts include the cumulatively considerable contribution to greenhouse gas emissions resulting from the size and intensity of the project, as well as on growth inducement and freeway operations due to the contribution of new vehicle trips to Interstate 680.

EBRPD-2

Board of Directors

John Sutter President Ward 2	Ayn Wieskamp Vice-President Ward 5	Tod Radke Treasurer Ward 7	Doug Siden Secretary Ward 4	Beverly Lane Ward 6	Carol Severin Ward 3	Nancy Skinner Ward 1	Pat O'Brien General Manager
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Mr. L. Barr
October 11, 2007
Page 2

Utilizing the Iron Horse Regional Trail to reduce these significant unavoidable impacts by reducing the number of motor vehicle trips should be considered as a mitigation measure. Improving connectivity between the project and the trail and providing amenities such as bike lockers would result in reduced auto emissions and greenhouse gasses, and should be considered as mitigation measures.

EBRPD-2
CONT.

The DSEIR states the proposed project would incorporate a variety of design features intended to promote sustainability through trip reduction that would result in greenhouse gas reduction and energy conservation. In addition, it refers to direct "as the crow flies" pedestrian and bicycle connections to the Iron Horse Trail from the Plaza District (north of Bollinger) and Bishop Ranch 1A (south of Bollinger). It is clear that the intent and design of the project is to create a vibrant destination and promote the use of public transportation and pedestrian and bicycle modes of transportation (pg 3-21). More than twenty-five San Ramon General Plan Bicycle and Pedestrian policies refer to the project's adjacency to the Iron Horse Trail. Improving the non-motorized transportation circulation is critical in a project this size, and the DSEIR should specifically address ways in which this can be accomplished.

EBRPD-3

Pursuant to the General Plan guidelines, the DSEIR should address ways in which the project could assist in encouraging more non-motorized uses in the area, help resolve the crossing delays at Bollinger Canyon for both trail users and motorists during peak hour commute, and reduce the significant unavoidable adverse vehicle emission impacts. Improvements to the Iron Horse Trail crossing of Bollinger Canyon Drive could contribute to the intersection's performance and the surrounding circulation system while providing maximum roadway safety for bicyclists, pedestrians, and vehicle drivers.

EBRPD-4

According to the DSEIR, due to the construction of a new roadway immediately adjacent to the trail, the Iron Horse Trail would be fenced off and non-accessible, except for one location which would be shared with vehicles entering a parking garage. A design which would integrate a more prominent connection to the Trail into the Plaza District should be considered, which would also serve to mitigate the impacts of increased vehicle trips and air pollution by improving bicycle and pedestrian access to the project.

EBRPD-5

Other roadway changes in the area include the future widening of Bollinger Canyon Road from six lanes to eight lanes along the south frontage of the proposed project which will include left and right turn lanes (from both directions) into the new Bishop Drive. Class II bike lanes are proposed to run along the extended Bishop Drive and would connect to the Iron Horse Trail via the one designated bicycle/pedestrian crossing. However, the widened Bollinger Canyon Road would only be designated as a Class III bicycle facility (bicyclists must share the road with vehicles) in this section which would most likely result in bicyclists opting to use the sidewalk and existing

EBRPD-6

Mr. L. Barr
October 11, 2007
Page 3

signalized crossing on Bollinger as a safer alternative to riding in heavy traffic on a shared roadway. Trail users and bicyclists will want to access the proposed project areas north and south of the widened Bollinger Canyon Road. It is likely that a high number of people will funnel to the most direct major crosswalk and trail crossing of Bollinger Canyon Road at the Bishop Ranch 1 East roadway. With increased vehicle capacity, and the high number of pedestrians needing to cross, the queuing may result in significant delays for vehicles and safety issues for pedestrians. The DSEIR should address the impacts of increased pedestrian and bicycle traffic at this location. The Iron Horse Trail Pedestrian and Bicycle Corridor Concept Plan, also currently underway, is a planning study evaluating the feasibility of constructing overcrossing(s) to provide optimal access and safety for bicycles and pedestrians along the Iron Horse Trail. Evaluating the potential overcrossing of the Iron Horse Trail at Bollinger Canyon Road, which is the project area for the proposed City Center, is included in that study, and should be noted in the DSEIR.

EBRPD-6
CONT.

The project's proximity to the trail should result in appropriate setbacks and people-scaled development that fits into the existing neighborhood at an appropriate scale for the local community. The proposed parking structures could be designed to focus on creating soft building edges through a terraced design that appeals to local neighbors and visitors.

EBRPD-7

Impact PSR-6 Trails. The DSEIR states that the development of the proposed project may cause physical deterioration of the Iron Horse Trail, resulting in a need for safety improvements. The analysis further states that a fence and landscape buffer is proposed along the trail frontage with Bishop Drive which would provide a physical separation between the roadway and trail and would channel trail users to a single signalized crossing of Bishop Drive as mitigation. As stated above, the District does not agree that providing a single access to the trail will mitigate the expected increase in trail usage or contribute to the goal of creating a pedestrian-friendly city center. It also states that EBRPD shall have the option to pursue maintenance agreement with the project proponents to ensure that the landscape improvements are maintained to a mutually agreeable level. The Contra Costa County Transportation Engineering Department, owner and manager of the Iron Horse corridor, should be contacted regarding any proposed landscaping improvements and maintenance.

EBRPD-8

The District disagrees with the proponent's assumption that the proposed project would minimally increase trail usage. The Iron Horse Trail is heavily used as a long-distance recreation and non-motorized transportation corridor by a variety of trail users. The District acknowledges that regional trail users are difficult to count due to the multiple access points along a trail and for that reason do not rely on survey counts; however, the District has surveyed users of the Iron Horse Trail (and the Delta De Anza Regional Trail in East Contra Costa County) to determine what types of uses they were undertaking while on the trail. Thirty seven percent and 64% respectively were using

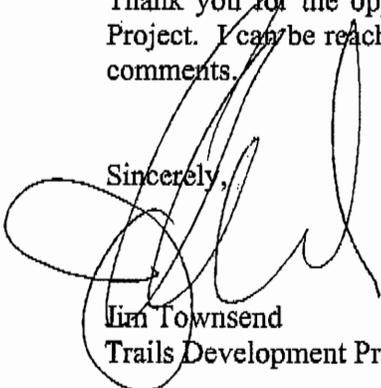
EBRPD-9

Mr. L. Barr
October 11, 2007
Page 4

the trail corridor for transportation between shops, schools, employment centers, residential neighborhoods, and other transportation (EBRPD 1997). Since those studies, use of the trail has increased in popularity and both pedestrian and bicycle usage will increase in order to access the proposed new facilities.

Thank you for the opportunity to comment on the proposed San Ramon City Center Project. I can be reached at (510) 544-2602 should you have any questions about these comments.

Sincerely,



Jim Townsend
Trails Development Program Manager

- cc: R. Doyle, EBRPD Assistant General Manager
- L. Guzman, Contra Costa County Trails Supervisor
- J. Pulliam, Contra Costa County Transportation Engineering

EBRPD-9
CONT.

East Bay Regional Parks District (EBRPD)

Response to EBRPD-1

The author provided some introductory remarks to preface the comment letter. No further response is necessary.

Response to EBRPD-2

The author referenced the proposed project's significant unavoidable impacts associated with air quality and transportation and advised that improving the connectivity between the project and the Iron Horse Trail and providing bicycle lockers would result in reduced air pollutant and greenhouse gas emissions.

The proposed project would provide a direct "crow flies" pedestrian and bicycle connection between the Iron Horse Trail and the Plaza District via a signalized crossing of the Bishop Drive extension. To enhance safety, Mitigation Measure PSR-6 requires the project applicant to install fencing and landscaping along the trail corridor frontage with Bishop Drive. The provision of the connection, signalized crossing, and fencing would provide for safe and efficient access to and from the trail for bicyclists and pedestrians.

Regarding the author's request for bicycle lockers, Mitigation Measure TRANS-8a requires the applicant to prepare a Bicycle Parking Study that identifies the location and minimum number of bicycle parking/storage spaces for each project component. The study will consider various types of storage facilities, including bicycle lockers.

Response to EBRPD-3

The author requested that the DSEIR specifically address ways by which the proposed project can improve non-motorized transportation circulation.

Pedestrian and bicycle circulation were evaluated in Impact TRANS-8 in the DSEIR. The impact analysis discussed the various bicycle and pedestrian improvements that would be implemented as part of the proposed project (e.g., the Class II bicycle facilities on the Bishop Drive extension, the "crow flies" connection to the Iron Horse Trail, etc.). In addition, there is discussion on DSEIR pages 3-73 through 3-75 of the proposed project's consistency with Smart Growth principles, including those related to promoting trip reduction through increased use of bicycle and pedestrian modes of transportation.

Response to EBRPD-4

The author stated that the DSEIR should address ways the proposed project could reduce delays at the Iron Horse Trail's at-grade crossing with Bollinger Canyon Road by providing intersection improvements at Bollinger Canyon Road / Bishop Ranch 1 East / Bishop Drive extension.

The intersection is currently signalized and, therefore, allows for protected crossings of Bollinger Canyon Road at regular intervals. However, because of the need to provide for efficient traffic

operations on Bollinger Canyon Road, the signal is timed to allow for extended intervals of through traffic that cause delays for bicyclists and pedestrians. Grade separating the Iron Horse Trail from Bollinger Canyon Road would be the ultimate solution to eliminate delays for bicyclists and pedestrians at this crossing. Refer to Master Response 1 for additional discussion of the grade separation.

Response to EBRPD-5

The author referenced the proposed project's direct pedestrian connection to the Iron Horse Trail and suggested that a more prominent connection point be considered in order to encourage more bicycle and pedestrian usage.

The direct "crow flies" connection point between the Plaza District and the trail corridor is viewed as the most preferable option because it would safely and efficiently channel trail users through a single signalized crossing of Bishop Drive directly into the Plaza District. The City of San Ramon has incorporated this pedestrian access into the project as a proposed condition of approval. This condition of approval is tied to Mitigation Measure PSR-6. The location of the crossing is located between Bollinger Canyon Road and the Bishop Drive curve, and provides adequate storage capacity for northbound vehicles stopped at the crossing signal and sufficient sight distances for southbound motorists rounding the curve north of the crossing. In contrast, other crossing locations may not have adequate storage capacity or sight distances and, therefore, create potential roadway hazards.

Response to EBRPD-6

The author expressed concern that increased traffic volumes on Bollinger Canyon Road will result in bicyclists riding on sidewalks, creating potential safety conflicts between bicyclists and pedestrians. The author also referenced the Iron Horse Trail Pedestrian and Bicycle Corridor Concept Plan, which includes the aforementioned feasibility study of a grade-separated crossing of Bollinger Canyon Road, and suggested that the DSEIR note that study.

As shown in Exhibit 4.12-5, the City of San Ramon bicycle circulation plan identifies the sidewalk on the south side of Bollinger Canyon Road between San Ramon Valley Boulevard and Alcosta Boulevard as a Class III bicycle facility. This facility is shared by bicyclists and pedestrians. The City of San Ramon evaluates pedestrian safety concerns when determining if bicycle usage on sidewalks is appropriate.

In regards to the Iron Horse Trail grade separation, refer to Master Response 1.

Response to EBRPD-7

The author advised that the proposed project's proximity to the Iron Horse Trail should result in appropriate setbacks and "people-scaled" developments that are compatible with the surrounding area. The author recommended that the proposed project's parking structures be designed to create soft building edges through a terraced design.

The nearest Plaza District structure to the Iron Horse Trail would be 60 feet from the Iron Horse Trail corridor. There are number of existing multi-story buildings along the Iron Horse Trail corridor that are located within 60 feet of the trail (e.g., buildings in downtown Danville and Walnut Creek) and, therefore, the proposed project' setbacks would not represent an unusually close distance. The proposed project is located within the Bishop Ranch Business Park and is adjacent to the multi-story office complexes contained in Bishop Ranch 1 and Bishop Ranch 3. As such, the proposed project's multi-story buildings are consistent with surrounding land use character.

Regarding the author's suggestion that parking structures be terraced to create soft building edges, final project design has not been completed and, therefore, it is unknown if such a design is economically or technically feasible. However, this does not preclude the possibility of terraced parking structures.

Response to EBRPD-8

The author asserted that the East Bay Regional Parks District does not consider Mitigation Measure PSR-6 sufficient to mitigate for physical deterioration impacts on the trail.

As discussed in Impact PSR-6, physical deterioration of the Iron Horse Trail corridor is not expected to occur as a result of increased trail usage attributable to the proposed project. The segment of the Iron Horse Trail between Bollinger Canyon Road and Norris Canyon Road is composed of concrete, which is more durable and longer lasting than asphalt. The concrete trail surface is currently in good condition and is expected to sustain increased usage without any significant degradation. Therefore, physical deterioration was found to be a less than significant impact.

Mitigation Measure PSR-6 is intended to ensure that the proposed project interfaces with the Iron Horse Trail in a manner that provides safe and efficient access that avoids the creation of unauthorized shortcuts between the trail corridor and the Plaza District. Such shortcuts have the potential to create traffic hazards and result in the erosion of unpaved areas. As such, the mitigation measure is not intended to mitigate for the physical deterioration of the trail corridor.

Response to EBRPD-9

The author stated that the East Bay Regional Parks District disagrees with the DSEIR's projection that trail usage would "minimally" increase and cited 1997 surveys indicating that substantial percentages of trail users were using it for transportation between shops, schools, employment centers, and residential neighborhoods.

The DSEIR's analysis in Impact PSR-6 referenced a 2006 survey conducted by the City of San Ramon Transportation Demand Program that found that only 1.2 percent of employees in the City bike to work and 0.6 percent walk to work. The survey was referenced because it provides recent data for modes of transportation to work in the City of San Ramon and provides a general indication of the percentage of project employees who would bike or walk to work. No trail usage information

is available for residents or customers and, therefore, the DSEIR did not provide any projections for those potential trail users. The DSEIR qualitatively assessed the likelihood of increased trail usage by project residents and customers and concluded that it would not increase to the point that physical deterioration of the trail corridor would occur.



*"Small Town Atmosphere
Outstanding Quality of Life"*

Hand Delivered

RECEIVED

October 11, 2007

OCT 11 2007

Debbie Chamberlain, Planning Manager
Planning Department, Planning Services Division
City of San Ramon
2226 Camino Ramon
San Ramon, CA 94583

Economic Development
Department

RE: Comments by the Town of Danville on the proposed San Ramon City Center
Draft Subsequent Environmental Impact Report

Dear Mrs. Chamberlain:

The Town of Danville is in receipt of the San Ramon City Center Draft Subsequent Environmental Impact Report (DSEIR). The report provides an analysis on the proposed development of approximately 2.1 million square feet of retail, hotel, residential, office, and civic uses on approximately 44 acres located at all four quadrants of Bollinger Canyon Road and Camino Ramon.

DAN-1

We appreciate the opportunity to review this project. Our comments focus primarily on potential traffic-related impacts which the project could have upon the sub-region and region. Of specific concern to the Town is how the proposed new development could potentially affect regional traffic on Interstate 680 and the diversion of traffic from the interstate to alternative surface routes running north and south through the San Ramon Valley.

1. **Level of Service Criteria:** The DSEIR states that the City of San Ramon uses the intersection Level of Service (LOS) analysis methodology required by the Contra Costa Transportation Authority's (CCTA) Technical Procedures, termed CCTALOS" [DSEIR Page 4.12-4]. It is an important clarification to note that this selected methodology for calculating LOS is merely a minimum requirement.

DAN-2

It is generally recognized that CCTALOS is a "planning methodology," is not intended for the detailed analysis of intersection operations, and has a number of shortcomings as noted by CCTA's Technical Procedures manual which states that

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(925) 314-3388

Building
(925) 314-3330

Engineering & Planning
(925) 314-3310

Transportation
(925) 314-3310

Maintenance
(925) 314-3450

Police
(925) 314-3410

Parks and Recreation
(925) 314-3400

“potential impacts from vehicle queuing may not be evident from the use of the Authority’s LOS methodology alone” and that “local jurisdictions may need to use additional intersection analysis programs, such as Synchro II or HCS-Signal, to documents queue lengths adequately.” The Town encourages the project DSEIR to utilize Synchro or comparable software to determine the full extent of the potential traffic impact as a means of determining the most appropriate mitigations.

DAN-2
CONT.

2. **Traffic Study Intersections:** The DSEIR states that the intersection of Crow Canyon Road/Crow Canyon Place has been “qualitatively” rather than quantitatively assessed for potential traffic impacts. Given that this intersection is a gateway for freeway by-pass traffic into Danville and given that a quantitative assessment would identify the potential magnitude of this impact, we respectfully request a supplemental traffic assessment to address this concern.

DAN-3

3. **Analysis of Unsignalized Intersections:** The DSEIR notes that the intersections of Alcosta Boulevard/Old Ranch Road, Old Ranch Road/Dougherty Valley Road, and Bollinger Canyon Road/Norris Canyon Road are unsignalized intersections. In accordance with standard professional practices, these intersections would be analyzed using the unsignalized intersection methodology in the Highway Capacity Manual (using software such as Synchro), rather than using CCTALOS which is unable to analyze unsignalized intersections.

DAN-4

The DSEIR indicates that at least the Bollinger Canyon Road/Norris Canyon Road intersection is analyzed consistent to standard practices. However, it appears that the remaining intersections of Alcosta Boulevard/Old Ranch Road and Old Ranch Road/Dougherty Valley Road are analyzed using CCTALOS, and based on the assumption that they are signalized under Existing Conditions. Given that the net effect of assuming these intersections are signalized is a better level of service, the Town would like to obtain better clarity regarding the basis for this assumption.

4. **Cumulative Scenario:** The traffic analysis in the DSEIR states that the existing land use entitlement of 328,220 square feet on Parcel 1A is accounted for in the Countywide Model and included in the Cumulative Analysis. However, given the relatively recent development of the model, please provide a summary of the employment data in Traffic Area Zone (TAZ) 40109, the TAZ where Parcel 1A is located. Given that TAZ 40109 includes Chevron Headquarters, please illustrate how 2020 employment traffic trips are accounted for in excess of those attributable to Chevron.

DAN-5

5. **Internal Trip Reductions:** The traffic analysis in the DSEIR utilizes a number of trip reduction factors that, as a net effect, lowers the overall number of traffic trips that would impact the roadway network during the peak hours. One reduction, referred to as "internal trip reductions," were made based on the acknowledgement that - given the variety of land uses - some trips generated by the project would not necessarily leave the project site during the peak hours. Our understanding is that internal trip reduction adjustments were made to the retail, office park, condominium and hotel land uses.

While the use of internal trip reduction is certainly appropriate in a mixed-use project, the question at hand focuses on the appropriate amount of reduction. The DSEIR states that the internal trip reduction adjustments are based on ITE methodology. However, in a detailed discussion of this methodology in Appendix I ("Project Trip Generation - Civic Center/Library Trip Generation from 2003 Analysis"), the document notes that many of the land uses in the project "are not included in the ITE trip generation data" and that therefore, the actual adjustments were *derived* from comparable land uses. Given that derivation is not the same as utilizing quantifiable information directly from ITE, we would like clarification regarding the methodology of how the internal trip reductions were derived.

DAN-6

6. **TDM and Transit Trip Reductions:** The traffic analysis in the DSEIR utilizes a 15% trip reduction factor to account for the active transportation demand management (TDM) program in the Bishop Ranch Business Park. Further, the DSEIR utilizes an addition 2% trip reduction for office uses located within close proximity to a major transit center. It appears that this results in a net effect of a 17% trip reduction for office related land uses.

The CCTA's Technical Procedures establish a range of allowable adjustment percentages of -10% to +10% (based on local experience) for TDM and -3% to +3% for transit usage. In addition, the Technical Procedures specifically states that the "combined Transit and TDM reductions should not exceed 10 percent." Given the net reduction of 17% for office related land uses, please clarify how compliance with the Technical Procedures is accomplished.

DAN-7

7. **Pass-by Trip Reductions:** The traffic analysis in the DSEIR applies a 22% trip reduction factor to the retail component of the proposed project. Pass-by trips are trips passing by on adjacent streets and stopping at the project as an intermediate stop between the origin and destination (e.g., between office and home). While

DAN-8

pass-by trip reduction is typical for residential-serving commercial (e.g., grocery stores, drug stores, etc.) - please clarify what types of retail uses would result in the use of a 22% reduction factor. While the DSEIR based the pass-by trip reduction on the fitted curve equation, the question remains as to *which* of the retail category fitted curves it is based upon (which of the ITE land use categories 800-899).

DAN-8
CONT.

8. **Planned and Proposed Transportation Improvements:** The DSEIR, beginning on page 4.12-49 provides a long list of planned and proposed transportation improvements. Please clarify whether any of these improvements have been assumed to be completed in any of the future traffic analysis scenarios.

It is also important to note for the administrative record that the Town of Danville has not reviewed in detail nor accepted many projects on this list. Specifically, the Alcosta Boulevard Extension project (described on page 4.12-49) which involves the extension of Alcosta Boulevard north of Crow Canyon Road to Fostoria Way in Danville, has not been reviewed, discussed nor approved by the Danville Town Council. Additionally, the only aspects of the I-680 Investment Options Study that have received local and regional concurrence are the first two components involving the development of new express service and direct on- and off-ramps at Norris Canyon Road. We respectfully ask for these notations to be included in the environmental documentation.

DAN-9

9. **Freeway Analysis:** The traffic analysis in the DSEIR observes that I-680 currently operates at an unacceptable level of service and acknowledges that any further deterioration of the mainline or ramp segments is considered a significant impact. It concludes that no mitigation is available and the impact is unavoidable. We respectfully disagree with this conclusion, particularly given that the DSEIR describes projects, such as additional express bus service and the I-680 Norris Canyon Project, which are intended to provide congestion relief on I-680 (page 4.12-51). The implementation of these two projects are designed to create a relief valve for the high-occupant vehicles to exit on Norris Canyon Road, thereby providing for additional capacity on Bollinger Canyon. Given that the proposed project would generate a substantial number of trips, an appropriate mitigation to consider is a financial contribution from the project toward the funding of these two projects.

DAN-10

October 11, 2007

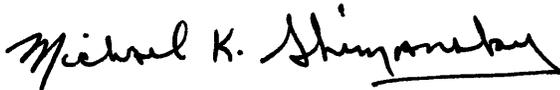
Page 5

Again, we appreciate the opportunity to comment. If you have any questions regarding this letter, please contact Tai Williams, Transportation Services Director at (925) 314-3313 or twilliams@ci.danville.ca.us at your convenience.

DAN-10
CONT.

Sincerely,

TOWN OF DANVILLE



Michael K. Shimansky

Mayor

c: Town Council
 Town Manager
 City Attorney
 Transportation Services Director
 Transportation staff
 Development Services Director
 Chief of Planning

Town of Danville (DAN)

Response to DAN-1

The author provided some introductory remarks to preface the comment letter. No further response is necessary.

Response to DAN-2

The author referenced the Contra Costa Transportation Authority’s LOS criteria and noted that there are limitations with the methodology. The author recommended that the DSEIR intersection operations analysis use Synchro or comparable modeling software to determine the full extent of impacts.

The Traffic Operations Evaluation used the Contra Costa Transportation Authority’s LOS criteria for intersection operations analysis, which is required by the Contra Costa Transportation Authority. In addition, the Traffic Operations Evaluation used Synchro software to evaluate queuing impacts at major intersections. The results of the Synchro analysis are shown in Table 4.12-23. The Synchro worksheets are provided in Appendix I of the DSEIR.

Response to DAN-3

The author requested a supplemental traffic assessment of the intersection of Crow Canyon Road / Crow Canyon Place, which was evaluated qualitatively in the Traffic Operations Evaluation and the DSEIR.

Per the author’s request, a supplemental analysis of the intersection was performed and is summarized in Table 1. As shown in the table, the intersection would operate at LOS C or better with the addition of project generated trips.

Table 1: Crow Canyon Road / Crow Canyon Place Level of Service

Existing		Existing Plus Project		Year 2020 Without Project		Year 2020 With Project	
AM	PM	AM	PM	AM	PM	AM	PM
A	B	A	B	A	C	A	C

Source: DMJM Harris, 2007.

Response to DAN-4

The author referenced the intersection operation impacts analysis at Old Ranch Road / Dougherty Road and Alcosta Boulevard / Old Ranch Road (both of which are currently unsignalized), and requested clarification about the methodology used to evaluate impacts at these intersections.

A traffic signal at the intersection of Old Ranch Road / Dougherty Road will be installed in December 2007. Therefore, the intersection operations analysis treated this intersection as a signalized intersection.

The intersection of Alcosta Boulevard / Old Ranch Road is currently an all-way stop controlled intersection. While the City of San Ramon anticipates signalizing the intersection in the future, it was assumed to be unsignalized in the Traffic Operations Evaluation to provide a worst-case scenario. To address the author’s concerns regarding methodology, supplemental analysis was performed for the intersection, which is summarized in Table 2. As shown in the table, the intersection would operate at LOS C or better with the addition of project generated trips.

Table 2: Alcosta Boulevard / Old Ranch Road Level of Service

Existing		Existing Plus Project		Year 2020 Without Project		Year 2020 With Project	
AM	PM	AM	PM	AM	PM	AM	PM
B	B	B	B	B	B	C	B
Source: DMJM Harris, 2007.							

Response to DAN-5

The author noted that Traffic Area Zone 40109 includes both Parcel 1A (including the existing 328,200 square-foot office entitlement) and Chevron Park and requested information about how the Contra Costa Transportation Authority Regional Travel Demand Forecasting Model distinguished between trips assigned to each land use.

In October 1981, Chevron USA, Inc. received approval to construct up to 2,544,774 square feet of office uses on 143 acres, which includes the existing Chevron Complex and Bishop Ranch 1 and the area now referred to as Parcel 1A. This entitlement was vested as part of the Annexation and Development Agreement executed by and between Chevron USA., Inc. and the City in 1987. Chevron constructed approximately 1,488,463 square on 92-acres, leaving 1,056,311 square feet unbuilt on the remaining 51-acres. In 1999, Sunset Development purchased the unbuilt 51 acres, along with entitlement to develop the remaining 1,056,311 square feet of office. In response to this acquisition, Chevron requested an amendment to the Development Agreement which assigned the remaining entitlement to Sunset Development. This transfer is vested under the Chevron Park Annexation and Development Agreement, First Amendment executed on December 22, 1999 by and between Sunset Development Company and the City. In June 2000, Sunset Development received approval to construct Bishop Ranch 1, which contains approximately 728,091 square feet, leaving approximately 328,220 square feet unbuilt, but still entitled under Chevron Park Development Agreement, First Amendment.

In developing the Regional Travel Demand Forecasting Model, the model as background includes development that is existing approved and approved but not constructed, along with future development contemplated in local agencies long-range land use plans. The Regional Travel Demand Forecasting Model includes all 2,544,774 square feet of office uses entitled by Chevron Park Development Agreement, First Amendment, including the unbuilt 328,220 square feet.

Moreover, the Regional Travel Demand Forecasting Model overstates employment within TAZ 40109, which assumes 9,143 employees. As noted on its business license on file with the City of San Ramon, employment at Chevron Park is 4,500 employees, which translates to a ratio of 1 employee / 330 square feet. However, for the purposes of calculating a conservative estimate of employment, it will be assumed that there is 1 employee / 300 square feet in Chevron Park. The Bishop Ranch 1 office uses assume a ratio of 1 employee / 260 square feet, which is a standard industry assumption for such land uses. Using these employee/square footage ratios, the employment within TAZ 40109 is calculated below:

- Assuming 300 square feet per employee for Chevron Park (1,488,463 square feet) = 4,962 employees
- Assuming 260 square feet per employee for Bishop Ranch 1 (728,091 square feet) = 2,800 employees
- Assuming 260 square feet per employee for Unbuilt Vested Office Entitlements (328,220 square feet) = 1,262 employees
- Total calculated employees for TAZ 40109 at buildout = 9,024 employees

Therefore, conservative buildout employment calculations for TAZ 40109 (9,024) are less than the projections contained in the TAZ (9,143).

Table 3 compares the ITE trip generation methodology using square footage and employees. As shown in the table, using square footage or employment arrives at the same peak hour trips. This supports the conclusion that the model overestimates the number of employees.

Table 3: Trip Generation Comparison (Square Footage vs. Employees)

Land Use	ITE Code	Quantity	Units	AM Peak Hour			PM Peak Hour		
				In	Out	Total	In	Out	Total
Office Park	750	328,220	Square footage	508	63	571	69	423	492
Office Park	750	1,262	Employees	500	43	543	74	418	492

Source: Kimley-Horn and Associates, 2007.

Response to DAN-6

The author requested clarification about the methodology used for applying internal trip reduction rates to the trip generation rates for the proposed project’s civic uses.

No internal capture trip reduction rates were applied to the City Hall and library uses. Internal capture rates were only applied to the retail, office, residential, and hotel uses based on ITE methodology. Refer to the Project Trip Generation – Trip Generation Methodology appendix in the Traffic Operations Evaluation for further information.

Response to DAN-7

The author referenced the Bishop Ranch Business Park Transportation Demand Management trip reduction rates used in the Traffic Operations Evaluation and requested clarification regarding their consistency with the CCTA Technical Procedures document that states that combined transit and transportation demand management should be limited to no greater than 10 percent.

The CCTA Technical Procedures are considered guidelines for the preparation of a traffic impact analysis. Because the proposed project is a mixed-use infill development with a transit center, the 17 percent reduction rate used is appropriate and reasonable. Moreover, there is empirical evidence dated back two decades demonstrating that Bishop Ranch Business Park Transportation Demand Management Program has reduced trip generation by 15 percent. The additional 2 percent trip reduction factor is attributable to the inclusion of a transit center in the proposed project that would provide express bus service to BART stations in Dublin and Walnut Creek. Therefore, the 17 percent reduction factor is considered appropriate.

Response to DAN-8

The author requested additional information regarding the basis for pass-by trip reduction rates credited to the proposed project's retail uses.

The retail category used in the analysis was Shopping Center, Land Use Code 820. The ITE Trip Generation Handbook provides trip pass-by percentages for shopping centers of various sizes. The ITE Trip Generation Handbook contains data from 33 shopping centers that are 400,000 square feet or larger. The average pass-by percentage for shopping centers of 400,000 square feet or more is 27 percent. Therefore, the 22 percent pass-by percentage for the proposed project is conservative and is appropriate to apply for the City Center retail uses.

Response to DAN-9

The author referenced the planned and proposed transportation improvements listed in the DSEIR on pages 4.12-49 through 4.12-56 and noted the Town of Danville would be affected by the Alcosta Boulevard extension, which the Danville Town Council has not reviewed or approved. In addition, the author stated that the only aspects of the I-680 Investment Options Study that have received local and regional concurrence are the development of new express bus service and the Norris Canyon Road high occupancy vehicle on- and off-ramps and requested that this be noted in the DSEIR.

The purpose of the discussion of planned and proposed transportation improvements was to identify anticipated improvements expected to occur between 2007 and 2020. These improvements are identified in various local and regional planning programs, and are pertinent to the transportation analysis contained in the DSEIR. There are no statements or implications in the DSEIR asserting that the Town of Danville (or any other agency) has approved or concurred with the proposed improvements. Given the summary nature the discussion of the planned transportation improvements

in the DSEIR, it is not necessary to note each individual agency's views on the various improvements.

Response to DAN-10

The author referenced the proposed project's significant unavoidable impact on I-680 ramp and mainline operations and requested that the DSEIR mitigate for this impact.

Refer to Master Response 2.



SAN RAMON VALLEY UNIFIED SCHOOL DISTRICT
2430 Camino Ramon, Suite 240, San Ramon, CA 94583
FACILITIES DEVELOPMENT
Office (925) 552-5986 FAX (925) 328-0560

October 15, 2007

Lauren Barr, Senior Planner
City of San Ramon
Planning/Community Development
2222 Camino Ramon
San Ramon, CA 94583

RE: San Ramon City Center – Environmental Impact Report

Dear Ms. Barr,

Thank you for the opportunity to respond to the *Draft Subsequent EIR* for the San Ramon City Center. The project site is located within the boundary of the San Ramon Valley Unified School District.

SRVUSD-1

On June 19, 2007 the District responded to a questionnaire from Michael Brandman Associates requesting specific information regarding the San Ramon City Center project. Michael Brandman Associates attempted to incorporate information from the District's questionnaire into the *Draft Subsequent EIR* however, some of the information is confusing and/or incorrect. The District would like to take this opportunity to correct the information and make clarifications.

SRVUSD-2

In May of 2007 the San Ramon Unified School District completed its *School Facilities Needs Analysis* as required by Government Code §65995.6. Student generation factors were determined by developing a database of the addresses of new housing constructed in the District within the past five years, and matching these addresses to the addresses of enrolled students. The table below reflects the number of students expected to be generated by the 487 high-density residential units.

SRVUSD-3

Grade Level	Student Generation Factors	Students Generated
K-5	.21	102
6-8	.07	34
9-12	.05	24
Total	.33	160

Please correct Page 4.11-20. The table in the *Draft Subsequent EIR* incorrectly states the student generation factors for the middle and high school grade levels. In addition, the district provided Michael Brandman Associates with a table out of the *School Facilities Needs Analysis* report utilizing K-6, 7-8 grade configurations, as required by law. The table above shows the correct student generation factors and grade configuration for the district.

The San Ramon City Center project is located within the Twin Creeks Elementary, Iron Horse Middle and California High School attendance boundaries. To-date the district has not taken into considered a residential component to the San Ramon City Center project in its growth projections. There are a number of new and proposed residential developments of which the district has been aware that would also feed into the above-mentioned schools - namely the Faria Ranch, Chu Property and Crow Canyon Specific Plan. The cumulative impact of these new and proposed residential developments along with the City Center project will significantly affect our ability to house students generated from these developments within the current attendance boundaries. In order to accommodate the students being generated by these residential developments the District will need to reevaluate its current attendance boundaries and/or expand the existing schools.

The charts below summarize the impacts of new development on existing schools. The enrollment at Twin Creeks Elementary School as of September 2007 is 505 students with a master planned capacity of 540 students. Iron Horse has an enrollment of 976 students with a master planned capacity of 960 students and California High School has an enrollment of 2439 with a master planned capacity of 2400. With the build out of the above-mentioned projects, including the City Center, enrollments could potentially increase by 442 elementary, 163 middle and 132 high school students. Based on the current enrollments and master planned capacities these students could not be accommodated within their currently assigned schools.

**Future Development
Twin Creeks Elementary – Iron Horse Middle – California High
Attendance Boundaries**

Development	Number of Units	K-5 Twin Creeks Elementary	6-8 Iron Horse Middle	9-12 California High
Single Family				
Faria Ranch	400	172	68	60
Chu Property	40	17	7	6
SFA				
Faria Ranch	84	18	6	4
City Center	487	102	34	24
MF				
Faria Ranch	216	30	11	9
CCSP	735	103	37	29
Total	1962	442	163	132

Cumulative Impact of Future Development on Schools

School	Current Enrollment	Future Growth	Total	Master Plan Capacity
Twin Creeks	505	442	947	540
Iron Horse	976	163	1139	960
California	2439	132	2571	2400

Current Enrollment as of September 2007

SRVUSD-4
CONT.

Please correct page 4.11-21. The first paragraph reads, "The planned opening of the Dougherty Valley High School at the beginning of the 2007- 2008 academic year would relieve California High School of its capacity constraints." This is incorrect because Monte Vista High School is/was housing Dougherty Valley students not California High School. Dougherty Valley High School opened this year (2007/08) with 9th and 10th grade students that live within the Dougherty Valley boundary. In addition to its own students, Dougherty Valley High School is also housing approximately 40 intra-district transfers from California High School. Current Dougherty Valley 11th and 12th graders are still being housed at Monte Vista High School with Dougherty Valley adding an additional grade level for the next two years until all 9th-12th-grade students are at Dougherty Valley High School. It should also be noted that the Dougherty Valley developers have dedicated schools sites and funded the construction of all the new schools in the Dougherty Valley as mitigation for the 11,000 residential units that are being constructed.

SRVUSD-5

Please correct page 4.11-21: The second paragraph mentions "available funding sources for capital improvements, including two voter-approved school bond measures". The voters approved the first bond, Measure D, in 1998 and all the work under that bond has since been completed. The second bond, Measure A, was approved in 2002 and the projects for this bond are well underway. Under Proposition 39 the state mandates that the district have a list of identified projects prior to placing the bond on the ballot. In forecasting the need for future school facilities, the district did not take into consideration a residential component to the San Ramon City Center. Therefore, no new seats or classrooms have been added or planned under Measure A for the anticipated student growth from the San Ramon City Center project. No other sources of funds are available to pay for classrooms and ancillary facilities required as a result of this project. Current law allows school districts to collect Level 1 Fees at \$2.63 per square foot for residential construction and \$0.42 for commercial/industrial and senior housing. The San Ramon Valley Unified School District has met the statutory eligibility requirements to collect Level 1 and 2 Fees. On June 26, the Board of Education approved the Level 2 Fees for the SRVUSD at \$6.93 per square foot for new residential construction.

SRVUSD-6

As shown in the tables above, the capacity at the assigned resident schools can not adequately house students from all the approved and proposed developments, including the San Ramon City Center project. In order to resolve the enrollment issues, the District will have to expand existing facilities, possibly change attendance boundaries, and/or students may be diverted to other schools in the district. Adding

SRVUSD-7

portable classrooms to the existing sites would provide housing on a temporary basis until permanent construction could be completed.

SRVUSD-7
CONT.

Other Concerns Regarding the City Center Project: Iron Horse Middle School is located within one-quarter-mile of the City Center project site. The district has several concerns related to construction or operational activities associated with the City Center project as it relates to Iron Horse Middle School. They are as follows:

SRVUSD-8

Safety/Traffic/Circulation: As with any type of construction, the district is always concerned with the safety of our students and community. Of utmost concern with the City Center project would be construction traffic. This could be significantly mitigated if the hours of delivery of supplies, building materials, concrete etc. could be limited to the hours when the students are in school and the parents dropping off and picking up have had time to leave the vicinity of the school. Due to the size of the City Center project there may also be a concern regarding contractors parking in the school parking lots and walking through campus to the Iron Horse Trail to the job site. State Law mandates that contractors hired by the District be fingerprinted and District policy mandates that anyone entering the school grounds during school hours must check into the office. Therefore, it would not be appropriate for contractors to park in the school parking lot and walk through campus. This type of action would be strictly forbidden. Keeping the surrounding streets clean of dirt and debris and the dust level down would also be of concern. If a utility shut down were required it would need to occur on weekends or holidays. Please note that Iron Horse Middle School holds many community activities on nights and weekends. Any disruption of utilities, even if on the week-ends or school holidays would require a 30-day notice so that we could arrange to have those activities held at another school site if possible or else cancelled.

SRVUSD-9

Noise: The school district has concerns over impacts to student learning during construction. Our concerns stem from the level and frequency of noise from construction activities such as earthmoving operations, driving piles, jack hammering, riveting steel, unloading and loading material and equipment, etc. The District requests that noisy and ground vibrating activities take place when students are not in school. School calendars, bell schedules, and testing days are published on the Internet and would be a good resource.

SRVUSD-10

Again, we thank you for the opportunity to respond to the San Ramon City Center project. Should you have any questions or concerns please feel free to call me.

Sincerely,

SAN RAMON VALLEY UNIFIED SCHOOL DISTRICT



Tina Perault
Senior Planning and Development Manager

San Ramon Valley Unified School District (SRVUSD)

Response to SRVUSD-1

The author provided some introductory remarks to preface the comment letter. No further response is necessary.

Response to SRVUSD-2

The author acknowledged responding to a questionnaire prepared Michael Brandman Associates (MBA) requesting information about the San Ramon Valley Unified School District (SRVUSD) on June 19, 2007 and stated that several there was confusing or incorrect information about SRVUSD in the DSEIR.

As information, MBA provided a one-page questionnaire, project plans, and a project description to SRVUSD on May 16, 2007. SRVUSD ultimately provided a response dated June 19, 2007, which is provided in Appendix H of the DSEIR. The questionnaire requested the most information about attendance boundaries, student generation rates, SRVUSD's ability to accommodate students generated by the proposed project, and development fee schedules, and provided SRVUSD the opportunity state any concerns it had about the proposed project. SRVUSD's questionnaire responses served as the basis for much of the impact analysis contained in Impact PSR-3.

Response to SRVUSD-3

The author provided a table with updated student generation rates and requested that Table 4.11-8 be revised to reflect the new rates.

For clarification, the student generation rates shown in the column titled "Student Generation Factor (Student/Unit)" in Table 4.11-8 inaccurately identified the rates for middle and high school as "0.40" and "0.50," respectively. The rates should have been "0.04" and "0.05." The calculations in the column "Students Generation" used the correct rates. Regardless, the updated student generation rates are noted in Section 4, Errata. Although the proposed project's total student generation estimate increased by 5 students to 160 students, this is a small number in real terms and does not constitute a significant increase.

Response to SRVUSD-4

The author noted that SRVUSD has not factored in the proposed project's enrollment growth into its long-term enrollment projections and stated that the proposed project, in conjunction with enrollment growth other planned or approved residential development projects, will cause enrollments at Twin Creeks Elementary School, Iron Horse Middle School, and California High School to exceed master plan capacities.

Impact PSR-3 acknowledged that enrollment growth associated with the proposed project would exceed the existing capacities at the schools serving the proposed project. No further response is required.

Response to SRVUSD-5

The author noted that a sentence in Impact PSR-3 referencing Dougherty Valley High School incorrectly stated that it would relieve California High School of its capacity constraints. This sentence has been stricken and this change is noted in Section 4, Errata. This change is not considered substantial and does not change any conclusions presented in the DSEIR.

Response to SRVUSD-6

The author advised that the description of SRVUSD's on-going capital improvement incorrectly described the current funding sources and mistakenly implied that the current enrollment capacity projects account for enrollment growth associated with the proposed project.

This passage has been revised to reflect the changes SRVUSD requested. In comment SRVUSD-7, the author indicated that SRVUSD may need to construct school facilities, alter attendance boundaries, divert students to other schools in the district, or install portable classrooms in order to accommodate students generated by the proposed project. However, because no specific capital improvements have been identified and because there is the possibility that attendance boundary changes or diverting students to other schools may solve the capacity issues, construction of new school facilities is not a foreseeable consequence of the proposed project. Therefore, the conclusions presented in Impact PSR-3 are still valid.

Response to SRVUSD-7

The author indicated that SRVUSD may need to construct school facilities, alter attendance boundaries, divert students to other schools in the district, or install portable classrooms in order to accommodate students generated by the proposed project.

As mentioned in Response SRVUSD-6, this statement has been included in the Impact PSR-3 discussion and is noted in Section 4, Errata.

Response to SRVUSD-8

The author indicated that SRVUSD had concerns relating to project impacts on Iron Horse Middle School.

For background, SRVUSD expressed these concerns previously in its letter dated June 19, 2007 and impacts on Iron Horse Middle School were identified in the relevant DSEIR sections (e.g., air quality, noise, and transportation).

Response to SRVUSD-9

The author expressed concern about construction traffic impacts on Iron Horse Middle School and suggested that mitigation be added limiting construction deliveries to the hours students are in school and prohibiting construction workers from parking on campus. The author also advised that any utility shutdowns affecting the school should occur on weekends or holidays.

SRVUSD's concerns about construction traffic and construction worker parking are addressed in Mitigation Measure TRANS-9. The mitigation measure limits construction traffic to the roads immediately surrounding the project site. Because Iron Horse Middle School is located on Alcosta Boulevard, which is not immediately adjacent to the project site, no construction traffic would affect the school. The mitigation measure also explicitly prohibits construction staging or parking at Iron Horse Middle School or Central Park. Therefore, Iron Horse Middle School would not be impacted by construction traffic or parking.

No utility shutdowns would occur at times when school facilities are in use. The project applicant would be required to notify SRVUSD of any utility shutdowns affecting the school.

Response to SRVUSD-10

The author expressed concern about construction noise impacts on Iron Horse Middle School and requested that noisy and ground vibrating activities occur outside of school hours.

Construction noise impacts on Iron Horse Middle School were evaluated in Impact NOI-1. As shown in Table 4.9-10, the school is projected to be exposed maximum exterior construction noise levels of 69.2 A-weighted decibels (dBA) and 24-hour day/night exterior average noise levels of 62.4 dBA. Standard building construction is assumed to result in indoor noise levels being 15 dBA less than exterior noise levels. As such, classrooms at Iron Horse Middle School would be expected to experience maximum construction noise levels of 54.2 dBA, which is low enough to be drowned out by ambient classroom noise and, therefore, be barely noticed. In addition, noise control measures contained in Mitigation Measure NOI-1 would serve to attenuate construction noise impacts on surrounding land uses, including the school. Therefore, limiting construction activities that generate substantial sources of noise to non-school hours is not necessary.

Construction vibration impacts were evaluated in Impact NOI-2. Because of the distance between Iron Horse Middle School and the project site, construction vibration is not expected to be noticed at the school. Therefore, limiting construction activities that generate substantial sources of vibration to non-school hours is not necessary.

From: Ivan Dimcheff [mailto:ird@grancopump.com]

Sent: Friday, September 07, 2007 3:45 PM

To: Economic Development (Public)

Subject: City Center DSEIR

As a resident of San Ramon, I applaud the action taken by the planning commission to approve this project which will enhance the city, its neighborhoods, and its citizens. The EIR was succinct and very informative and should provide the impetus for this project to move forward. Please keep this project moving!!

Ivan Dimcheff
San Ramon, CA

ID-1

2.2.6 - Individuals

Ivan Dimcheff (ID)

Response to ID-1

The commentor expressed his opinion that the DSEIR is adequate and his support for the proposed project. No further response is necessary.

25-SEPTEMBER-2007 From: Thomas Albert, Ph.D., who works in Bishop Ranch, San Ramon Home address: 164 El Dorado Ave #7, Danville, CA 94526
Email: talbert747@wordesign.com Phone 925 209-5505

To: Lauren Barr, Senior Planner, City of San Ramon, Planning/Community Development Department, Planning Services Division
2222 Camino Ramon, San Ramon, CA 94583, Phone: 925.973.2560, Fax: 925.806.0118, Email: lbarr@sanramon.ca.gov

To the City of San Ramon and All Concerned:

NOTE:

I received by mail a yellow postcard from the City on 22-SEPTEMBER-2007 saying that any lawsuit can only use objections that have been filed by the City before 02-OCTOBER-2007. This contradicts the City's website at <http://www.ci.san-ramon.ca.us/citycenter/default.html> which says "***The public comment now closes on October 11, 2007.***"

TA.1-1

I want the City to declare that the postcard date is incorrect.

SUMMARY:

After intensive review of the San Ramon City Center Draft Subsequent Environmental Impact Report posted at <http://www.ci.san-ramon.ca.us/citycenter/DSEIR.htm>, I object both the document and the project itself. I recommend *Alternative 1: No Project Alternative* with one modification: that the currently empty lot be made into a park, left as is, or become the site of the new library that does not require kids in Central Park to cross Bollinger Canyon Road.

TA.1-2

QUOTATIONS FROM THE DSEIR, FOLLOWED BY MY COMMENT

2.3.3 - Project Objectives

Increase mobility, reduce greenhouse gas emissions, and promote energy conservation in San Ramon, Bishop Ranch, and the proposed project through the inclusion of a Transit Center that would serve as a convenient, centralized location for public transit providers

TA.1-3

- Capitalize on the proposed project's adjacency to the Iron Horse Trail to promote the use of pedestrian and bicycle modes of transportation and encourage trip and greenhouse gas reduction and energy conservation
- Encourage trip and greenhouse gas reduction and energy conservation throughout San Ramon, Bishop Ranch, and the proposed project through the siting of residential and office uses near shopping, dining and entertainment
- Establish public improvements including landscaped sidewalks, plazas, and pedestrian connections, streets, parking structures, and a new "ring road" extending Bishop Drive to Bollinger Canyon Road
- Add new experiences at Bishop Ranch, and to the San Ramon community, including a hotel, an art-screen cinema, new gourmet restaurants, and destination retail attractions

TA.1-3
CONT.

[COMMENT:

- ***This is misleading about pollution and novelty.***
- ***There is no "new experience" here. San Ramon already has hotels, gourmet restaurants, such as Mudd's and Café Esin.***
- ***Furthermore, San Ramon already has retail in overabundance]***

2.4 - Significant Unavoidable Adverse Impacts

...

Freeway operations: The proposed project would contribute new vehicle trips to Interstate

680, which currently operates a deficient level of service. No mitigation is available to reduce

this impact to a level of less than significant.

TA.1-4

Inconsistency with the Clean Air Plan:

Greenhouse gas emissions

[COMMENT: It would be unwise to increase traffic jams and air pollution. There is no need to lower our quality of life. The document is defective

insofar as it sometimes admits these problems and other times paints an unrealistic picture of ecological harmony.]

TA.1-4
CONT.

2.5.1 - No Project Alternative

Under the No Project Alternative, the project site would remain in its existing condition, and the proposed project would not be developed. As part of this alternative, Parcel 1A would be developed as a 328,220-square-foot office complex in accordance with the previously approved entitlements set forth in the Chevron Park Annexation and Development Agreement.

TA.1-5

[COMMENT: The idea to add more office space is bad judgment. There already is a glut of office space. I work in Bishop Ranch and observe daily that much of Bishop Ranch office space has been empty for years. For example, Bishop Ranch 6 is about 50% occupied.]

2.5.4 City Civic Center Alternative

- City Offices and Council Chamber: 70,000 square feet
- Library: 50,000 square feet
- Children's Museum: 20,000 square feet
- Center for Arts and Visual Arts Gallery: 96,000 square feet
- Retail: 40,000 square feet
- Aquatic center on Parcel 1A

TA.1-6

[COMMENT: This Alternative 4 doesn't sound too bad to me because I swim at Cal High three days a week, but even this is probably unnecessary because the City already has the two big pools (Cal High, Dougherty Valley). Is the City seriously considering having three Olympic Pools? If the City is not serious about having three aquatic centers, to offer this as an alternative is another flaw in this document.]

2.6.2 - Potentially Controversial Issues

TA.1-7

In rendering a decision on a project where there is disagreement among experts, the decision makers

are not obligated to select the most environmentally preferable viewpoint.

TA.1-7
CONT.

[COMMENT: Because of Global Warning, it is unwise to deliberately invite ecological disaster.]

Section 4.2 - Air Quality

Impact AIR-4: The proposed project would be

inconsistent with the projections contained in the

BAAQMD Clean Air Plan.

TA.1-8

[COMMENT: Whatever we do should be consistent with the Clean Air Plan. It should be illegal to do otherwise. It is definitely bad policy to do otherwise.]

3.2.1 - Project Background

(As postscript to the demise of the City Civic Center project, the City and the San Ramon Valley Unified School District joined to develop a 600-seat performing arts facility and aquatics center at Dougherty Valley High School that will be available for community use during non-school hours when the school opens at the start of the 2007–08 academic year. Additionally, a site for the Children’s Discovery Museum has been identified in

the City of Dublin.)

TA.1-9

[COMMENT: Given the “postscript” above, it would seem that the 2.5.4 City Civic Center Alternative is not a serious option. Why does the document purport that a moot option is a viable option? This document is seriously flawed!]

3.2 - Project Characteristics

...

To realize the public-private partnership, the City determined it was necessary to make certain amendments to the General Plan and concurrently create a new zoning district:

Table 3-4

194,652 square feet of existing office space will be demolished, and the project will utilize a vested un-built office entitlement of 328,220 square feet.

TA.1-10

[COMMENT:

- ***The City needs the people's vote before it can claim the people agree to something they did NOT agree to. The City is failing to represent the people's will if it amends the General Plan without a new vote. Why isn't the City seeking a public vote by its Citizens. Is the City government allergic to democracy?***
- ***A cinema is a bad idea because of the home theatre boom and the availability of DVDs from the public library, NetFlix, Blockbuster (both stores and online), and Hollywood Video.***
- ***It is unwise to destroy, then rebuild, what you already have too much of: empty office space.***
- ***What are the financial and business details of the "public-private partnership"? What tangible assurance does the public have that this partnership is one in which the private interests do not take advantage of the public interests? Details of this partnership environment area are completely missing from the document.]***

TA.1-11

TA.1-12

In March 2002, City voters approved the General Plan 2020, which identified a City Center project at the intersection of Camino Ramon and Bollinger Canyon Road and set forth a number of policies reaffirming previous policies intended to guide the development of the project. Relevant policies include:

...

Policy 4.8-I-17, which exempts the City Center project from height restrictions and set back requirements for vertical wall dimensions and upper stories.

TA.1-13

[COMMENT: Did the voters know the Plan in the future would the split the center by the busiest street in the City (Bollinger Canyon)? Did the voters clearly understand that no restrictions whatsoever would exist on building height? Or, are these mere INTERPRETATIONS in favor of the certain special interests? The project should wait to see if it can obtain an clear, fresh citizen mandate by voters who know the current facts and vastly expanded scope.]

TA.1-13
CONT.

4.1.7 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the development of the project and provides

mitigation measures where appropriate.

Scenic Vistas

Impact AES-1: The proposed project would not have a substantial adverse effect on a scenic vista.

Plaza District

The proposed project would result in the development of structures in excess of 80 feet in the Plaza District. The hotel would be approximately 91 feet above finished grade, the cinema would be slightly more than 83 feet above finished grade, and the residential uses on Blocks F-G would be slightly more than 85 feet above finished grade. The height of these structures has the potential to obstruct views of the aforementioned scenic vistas, most notably from the Iron Horse Trail and Central Park.

TA.1-14

North of Bollinger Canyon Road, views of the hills to the west are available from the Iron Horse Trail. The existing quality of these views is high because of the lack of visual obstructions on Parcel 3A in the foreground that allow for expansive views of Wiedemann Hill and the hills to the west. The Plaza District structures would introduce foreground visual obstructions to Parcel 3A that would eliminate views of the hills to the west either partially or entirely.

[COMMENT:

- In this section, the document's summary contradicts the document's content. The impact is substantial! Especially from Central Park and from the Iron Horse Trail.***
- The No Center alternative is the best for views because of the empty lot, which is an aspect the EIR hides.***

- ***There is little point is showing Iron Horse Trailing looking north or south. The document needs to show that which it hides: the huge blemish when looking west.***
- ***The document is very deceptive, particularly in its visual representations of views from the Iron Horse Trail.***
- ***By turning a blind eye to the biggest impact, it is as if the document said the absurd: “View with Eyes Closed. Same Before and After. No Impact!]***

TA.1-14
CONT.

Page 4.1-47

In addition, the Zoning Ordinance does not establish a height limit for buildings in the City Center Mixed Use (CCMU) zone. The Plaza District and Bishop Ranch 1A structures would be located within this zoning district and, therefore, would not be subject to any height requirements.

[COMMENT:

TA.1-15

- ***It is unwise and irresponsible to say there are no restrictions whatsoever on building height.***
- ***My impression is that to avoid the sensible height requirements, something less than good planning has occurred.***
- ***It is not sensible to split the Center by having Bollinger Canyon Road, the busiest thoroughfare in the entire City, be smack dab in the middle! Indeed, this is dangerous and invites automobile accidents that might be fatal.]***

Moreover, the actual number of vantage points impacted by the proposed project is relatively small—approximately 0.5 mile of Bollinger Canyon Road and approximately 0.5 mile of the Iron Horse Trail. Nearly every other surrounding street or land use would not experience a significant loss in views of the surrounding hills.

Finally, the proposed project would create new public and private view opportunities. The east-west trending Center Street and the pedestrian plaza in the Plaza District would have view corridors of the Dougherty Hills, Wiedemann Hill, and the hills to the west. The upper floors of the Plaza District, Bishop Ranch 1A, and City Hall would have views of the surrounding hills, as well as north-south views of the San Ramon Valley. Because these views currently do not exist, this is considered a benefit of the proposed project. For these reasons, the proposed project’s impacts on scenic vistas would be less than significant.

TA.1-16

[COMMENT: When you are on the Iron Horse Trail, the view of the hills is important. Experiencing the beauty of nature in the open air might not interest a few privileged V.I.P.s with a large office at the top of City Hall, but people on the Iron Horse Trail are more representative of the people at large.]

TA.1-16
CONT.

Exhibit 4.1-5a



San Ramon City Center Looking West to the Bay

TA.1-17

[COMMENT:

- This picture in Exhibit 4.1-5a is particularly deceptive. Very few people will be able to enjoy the vast panorama depicted because it belongs to a penthouse office. This fantasy view, with no cars and no smog, contradicts the document, which indicates significant adverse impact in terms of traffic and pollution.***
- How likely is it that the people of the City will be able to see the hills on the west side of the San Francisco Bay? This is not the social science of valid Environment Impact Report. This is marketing of false dream!***

- ***Why doesn't the document show the view looking west along Iron Horse Trail where the people will only see a huge wall that blocks the view of the hills?***
- ***Why doesn't this widely marketed image show what the words of the document admit to: increased traffic jams and air pollution?***
- ***Very deceptive! This document, like the Project, is seriously flawed!]***

TA.1-17
CONT.

p.4.1-58

More broadly, the General Plan envisions the City Center as a cultural, entertainment, and commercial destination for local residents, and the policy language recognizes the need for providing design requirement flexibility for the project. Significant flexibility is given to building height, FAR, and intensity of uses, indicating that City decision makers and the San Ramon electorate who approved the General Plan in March 2002 were aware that the City Center project would be unique in its nature, scope, and scale. For this reason, **it is reasonable to conclude that, while the City Center would dramatically and irreversibly alter the visual character of the project site and the surrounding area, the General Plan—and by extension City decision makers and the San Ramon electorate—have identified this change as City policy.**

TA.1-18

[COMMENT:

- ***I disagree. It is UNREASONABLE to claim that the people agreed to that which they never agreed to. The way to find out what the Electorate wants is to let them vote on this specific proposal!***
- ***This plan is much higher in scope and impact than that which the 2002 voters had a chance to consider, so the only reasonable conclusion is that we do NOT know what they want in regard to this vastly different project!***
- ***Why is this political mysticism purporting to be "reasonable" part of a supposedly objective Environmental Impact Report?***
- ***This false claim to "reasonable" is a partisan statement of a purely political desire and has no legitimate role in the Environmental Impact Report.***
- ***This false claim to a "reasonable conclusion" is an advertisement by special interests. It is propaganda, not social science, and it is 100% irrelevant to an ENVIRONMENTAL impact report.]***

page.4.2-35

Air Quality Management Plan Consistency

Impact AIR-4: The proposed project would be inconsistent with the projections contained in the

TA.1-19

BAAQMD Clean Air Plan.

...

As discussed in the detail in Section 4.10, Population and Housing, the City of San Ramon's 2010 population is anticipated to exceed ABAG's projections by 10.5 percent. With the addition of population growth facilitated by the proposed project, the exceedance is expected to increase to 15.8 percent. In addition, the proposed project would generate a net increase of 24,926 daily vehicle trips, which is a substantial increase above the existing 2,023 vehicle trips generated by Bishop Ranch 2 and the forecasted 3,178 vehicle trips associated with the existing 328,200-square-foot entitlement on Parcel 1A. Therefore, the proposed project would result in increases in population growth and vehicle miles traveled that exceed the assumptions contained in the Clean Air Plan. This is considered a conflict with the regional air quality management plan and is a significant impact for which no mitigation is available to reduce it to a level of less than significant. Therefore, this would be a significant in unavoidable impact of the proposed project.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

No mitigation is available.

Level of Significance After Mitigation

Significant unavoidable impact.

Greenhouse Gas Emissions

Impact AIR-7: Emissions from the proposed project would represent a cumulatively considerable contribution to global greenhouse gas emissions.

...

After accounting for all of the various sustainability features, the proposed project would still result in a net increase in greenhouse gas emissions. The proposed project is estimated to generate close to 25,000 daily trips, which alone would exceed BAAQMD thresholds for ozone precursors, CO, and particulate matter. When area source emissions are factored, the exceedance would increase to three times BAAQMD thresholds for ozone precursors and particulate matter and four times for CO.

...

In summary, **the proposed project is an intensive, large-scale urban development project that would result in a substantial net increase in greenhouse gas emissions. Given its size and intensity, the proposed project's direct and indirect emissions would have a cumulative contribution to greenhouse gas concentrations in the atmosphere. Therefore, this impact would be significant and unavoidable.**

TA.1-19
CONT.

[COMMENT: This impact is unreasonable. The Plan should be consistent with the Air Quality Plan. Why jeopardize the health of the community and the children?]

4.11.2

The City of San Ramon has an adopted standard of 6.5 acres of public parks per 1,000 residents.

Using the City's 2007 population estimate of 58,035 persons, there is a current ratio of 5.36 acres of

public parks per 1,000 residents, which is below the adopted standard.

TA.1-20

[COMMENT:

- **I suggest we convert the empty lot into a park. It is the perfect site for a park and according to the City's own plan, the City has a shortage of park space.**
- **Alternatively, put the new Library on the currently empty lot so the children can get from Central Park to the Library without risking their lives trying to cross the most dangerous street in the entire city.]**

p.4.11-25

The lack of lighting serves as an effective deterrent to after-hours trail usage and,

therefore, there would be no reason to assume the proposed project would necessitate additional measures to prevent after-hours usage.

TA.1-21

[COMMENT:

- **Incorrect. The lack of lighting encourages usage—of a unhealthy sort—rather than discouraging it.**
- **Already, broken glass is a problem on the trail, especially on Monday morning after teenagers have broken their beer bottles. Broken beer bottle glass is likely to increase on the trail.**
- **The document fails to study the likelihood of increased juvenile delinquency and crime. For example, the City Center is likely to have an upscale saloon, and the proximity to alcohol is likely to attract high school kids.**
- **It is also possible that teenage girls, after hanging out at the town center until midnight, might get pregnant in the dark area by the trail.]**

TA.1-21
CONT.

4.12-103

Bicycles

Because of its proximity to the Iron Horse Trail and the adjacency of Class II and III bike lanes on Bishop Drive and Bollinger Canyon Road, respectively, project residents, employees, and guests would be expected to regularly use bicycles.

The City of San Ramon requires new development projects to provide bicycle storage facilities. Because of the unique nature of the proposed mixed-use project, a mitigation measure has been added that requires the project applicant to provide a bicycle parking study that analyzes the specific project need for bicycle parking and storage. The study shall identify where this bicycle storage would be provided in each component of the project to meet the intent of the City Zoning Ordinance. The implementation of this mitigation measure would reduce potential impacts to a level of less than

significant.

TA.1-22

[COMMENT:

- **This flawed document has no data to substantiate its claim that bicycle usage would increase.**
- **This section is deceptive because the impact on bicycle riders of bringing so many more cars is significantly more danger to bicyclists, more risks of being injured or killed. Especially if the City Center includes an upscale saloon offering alcohol.**
- **What percent of people are suddenly going to change their lifestyle and do their retail shopping on bicycle?**
- **Are the guests at the upscale Hotel going to get their by bicycle?**

- **The document is seriously flawed to purport that this radical lifestyle change to bicycle riding is likely to occur at a significant scale.]**

TA.1-22
CONT.

Trade Area Setting

4.13-2

Despite the relative proximity of such retail centers as Walnut Creek and Pleasanton, the proposed project is not expected to capture significant demand from the residents of these cities. Shoppers in these neighboring markets are less likely to travel to San Ramon from Walnut Creek or Pleasanton as their retail options are of much

greater scale and scope. However, residents of Danville, San Ramon, and Dublin, many of whom currently commute to Pleasanton and Walnut Creek for shopping, are likely to be attracted by the relative proximity of the proposed project.

TA.1-23

[COMMENT:

- **Spurious reasoning. There certainly will be trips from surrounding towns, especially when you add new retail outlets. People do not only shop in the town if the biggest number of stores. They also shop with a particular store, or set of stores, in mind. That will also add pollution.**
- **This section contradicts the logic of more car trips which other parts of the document do admit to.]**

p.4.13-8

In general, the presence of numerous shopping centers in the Trade Area is indicative of a relatively mature retail sector.

San Ramon

San Ramon has a relatively large retail sector consisting of a number of shopping centers clustered along I-680. Most shopping centers in San Ramon are grocery store anchored centers supported by smaller and often local “in-line” retailers and merchants. In addition, there are several large shopping centers with major national retailers,

TA.1-24

including Home Depot, Target, Whole Foods, and Office Depot, among others. The current inventory of retail area in San Ramon is approximately 1.5 million square feet.

TA.1-24
CONT.

[COMMENT: The document correctly indicates the Project is not useful in terms of retail supply, because we already have sufficient retail (1.5 million square feet).]

4.4-27

Energy

Impact US-5: The proposed project would demand substantial amounts of electricity and natural

Gas.

TA.1-25

[COMMENT: missing from the plan: alternative sources of energy, such as built-in solar panels and state-of-the-art energy conservation technologies]

5.2 - Alternative 1 - No Project Alternative

Cultural Resources

Parcel 1A would be developed as an office complex under the No Project Alternative.

TA.1-26

[COMMENT: Alternative 1 should be modified. The open lot should remain as is, or become a park, or a Library that does not require kids in Central Park to cross Bollinger Canyon Road. The City already has a shortage of parks and an excess of office space.]

5.5 - Alternative 4 - City Civic Center Alternative

The City Civic Center Alternative consists of developing the project detailed in City Civic Center

Environmental Impact Report, certified by the San Ramon City Council in December 2003. The City Civic Center Project proposed 276,000 square feet of civic and

TA.1-27

commercial uses, including City offices, Council Chambers, a library, a children's museum, a 1,200-seat performing arts center with a smaller 300-seat theater, 40,000 square feet of retail on Parcel 3A, and an aquatic center on the City-owned portion of Parcel 1A.

[COMMENT:

- I personally like the idea of more swimming pools. I doubt that most residents of San Ramon feel the need for a 3rd Olympic-sized pool. Is this a serious proposal, given the Dougherty Valley Aquatic Center? Section 3.2.1 talked about this, but why is it missing here?
- The plan is deficient in regard to the Library. It mentions the Library, but the Library is treated as if it were a minor, almost insignificant, part of the Project, a mere afterthought.
- The City should not underestimate the value of the Library just because it does not generate income. It has educational value.
- This is the best opportunity to establish a fully-sized Library that will be adequate for 20-30 years into the future.
- At the previous Planning Commission meeting, the Librarian was *pleading* for more consideration of the Library. She was diplomatic in saying that 50,000 square feet is not enough, that the Library is already overcrowded and getting more so.
- I say this document and the project fails to prioritize the Library adequately. A Family-Oriented city with 1.5 million square feet of retail can allocate 100,000 square feet for its Library.
- However, providing more Library space is not necessarily tied to accepting this defective City Center plan as a whole.
- The document and City Center planning as a whole fails to explore many alternatives that would benefit the people in the City.]

TA.1-27
CONT.

6.1 - Significant Unavoidable Impacts

• **Inconsistency with the Clean Air Plan:** Population growth and vehicle trips associated the proposed project would exceed the projections contained in the BAAQMD Clean Air Act. No mitigation is available to reduce this impact to a level of less than significant.

• **Greenhouse gas emissions:** The size and intensity of the proposed project would have a cumulatively considerable contribution to greenhouse gas emissions. Mitigation is proposed that would require implementation of energy and water conservation

TA.1-28

measures; however, these measures would not fully reduce this impact to a level of less than significant.

• **Freeway operations:** The proposed project would contribute new vehicle trips to Interstate 680 (I-680), which currently operates a deficient level of service. No mitigation is available to reduce this impact to a level of less than significant.

[COMMENT: The significant unavoidable impacts are unacceptable. The best alternative is to cancel the project entirely.]

TA.1-28
CONT.

SECTION 8: PERSONS AND ORGANIZATIONS CONSULTED

...

[COMMENT:

- **Section 8's list of persons and organizations consulted is far too narrow! It is good that the local chapter of the Sierra Club was consulted, but to be “green” and “environmentally friendly”, you need consultations with solar power experts and architects who have expertise in “green” buildings (sustainable architecture; zero energy building): how to build optimal energy re-use and conservation into the design of the structures themselves.**
- **In this regard, I recommend consultations with those kinds of architects both in San Francisco and in Germany, which is on the whole far in advance of the United States in environmentalism. City Planners should consult the UC Berkeley College of Environmental Design and websites such as:**
 - http://en.wikipedia.org/wiki/Zero_energy_building
 - http://en.wikipedia.org/wiki/Passive_house
 - [http://www.passivehouse.com/English/PassiveH.HTM.](http://www.passivehouse.com/English/PassiveH.HTM)

Among the benefits:

- **potential isolation of buildings' occupant(s) from energy price increases**
- **increased comfort due to more uniform interior temperatures (this can be demonstrated with comparative isotherm maps)**
- **reduced cost to improve energy efficiency during initial design and construction than it is to do so through a retrofit**
- **higher resale value**

TA.1-29

- **the value of a ZEB building relative to similar conventional building increases as energy costs increase**

as well as:

- **Setting an example for other cities to follow**
- **Making San Ramon important instead of just another Concord-like heap of traffic jams and retail glut**

Thomas Albert - September 25, 2007 (TA.1)

Response to TA.1-1

The author stated that he received a postcard from the City of San Ramon on September 22, 2007 stating that any potential lawsuits regarding the San Ramon City Center DSEIR can only raise objections that have been filed with the City prior to October 2, 2007. The author asserts that the deadline is October 11, 2007.

The postcard in question concerned the October 2, 2007 Planning Commission hearing regarding the City Center project. The postcard noted that potential legal challenges to the project application “may” be limited to those issues raised by speakers at the hearing. The postcard did not address legal challenges to the DSEIR and, therefore, the author’s assertion is incorrect.

Response to TA.1-2

The author expressed his preference for the No Project Alternative, with the caveat that Parcel 3A be left vacant or developed for public use as a park or library. No further response is necessary.

Response to TA.1-3

The author asserted his objections to the project objectives, and provided his opinion that San Ramon has an ample supply of hotels, restaurants, and retail, and stated that the objectives are “misleading about pollution and novelty.”

CEQA requires EIRs to provide a listing of clearly written project objectives that include the identification of the underlying purpose of the project. Project objectives are intended to be used to develop a reasonable range of alternatives and aid the decision makers in preparing findings or a statement of overriding considerations, if necessary. All of the project objectives are realistic statements of the goals of the proposed project. While the comment author may disagree about the degree to which the proposed project accomplishes various objectives, this is simply considered a difference of opinion.

Response to TA.1-4

The author referenced the significant unavoidable impacts identified in Section 2, Executive Summary, and offered his opinion that the DSEIR is “defective insofar as it sometimes admits these problems and other times paints an unrealistic picture of ecological harmony.”

The DSEIR is intended to provide independent, impartial analysis of the proposed project’s environmental impacts in accordance with the procedures identified by the CEQA Guidelines. The DSEIR identifies significant unavoidable impacts (which is what the author appears to be referring to when he states that the document “sometimes admits these problems”) and identifies where impacts are less than significant (which is presumably what the author is referring to when he states that the document “paints an unrealistic picture of ecological harmony”). Regardless, because the author fails to identify any examples of disputed analysis, no further response can be provided.

Response to TA.1-5

The author referenced the existing 328,220 square-foot vested office entitlement that was assumed to be developed on Parcel 1A under the No Project Alternative, and expressed his opinion against developing more office space.

The office entitlement is vested and Sunset Development can develop it, provided it reaches an agreement with the City of San Ramon for acquisition of the City-owned portion of Parcel 1A. Because Sunset Development has the legal right to develop the office entitlement, it is considered foreseeable and, therefore, is appropriate to include in the No Project Alternative.

Response to TA.1-6

The author stated that there are several existing aquatic facilities in San Ramon and suggested that the DSEIR is flawed because in analyzed the City Civic Center Alternative, which included an aquatic center.

Refer to Master Response 3.

Response to TA.1-7

The author referenced the discussion in Section 2, Executive Summary, regarding potentially controversial issues, and remarked that, "Because of Global Warming, it is unwise to deliberately invite ecological disaster." The statement reflects the author's opinion and no further response is required.

Response to TA.1-8

The author referenced the Impact AIR-4 impact statement that asserts that the proposed project would be inconsistent with the Bay Area Air Quality Management District's Clean Air Plan, and expressed his opinion that the proposed project should be consistent with the plan. The author also asserted that, "It should be illegal to do otherwise."

As discussed in Impact AIR-4, the Clean Air Plan is based upon population growth projections issued by the Association of Bay Area Governments (ABAG) and assumptions regarding vehicle miles traveled. For the purpose of providing perspective, large development projects, such as the San Ramon City Center project, will often be inconsistent with population growth or vehicle miles traveled projections and, therefore, be inconsistent with the applicable air quality management plan. The proposed project includes a number of trip reduction features that would serve to reduce the number daily vehicle trips and have corresponding reductions in traffic congestion, tailpipe emissions, and energy consumption. While the trip reduction features would not avoid the significant unavoidable impact associated with inconsistency with the Clean Air Plan, they are mitigating factors that should be considered when evaluating the proposed project's overall impact on air quality.

Response to TA.1-9

The author referenced the discussion in Section 3, Project Description, of the history of the City Center concept, which mentioned that an aquatics center was developed at Dougherty Valley High School, and inquired why the City Civic Center Alternative, which contains an aquatics center, was evaluated in the DSEIR.

Refer to Master Response 3.

Response to TA.1-10

The author referenced the description in Section 3, Project Description, of a previously approved amendment to the City of San Ramon General Plan that re-designated a portion of the project site from Office to Mixed Use and asserted that this approval is invalid because it was not approved by the voters.

Measure G, the 2002 ballot measure approved by the San Ramon electorate adopting the City of San Ramon General Plan, allows for General Plan Amendments that do not require voter approval. The re-designation of Parcel 1B from Office to Mixed Uses met the criteria for requiring only discretionary approval by the Planning Commission and City Council. Therefore, the author's claim is incorrect.

Response to TA.1-11

The author expressed various opinions about the cinema and building more office space. No further response is required.

Response to TA.1-12

The author requested that the DSEIR provide financial details of the public-private partnership between the City of San Ramon and Sunset Development. The proposed project's financial arrangements do not constitute physical impact on the environment and, therefore, are outside of the scope of the DSEIR's purview.

Response to TA.1-13

The author referenced the discussion in Section 3, Project Description, of the history of the City Center concept and questioned whether the voters understood the potential size of the City Center project allowed by the General Plan when they approved the document in 2002. The author suggested that the voters were not aware and expressed his opinion that the project should be put to a vote of the San Ramon electorate.

As discussed in Impact LU-2 in Section 4.8, Land Use, the proposed project is consistent with all applicable policies of the City of San Ramon General Plan and is within the parameters established for the City Center concept in the document. It should be noted that the City Center project area is shown on both sides of Bollinger Canyon Road in Figure 4-4 of the City of San Ramon General Plan, as amended in November 2006. Regarding the author's suggestion that the voters were misinformed

about the potential size of the City Center, this is his opinion without factual support and no further response is required. The proposed project does not require a vote of the San Ramon electorate and, therefore, the City has no plans to place the project approval on the ballot.

Response to TA.1-14

The author quoted a passage of Impact AES-1 from the DSEIR discussing alteration of views and asserted that that impacts on scenic vistas are substantial. The author also claimed that the vantage points used in the various “before” and “after” images of the proposed project were deceptive and downplay the impact significance.

As discussed on page 4.1-47 of the DSEIR, impacts on scenic vistas were found to be less than significant because obstructed views of surrounding hills would be mostly limited to the Iron Horse Trail and Bollinger Canyon Road corridors and most other nearby land uses would not experience any noticeable changes to views. The Iron Horse Trail and Bollinger Canyon Road are transportation corridors with existing visual obstructions that partially or fully obstruct views of surrounding hills at various locations. In addition, neither corridor is identified as a scenic view corridor by the City San Ramon General Plan. As such, the alteration of views along short segments of these corridors is not considered a substantial impact. Moreover, the proposed project would create new view opportunities of the surrounding hills and the San Ramon Valley that currently do not exist. For these reasons, the DSEIR concluded that impacts on scenic vistas were less than significant.

Regarding the author’s claim that the vantage points used in the various “before” and “after” images of the proposed project were deceptive, this is a difference of opinion. The DSEIR included 11 visual simulations of the proposed project that are representative of view locations likely to be affected by the development of the project buildings. Exhibit 4.1-4a depicts the locations of the 11 vantage points. As is shown in the exhibit, multiple east-west and north-south viewpoints were used in the analysis. Regardless of the vantage points used in the exhibits, the DSEIR analysis in Impact AES-1 acknowledged that views from certain locations would be partially or entirely obstructed by the proposed project structures. Therefore, the author’s assertion that the DSEIR is flawed because of the vantage points used in “before” and “after” visual simulations is lacking in factual support.

Response to TA.1-15

The author disputed a statement in the DSEIR that the City Center Mixed Use (CCMU) zoning district does not have a building height limit and expressed his opinion that locating the proposed project’s buildings on both sides of Bollinger Canyon Road would increase the likelihood of fatal automobile accidents.

The San Ramon Zoning Ordinance does not establish a height restriction for buildings in the City Center Mixed Use (CCMU) zoning district, which reflects policy language in the City of San Ramon General Plan exempting the City Center project from building height requirements. As such, the author’s claim that this is not an accurate statement is incorrect.

Regarding the author's assertion that the location of the proposed project's structures on both sides of Bollinger Canyon Road would increase the likelihood of fatal automobile accidents, this claim lacks any supporting factual evidence and, therefore no further response is required.

Response to TA.1-16

The author referenced the concluding statement in Impact AES-1 and stated that the obstruction of views from the Iron Horse Trail corridor is not outweighed by the creation of new view opportunities by the proposed project.

Determining the significance of obstructed views is inherently subjective; however, the DSEIR provides reasoned analysis of the proposed project's tradeoffs as it relates to obstructed views and the creation of new view opportunities. The conclusions presented in Impact AES-1 reflect most views from surrounding land uses would not experience significant change and only short segments of the Iron Horse Trail and Bollinger Canyon Road corridors would experience significant change. The Impact AES-1 conclusion also accounts for the beneficial impact of the creation of new view opportunities, which would be available to occupants (e.g., customers, employees, residents, guests, etc.) of the Plaza District, Bishop Ranch 1A, and City Hall.

Response to TA.1-17

The author alleged that one of the illustrative renderings shown in Exhibit 4.1-5a, Plaza District Illustrative Renderings, is deceptive because it does not show cars or smog and asserted that it "is not the social science of a [sic] valid Environmental Impact Report." The author questioned why illustrative renderings were not prepared from the Iron Horse Trail corridor and stated that the renderings are "marketing images."

There is no legal requirement that illustrative renderings or visual simulations be included in CEQA documents. However, the DSEIR included such images to provide reviewers with a general vision of the aesthetic appearance of the project structures.

As indicated by its name, Exhibit 4.1-5a contains illustrative renderings of the Plaza District. Illustrative renderings depict artistic images of unbuilt development projects to provide reviewers with a general idea of aesthetic appearances. Because the illustrative renderings are artistic images, the artist employed creative license to create visually appealing perspectives, including the aerial view referenced by the author. Contrary to the author's assertion, the illustrative rendering depicts cars. While the illustrative rendering does not show any clouds or air pollution, this does not constitute a flaw because it is not intended to represent regional atmospheric conditions. Regardless, the DSEIR accurately described the artistic images presented in Exhibit 4.1-5a as illustrative renderings.

Response to TA.1-18

The author disputed the Impact AES-3 conclusion that the proposed project's visual character impacts have been contemplated by the City of San Ramon General Plan and claimed that the San Ramon

electorate was not aware of the development potential of the City Center when they approved the General Plan in 2002. The author also asserted that the use of the term “reasonable” in the impact analysis is a “partisan statement of a purely political desire” and is an “advertisement by special interests.”

For context, the concluding paragraph the author disputes is restated in its entirety below:

More broadly, the General Plan envisions the City Center as a cultural, entertainment, and commercial destination for local residents, and the policy language recognizes the need for providing design requirement flexibility for the project. Significant flexibility is given to building height, FAR, and intensity of uses, indicating that City decision makers and the San Ramon electorate who approved the General Plan in March 2002 were aware that the City Center project would be unique in its nature, scope, and scale. For this reason, it is reasonable to conclude that, while the City Center would dramatically and irreversibly alter the visual character of the project site and the surrounding area, the General Plan—and by extension City decision makers and the San Ramon electorate—have identified this change as City policy. Therefore, the proposed project’s aesthetic characteristics would be consistent with established City policy and the long-term vision of the community visual character. (DSEIR, Pg. 4.1-58.)

The passage above presents a factual explanation of the parameters the voter-approved General Plan established for the City Center concept and then, based on that information, provides a logical and reasoned conclusion that the proposed project’s visual character impacts are consistent with the contemplated development potential envisioned by the General Plan. The use of the term “reasonable” reflects the logical underpinnings of the analysis and its usage is appropriate in that context. As such, the author’s objection to the use of the term “reasonable” is merely a difference of opinion and does not indicate that the DSEIR is inadequate.

Regarding the author’s claim that the San Ramon electorate was misinformed about the City Center concept when it approved the General Plan, this is his opinion without factual support and no further response is required.

Response to TA.1-19

The author referenced the DSEIR’s analysis of the proposed project’s consistency with the BAAQMD Clean Air Plan (Impact AIR-4) and its greenhouse gas emissions (Impact AIR-7) and asserted his opinion that “This impact is unreasonable,” and that, “The Plan [sic] should be consistent with the Air Quality Plan.”

For clarification, Impact AIR-4 and Impact AIR-7 address separate issues. The proposed project’s consistency with the BAAQMD Clean Air Plan has no relationship to the proposed project’s

emissions of greenhouse gases because the Clean Air Plan only concerns criteria pollutants. Greenhouse gases are not criteria pollutants and, therefore, there is no nexus between either impact.

As for the author's objection to the significant unavoidable impact associated with inconsistency with the Clean Air Plan, this reflects his opinion and no further response is required.

Response to TA.1-20

The author expressed his opinion that Parcel 3A should be developed as either a park or a library. No further response is required.

Response to TA.1-21

The author referenced Impact PSR-6, which analyzed potential impacts on the Iron Horse Trail, and disputed a statement that the lack of lighting along the trail corridor serves as a deterrent to after-hours usage. The author claimed that the lack of lighting along the trail, on the contrary, encourages criminal activity and vice, and asserted that the DSEIR failed to analyze the foreseeable result of increased juvenile delinquency and teenage pregnancy that would occur as a result of the City Center project.

Both East Bay Regional Parks District and the San Ramon Police Department were consulted during the preparation of the DSEIR regarding the proposed project's impacts on Iron Horse Trail and public safety, respectively. Neither agency identified criminal activity, juvenile delinquency, or teenage sexual activity as existing problems within the trail corridor near the project site or foreseeable consequences that would result from the development of the proposed project. Moreover, both East Bay Regional Parks District representatives and City of San Ramon representatives indicated that locating a major activity center adjacent to the trail corridor would increase visual observation of both the trail and Central Park and serve as a deterrent to criminal activity (as well as juvenile delinquency and teenage sexual activity) in both places. Therefore, the author's assertion that the proposed project would increase criminal activity, juvenile delinquency, and teenage sexual activity is a matter of opinion and is not supported by information provided by East Bay Regional Parks District and the San Ramon Police Department.

Response to TA.1-22

The author alleged that the analysis of bicycle impacts in Impact TRANS-8 is flawed because it assumes that substantial numbers of City Center residents, customers, and guests would make major lifestyle changes and use bicycles in place of cars. The author also claimed that the DSEIR failed to consider that bicycle safety is likely to be compromised because the Plaza District would likely have an "upscale saloon" serving alcohol.

There are no statements in the DSEIR asserting that large numbers of City Center residents, customers, and guests would make major lifestyle changes and adopt the bicycle as their primary mode of transportation. As demonstrated in Table 4.12-9, the trip generation totals for the proposed project did not overly assume that project users would be using bicycles or other alternate forms of

transportation. As such, the author's claim that the DSEIR unreasonably overstates likely bicycle usage is incorrect.

Regarding the author's allegation that bicycle safety would be compromised by Plaza District establishments serving alcohol, there is no evidence supporting this claim. There are a number of existing alcohol-serving establishments in San Ramon (e.g., establishments in the Market Place, on San Ramon Valley Boulevard, on Crow Canyon Road, etc.) that are located near bicycle routes and there has not been any documented evidence suggesting that bicycle safety has been compromised on these routes as a result of alcohol service. Moreover, the San Ramon Police Department did not identify the potential for bicycle safety to be compromised by the presence of alcohol-serving establishments as a public safety concern. Therefore, the author's assertion that the project's alcohol-serving establishments would compromise bicycle safety is a matter of opinion.

Response to TA.1-23

The author claims that the definition of the Trade Area provided in Section 4.13, Urban Decay, analysis is inconsistent with the traffic analysis because it did not account for residents outside of the Trade Area to come to the proposed project. As such, the author asserted that the DSEIR did not account for the pollution from those trips.

For background, the DSEIR's analysis of the proposed project's potential urban decay impacts and transportation impacts employed two separate methodologies.

The urban decay analysis evaluated the potential for the City Center's retail space to capture sales from other retail nodes in the Trade Area, thereby creating the potential for closure of competing businesses and the possibility of long-term vacancies that would be conducive to urban decay conditions. In the interests of providing a conservative analysis, the proposed project's Trade Area was limited to San Ramon, Danville, and Dublin. By using a small Trade Area, the proposed project's potential to divert sales from competing businesses are magnified and represent a "worst case" scenario. In contrast, if a larger Trade Area were used, the proposed project's potential to divert sales is distributed over a larger area, thereby reducing the likelihood for significant impacts on competing businesses.

Moreover, as explained on Page 4.13-5, the exclusion of Pleasanton and Walnut Creek from the Trade Area is also justified by the existing number and size of retail nodes in those markets. While there would inevitably be retail customers in those markets who would patronize the City Center's retail outlets, they are not expected to account for a significant amount expenditures relative to customers living in the Trade Area. In addition, given the existing net outflow of retail dollars from the Trade Area to the Pleasanton and Walnut Creek markets, any inflow the project captures would likely only partially offset the existing outflow.

The DSEIR's transportation analysis is intended to identify LOS impacts on roadways by quantifying the proposed project's trips and then inputting them into a regional traffic model. Project trip generation was calculated trip using rates provided by the Institute of Transportation Engineers guidance and rates used in the previously certified City Civic Center EIR. The proposed project's trip generation rates were then used to model impacts on intersection and freeway operations. The trip generation rates only provide the number of vehicles entering and exiting the project; as such, they cannot be used as a proxy for determining the origins of incoming trips, much less if they correlate to anticipated retail sales identified in the urban decay analysis. The daily trip generation rates identified in traffic analysis were used as the basis for modeling vehicular air pollution.

In summary, the urban decay analysis and transportation analysis are entirely independent of each other. Therefore, it would erroneous to suggest that the conclusions of the traffic analysis should reflect the conclusions of the urban decay analysis, and vice versa.

Response to TA.1-24

The author references a description of the existing retail sector in San Ramon in Section 4.13, Urban Decay, and suggested that this demonstrates that there is no need for the proposed project's additional retail square footage.

As discussed in Section 4.13, Urban Decay, anticipated population and household income growth in both San Ramon and the Trade Area will dramatically increase retail demand. As shown in Table 4.13-6, retail demand in San Ramon is projected to grow from \$554 million in 2005 to \$1.419 billion by 2020, an increase of 150 percent, during that same period, retail demand in the Trade Area is anticipated to grow from \$1.705 billion to \$3.403 billion, a 50 percent increase. Moreover, as shown in Table 4.13-7, San Ramon retailers are capturing only 79.5 percent of local retail dollars. Based on anticipated retail demand projections and the existing retail capture rates, the DSEIR concluded that there is ample demand for the proposed project's retail square footage and urban decay is not a foreseeable consequence of the proposed project.

Response to TA.1-25

The author referenced the Impact US-5 impact statement, which states the proposed project would demand substantial amounts of electricity and natural gas, and provided his opinion that the proposed project is missing alternative energy sources such as photovoltaic solar panels and state-of-the-art energy conservation technologies.

Refer to Master Response 4.

Response to TA.1-26

The author referenced the existing 328,220 square-foot vested office entitlement that was assumed to be developed on Parcel 1A under the No Project Alternative, and expressed his opinion that the parcel should instead remain undeveloped or be developed as a park or library.

The office entitlement is vested and Sunset Development has the legal right to develop the office entitlement. Therefore, is considered foreseeable and is appropriate to include in the No Project Alternative. In addition, the City of San Ramon has not proposed a park or library on this site and, therefore, this is not considered a foreseeable action under the No Project Alternative.

Response to TA.1-27

The author provided his critique of the components contained in the City Civic Center Alternative described in Section 5, Alternatives to the Proposed Project, and stated that the DSEIR failed to explore “many alternatives that would benefit the people in the City.”

Regarding the author’s critique of the City Civic Center Alternative, refer to Master Response 3.

Regarding the author’s assertion that the DSEIR should have analyzed “many” alternatives, CEQA Guidelines Section 15126.6 states that an EIR need not consider every conceivable alternative to a project. Moreover, as a practical matter, a primary constraint to alternatives analysis is the availability of critical information (e.g., building plans, site suitability information, etc.). When this information is not available, it constrains the ability of an EIR to provide meaningful analysis of an alternative. For this reason, the DSEIR alternatives analysis was limited to four alternative concepts for the project site.

Response to TA.1-28

The author referenced the significant unavoidable impacts listed in Section 6.1 and provided his opinion that they are unacceptable and the project should be canceled. No further response is necessary.

Response to TA.1-29

The author referenced Section 8, Persons and Organizations Consulted, and expressed his opinion that more persons and organizations should have been consulted. The author also suggested that the project applicant should consult with green building architects

Pursuant to the CEQA Guidelines, DSEIR Section 8, Persons and Organizations Consulted, provides a list of persons and organizations that provided input on the preparation of the DSEIR. The City of San Ramon and MBA, the preparers of the DSEIR, solicited input from public agencies, private organizations, and individuals through a number of formats, including public hearings, public noticing, agency consultation, and personal communications. Those agencies, organizations, and individuals who responded with input are listed in Section 8.

The CEQA Guidelines do not require project applicants or lead agencies to consult with green building architects. Therefore, such consultation is purely elective and at the discretion of the applicant or the lead agency.

October 1, 2007
From: Jim Gibbon, AIA
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To: Lauren Barr, Senior Planner
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To the City of San Ramon and All Concerned:

RE: 3.1 -CEQA Guidelines
SECTION 3: THRESHOLDS OF SIGNIFICANCE
Air Quality\24910007_Air Quality Analysis Technical Report

After review of the San Ramon City Center Draft Subsequent Environmental Impact Report, I object to the inadequacy of the Air Quality Analysis Technical Report in that it does not analyze the impact on climate change and does not include a baseline emissions inventory as required in section 38505 of AB 32.

The City Center Project DSEIR approval provides a blueprint for the physical development of land in the area under the City's jurisdiction. It should be consistent with protection of the natural resources, economy, environment, and quality of life in that area, out to the year 2020 as called for in the General Plan 2020.

A primary goal of the General Plan 2020 is to ensure good air quality for the City's residents, businesses, and visitors to reduce impacts on human health and the economy. General Plan 2020 is supported by chapter 4.2, Air Quality, which is in-turn implemented by a series of City Center programs, all aimed at ensuring good air quality for the City.

The City prepared an environmental impact report for the City Center Plan approvals ("**City Center DSEIR**"), which is being reviewed by the City Planning Commission in September and October, 2007.

It is my position that the City Center Plan DSEIR did not adequately analyze the adverse effects of implementation of the City Center Project on air quality and climate change and did not adopt feasible mitigation measures to minimize the adverse effects of implementation of the City Center Project on climate change and air quality. These requirements cannot be overridden by a "Statement of Overriding Considerations".

I challenge the adequacy of the City Center DSEIR pursuant to the California Environmental Quality Act ("CEQA") and allege that the City Center DSEIR did not comply with the requirements of CEQA in its analysis of greenhouse gas emissions, climate change, and diesel engine exhaust emissions.

The City Center DSEIR Air Quality\24910007_Air Quality Analysis Technical Report should include a Greenhouse Gas Emissions Reduction Plan.

The Plan shall include:

An inventory of all known, or reasonably discoverable, sources of Greenhouse Gases that currently exist in the City. In determining what is a source of Greenhouse Gas emissions, the City may rely on the definition of “greenhouse gas emissions source” or “source” as defined in section 38505 of AB 32 or its governing regulations. The inventory will include estimates of the emissions sources that currently exist and the estimates shall be supported by substantial evidence and will represent City’s best efforts. In the interest of conserving public funds, the City should look first to state and regional air quality boards and agencies for the data on which the inventory is to be based.

A baseline inventory of the Greenhouse Gases currently being emitted in the City from all source categories should be in the in the inventory.

The City Center DSEIR cannot be approved until this inventory is complete and effects mitigated.

Jim Gibbon AIA

JG.1-1
CONT.

*Some information taken from 8-21-07 San Bernardino Settlement Agreement

Jim Gibbon - October 1, 2007 (JG.1)

Response to JG.1-1

The author asserted that the DSEIR's analysis of greenhouse gas emissions failed to comply with provisions of Assembly Bill (AB) 32 (the California Global Warming Solutions Act of 2006) because it did not include a baseline emissions inventory for the City of San Ramon or include a Greenhouse Gas Emissions Reduction Plan. The author cited the August 2007 settlement between the California Attorney General's Office and the County of San Bernardino as the basis for the baseline inventory and Greenhouse Gas Emissions Reduction Plan.

AB 32 does not establish any guidance for project-level analysis of greenhouse gas emissions or require individual projects to conduct a baseline emissions inventory of such sources. The words "baseline" and "inventory" do not appear anywhere in the AB 32 statute. MBA's air quality staff confirmed with California Air Resources Board staff that AB 32 does not require individual projects to develop baseline inventories.

For purposes of background, the Attorney General's Office sued the County of San Bernardino over the adequacy of the EIR prepared for its General Plan Update. The General Plan Update EIR analyzed greenhouse gas emissions from buildout of the General Plan, but asserted that there was no available methodology for determining the significance of such emissions and, therefore, concluded further discussion would be speculative. The Attorney General's Office contended that the speculation finding was inappropriate because the State of California (via AB 32) had committed state and local agencies to reducing emissions of heat trapping gases to identified levels at specific dates. In August 2007, the Attorney General's Office and the County reached a settlement that called for preparing a baseline inventory of emissions in the unincorporated County and a Greenhouse Gas Emission Reduction Plan. San Bernardino County has until February 2010 to prepare the baseline inventory and reduction plan, and development is allowed to occur prior to adoption of the inventory and plan. It should be emphasized that there is no provision in the settlement agreement that obligates individual development projects in unincorporated San Bernardino County to prepare their own baseline inventories or greenhouse gas emissions reduction plans.

The DSEIR analyzed the proposed project's greenhouse gas emissions and concluded that such emissions would have a cumulatively considerable contribution to global concentrations of heat trapping gases. Mitigation was proposed to reduce greenhouse gas emissions. Therefore, the DSEIR's analysis is consistent with the spirit of AB 32, which is to identify and reduce greenhouse gas emissions.

The DSEIR did not include a baseline emissions inventory or greenhouse gas reduction emissions plan for the City of San Ramon because the proposed project would not have the ability to directly affect development or land use activities in other parts of the city. In contrast, a long-range land use plan, such as a General Plan Update, has such power and, therefore, a preparing a jurisdiction-wide baseline emissions inventory and greenhouse gas emissions reduction plan may be appropriate.

Dear Mr. Barr,

I would like to

(a) read the following list of questions at tonight's meeting and have them entered into the public record

(b) have written answers emailed to me and be entered into the public record

Critique of Planning Commission Staff Report of 02-OCTOBER-2007

From:

Thomas Albert, Ph.D., who works in Bishop Ranch, San Ramon

Home address: 164 El Dorado Ave #7, Danville, CA 94526

Email: talbert747@wordesign.com

Phone 925 209-5505

To:

Lauren Barr, Senior Planner, City of San Ramon

1. The Planning Commission website, <http://www.ci.san-ramon.ca.us/bcc/plan.htm>, does not provide a copy of the Staff Report. So how can the public be expected to be able to provide informed comment? Is the City's public outreach in Section III.D. being done to the letter of the law, but not to the spirit of the law: participatory democracy?
2. The document should be in a format that is easy to quote. Some PDFs do not allow the selection of text. (The EIR PDF was hard to read online. Why not post the document in HTML?)
3. Section V. Analysis is biased in favor of those on the side of the done deal. It begins by citing those in favor of the project. This distorts the fact that the meeting went all the way to midnight with a clear majority speaking AGAINST.
4. Section V. Analysis celebrates the altruism of those in favor of the done deal as "a much needed focal point and heart of the community." (Only the heartless would be against a heart?) Is it possible that some of those speaking in favor also stand to gain financially, through business opportunities? Let us not confuse the heart with the bank account.
5. Section V. Analysis is biased against me. It says "Likewise, many member[sic] of the public in attendance continued to express concerns over certain aspects of the proposed project ..." However, I, Thomas Albert, have NEVER contacted City officials for any reason prior to the September 4th meeting. Is the analysis objective, or is it biased against those people who would oppose a done deal, marginalizing them as a stubborn pre-existing group that continues to oppose the heart?
6. Why are those in favor called "members" and those opposed called "member"? (It's as if even the typographical errors are biased.)

TA.2-1

7. Why is the list of issue incomplete? For example, a major issue what the public's frustration that the City, disclaimers notwithstanding, appears to consider the Project to be a done deal. That issue led to some Planning Commission members protesting with some emotion that the Project is most definitely not a done deal in any sense. And yet, this very same section comes extremely close to admitting the Project is a done deal:

- For City Hall Location: *"It is important to understand that a substantial amount of design analysis and consideration went into the site design and that the placement of buildings and circulation are not arbitrary."* This rhetorical strawman fallacy would put those opposed in the false position of claiming something no one ever claimed. No one claimed the one-thousand page document is an arbitrary jumble of nonsense. What some of us would like to ask is this: is the ordering principle that which is good for the people of the City? Or, is the ordering principle some other motive: perhaps a push to get the done deal through as quickly as possible? Perhaps a willingness to fail to study relevant details in they risk shedding an unfavorable light?
- For Size of City Hall: *"It is important to recognize that the City is also a co-applicant for the City Center Project... As a co-applicant, the City administration has been integral in the project design and development."* This unfairly disarms those who question. It claims that expertise resides in those in favor, in the City itself.

However, this claim, would led an objective observer to ask a question: **How can the Applicant be allowed to be the Judge of the Application?**

The City is both Applicant for the Project and Judge of whether the Project is in the public interest. The next time I go to Traffic Court to apply for my speeding ticket to be revoked, I will as the Judge to allow me to be both Applicant and Judge. But would that not be a conflict of interest? **And does the City not have a conflict of interest between its dual roles as Applicant and Judge? Must we not find a higher Judge to adjudicate the wisdom of the Project's claim to incorporate the public's interest? And would that higher Judge be the people?**

- For Project Intensity building Heights: The Staff Report claims to "promote public health". How does this claim fit with the Environmental Impact Report's unmitigatable effect of lower air quality and increased pollution?
- Other missing issues:
 - a. Is the scope and nature of the Project so far different from what the people voted for many years ago that a new vote is called for? Commissioner Phil O'Loane clearly stated on September 4th that this Project is "the most important question this Planning Commission will ever face, now or in the future". Is that not a good reason to ask for a mandate from the people? Is that not a more important reason for a vote than the routine vote of who is the City Mayor?
 - b. Air Pollution. The City has put a big sign in front of its historical flagship food vendor, Windmill Farms, that proclaims "Spare The Air".

Many people asked about air quality, smog, pollution. Why is that not on the list? Is it because the City lacks any plan to mitigate that which the Environmental Impact Report says cannot be mitigated?

Is the City fairly representing what the people said, or it is biased? How can it avoid being biased given that it is an Applicant?

- c. Is the Library, and its size, adequately planned?
The Librarian humbly pleaded for some consideration. Why must she plead for the hope that an expansion might be granted AFTER the Project is completed? Why can't she feel confident that adequate Library facilities be PLANNED in during the planning phase? Also, if the City claims to be the sole judge of what the City needs, following that logic, why doesn't the City let the Library determine the size of the Library? Who can better judge than the Library the size of the Library needed?
- d. Has the planning fully and adequately studied the potential impact of such issues as:
 - i. Juvenile delinquency?
 - ii. Vagrancy near the liquor outlet?
 - iii. Alcohol consumption and automobile accidents?
 - iv. Traffic congestion as Dougherty Valley continues to add more cars on the road?
- e. What is the proper City Center? The Staff Report says "there were several comments specifically on the project design and orientation to Central Park". It does not include in the list the question of whether the proper City Center is the open space of Central Park. More than one member of the public testified that their heart feels at home in the City when they are in Central Park. Given the mild California climate, an open outdoor area allow people to mingle and be together more freely than would be the case in, say, a dark movie theater.

How would a City Center designed with the Central Park as its focal point look? Would it benefit from keeping the undeveloped lot at Bollinger Canyon Road and Iron Horse Trail just as it is: a place where the public can park when people come to Central Park for the Wind Festival and other activities?

- f. Green Architecture. Why doesn't the Project incorporate state-of-the-art ecological design? Some European building has zero impact of global warming. Why are these modern design developments ignored? Can San Ramon obtain the leadership status it apparently seeks if its newest building as basically conventional, of the era before California recognized the high priority to not contribute to global warming?

One final comment about the Vesting Tentative Map. Why isn't there any explanation to indicate what this map is saying. I see some shapes and numbers and writing too small to read. Is this what the City calls public outreach?

Thomas Albert - October 2, 2007 (TA.2)

Response to TA.2-1

This letter concerns the San Ramon Planning Commission Staff Report dated October 2, 2007 and does not provide any comments on the DSEIR. No further response is necessary.

05-OCTOBER-2007 From: Thomas Albert, Ph.D., who works in Bishop Ranch, San Ramon Home address: 164 El Dorado Ave #7, Danville, CA 94526
Email: talbert747@wordesign.com Phone 925 209-5505

To: Lauren Barr, Senior Planner, City of San Ramon, Planning/Community Development Department, Planning Services Division
2222 Camino Ramon, San Ramon, CA 94583, Phone: 925.973.2560, Fax: 925.806.0118, Email: lbarr@sanramon.ca.gov

To the City of San Ramon and All Concerned:

SUMMARY:

Have the applicants for this Project factually established the NEED for a city center as presently conceived, which is predominately just another car-centric shopping center?

TA.3-1

QUOTATIONS FROM THE DSEIR, FOLLOWED BY MY COMMENT

2.3.3 - Project Objectives

Increase mobility, reduce greenhouse gas emissions, and promote energy conservation in San Ramon, Bishop Ranch, and the proposed project through the inclusion of a Transit Center that would serve as a convenient, centralized location for public transit providers

• **Capitalize on the proposed project's adjacency to the Iron Horse Trail to promote the use of pedestrian and bicycle modes of transportation and encourage trip and greenhouse gas reduction and energy conservation**

• Encourage trip and greenhouse gas reduction and energy conservation throughout San Ramon, Bishop Ranch, and the proposed project through the siting of residential and office uses near shopping, dining and entertainment

• Establish public improvements including landscaped sidewalks, plazas, and pedestrian connections, streets, parking structures, and a new "ring road" extending Bishop Drive to Bollinger Canyon Road

• Add new experiences at Bishop Ranch, and to the San Ramon community, including a hotel, an art-screen cinema, new gourmet restaurants, and destination retail attractions

TA.3-2

[COMMENT:

- ***Does the project live up to its objective in regard to the Iron Horse Trail? Does it provide easy and direct access from the Iron Horse Trail to the Civic Center? From my study of the DSEIR the answer is NO: A huge wall blocks access from Central Park/Iron Horse Trail into the central plaza, and access to the Library is even worse. I***

conclude that the Project needs to be redesigned to meet the objective of an easy flow of people from Central Park through and across the Iron Horse Trail to a central plaza that includes the public library. (Library north of Bollinger.)

- **How come none of the marketing pictures in the DSEIR show how difficult it will be for kids to get from Central Park to the Library?**

TA.3-2
CONT.

2.5.4 City Civic Center Alternative

- City Offices and Council Chamber: 70,000 square feet
- Library: 50,000 square feet
- Children's Museum: 20,000 square feet
- Center for Arts and Visual Arts Gallery: 96,000 square feet
- Retail: 40,000 square feet
- Aquatic center on Parcel 1A

TA.3-3

[COMMENT:

- **Why is this alternative marginalized as a mere alternative? Doesn't it fit most closely with what the people voted for in 2002? Shouldn't this alternative be the primary vision of the Project?**
- **Does the DSEIR study the possibility of issuing a bond to finance the Civic Center without tax increase and without requiring the city to enter into a partnership with a for-profit entity (Sunset Development)? Especially because that "partnership" leads the City away from what the People voted for.**
- **In addition, why does the DSEIR assume that the "heart" of a city is a retail plaza? Don't people come together more effectively outdoors in Central Park?**
 - **For example, does the DESIR adequately study the currently existing retail plazas as the "heart" of San Ramon?. The MarketPlace has a pedestrian plaza with two fountains, a Cold Stone Creamery, seven restaurants, and ample parking in the Nob Hill Plaza. And yet, the plaza is mostly empty. If the plaza were overflowing with people, and it were clear that more space were needed for all the people wanting to mingle in the public space, that would be evidence to justify Sunset Development's overly-dense retail and parking excesses.**

TA.3-4

However, any objective observer can see that people in San Ramon exhibit no behavior to indicate they are in dire need of yet another retail plaza.

- **Between the Crow Canyon Safeway and Longs, there is also a retail plaza with ample parking where people could congregate. A few people eat lunch by the fountain between noon and 1 p.m., but there is no need to expand the area because people are not flooding to this retail plaza to experience the sense of open public community. They just spend their money and go elsewhere..**
- **It's the same situation on Bollinger at The Shops At Bishop Ranch. Between Whole Foods and Border's is another fountain with plenty of space for people to walk around after they park their car. People do shop in the retail outlets. However, people are not showing any behavioral indications that they crave more space to hang out in between their shopping episodes. People go straight from store to store without congregating around the plaza and fountain.**
- **A further indication that San Ramon type people do not strongly crave a cemented area to congregate in is San Francisco's Civic Center. It's big, and it's near a transit center (BART/MUNI), but who hangs out there? The homeless, the beggars, the drug addicts. Not typical of San Ramon, I hope!**
- **Where the people of San Ramon do come together is Central Park. Outdoors in a green park. That's why they live in San Ramon. Far away from San Francisco. Why should a wealthy CEO who lives in San Francisco (Alex Mehran) control the design? Shouldn't the Civic Center be designed, from the very beginning, with utmost input (and a clear set of Requirements) from the people who live in San Ramon, who are primarily middle class, with needs that do not match Alex Mehran's expensive taste?**
- **Mehran models his design on San Jose's Santana Row, which is quite pricy and upper-crust. The people of San Ramon are more middle class. San Ramon is not as exclusive and rich as Danville's Blackhawk. The Santa Row model does not fit here.**
- **Does the DSEIR establish that the Plan provides adequate indoor meeting space for the people? Where can people sit down and have a meeting in an open manner, such as visitors to a ToastMasters meeting? Must they buy a meal in a pricy**

TA.3-4
CONT.

TA.3-5

restaurant? There should be a bigger library that has a large, free set of public meeting rooms. San Leandro has this: the Library, the Police Department, and City Meeting Rooms are all in one building. Just outside the build is parking and green space that makes it a park-like atmosphere where kids can safely hang out. This is missing from the Project, and the need for it is missing from the DSEIR. Who would guess that San Leandro would have better city planning than San Ramon?

TA.3-5
CONT.

- **One example of what a bad idea it is to let Sunset Development drive this project is that the central plaza will have cars flowing through it instead of people a pedestrian zone. How many children and elderly people have to be run over before a pedestrian center is established?**
- **Mehran showed examples of what drives his design on 02-OCT. It is driven by cars. Everywhere Mehran went, his conclusion was, to paraphrase: "Let's make my design more car-centric than what other cities have." But Mehran completely ignored European City Centers which are always Pedestrian Zones. For example, London's Trafalgar Square:**

TA.3-6



- **Is this project about the "heart" or the wallet?]**

2.6.2 - Potentially Controversial Issues

In rendering a decision on a project where there is disagreement among experts, the decision makers are not obligated to select the most environmentally preferable viewpoint.

[COMMENT: The logic of this statement needs clarification. If 99.99% of the experts agree and just one expert disagrees, the situation is quite different than if there is a 50/50 split. Also, is "disagreement among experts" a valid excuse? Until this year, President Bush denied that science had established global warming as a fact, yet today he fully embraces the concept. Isn't it our duty to be prudent? The general trend is clearly towards the recognition that environmental issues are increasingly

TA.3-7

important. Therefore, shouldn't it be the policy of this City to select the most environmentally preferable viewpoint?]

TA.3-7
CONT.

3.2 - Project Characteristics

... To realize the public-private partnership, the City determined it was necessary to make certain amendments to the General Plan and concurrently create a new zoning district:

[COMMENT:

TA.3-8

- Why is a public-private partnership necessary? To avoid raising taxes? Has the City considered offering a public bond? Many public projects are financed by issuing a bond, and this also avoids the need to raise taxes. Using a bond has the advantage of providing Civic benefits, such as a large library, without the City having to donate land to a private, for-profit corporation (Sunset Development). Could this plan's private-public "partnership" be a form of "corporate welfare" that benefits Sunset Development at the expense of the people?***
- It is clear from public comments that many people who object were not consulted about the initial design of this project. Why should the City allow a Developer to drive this project when it involves land that belongs to the people?***
- Why didn't the people get a chance to vote on the "amendments" to the General Plan? Maybe they do not want what Sunset Development wants.***

TA.3-9

TA.3-10

Thomas Albert - October 5, 2007 (TA.3)

Response to TA.3-1

The author posed a rhetorical question suggesting that the proposed project is not needed. No further response is necessary.

Response to TA.3-2

The author asserted that the proposed project does not meet the project objective of capitalizing on its adjacency to the Iron Horse Trail to promote pedestrian and bicycle use in order to promote trip reduction, greenhouse gas emission reduction, and energy conservation because there is a “huge wall” that blocks access between the trail corridor and the Plaza District.

The proposed project includes a direct pedestrian linkage between the Plaza District and the Iron Horse Trail corridor. This linkage would include a signalized crossing of Bishop Drive. To enhance the effectiveness of this direct pedestrian linkage, Mitigation Measure PSR-6 requires the installation of a fence along the Iron Horse Trail frontage with Bishop Drive.

Response to TA.3-3

The author referenced the City Civic Center Alternative evaluated in Section 5, Alternatives to the Proposed Project, and inquired why the DSEIR “marginalized it as a mere alternative.” In addition, the author asserted that the DSEIR should have evaluated the possibility of issuing a bond to finance the City Civic Center Alternative without a tax increase or requiring the City of San Ramon to enter into a partnership with a private party.

The CEQA statute requires that discretionary land use projects be evaluated for potential impacts on the environment. The project applicant has an application on file to develop the City Center Project, which is a discretionary land use project. Therefore, the City Center Project triggers CEQA review, which was performed in the DSEIR. The DSEIR considered the City Civic Center concept as an alternative to the City Center Project because it was previously analyzed in an EIR the San Ramon City Council certified in 2003. Analyzing the City Civic Center concept as the proposed project would not be appropriate because the project applicant is proposing to develop the City Center concept.

Regarding the author’s statement that the DSEIR should have evaluated the financing mechanisms for the City Civic Center Alternative, financing would not have a physical impact on the environment and, therefore, is outside of the purview of the DSEIR.

Response to TA.3-4

The author inquired why does the “DSEIR assume the ‘heart’ of a city is a retail plaza” and provided his opinions on the quality of existing shopping centers in San Ramon.

The DSEIR evaluated the proposed City Center project based on the features contained in the project. The proposed City Center Project is intended to fulfill the City of San Ramon General Plan’s vision

of the city center, a fact the DSEIR acknowledges. Regardless, the author's statement does not concern the adequacy of the DSEIR and requires no further response.

Response to TA.3-5

The author asserted that the DSEIR does not evaluate whether the proposed project provides adequate indoor public meeting space.

At the time of the DSEIR preparation, the City of San Ramon had not identified specific square footages for the interior uses of the City Hall and, therefore, it was not possible to identify the size of indoor public meeting space. CEQA does not require precise interior square footages to be identified, so long as the type of end use and overall square footage is disclosed. In this case, the DSEIR identified the City Hall and Transit Center as containing a maximum of 110,490 square feet of civic uses. Moreover, the allocation of indoor meeting space within the City Hall does not constitute a physical impact of the environment and, therefore, evaluating the adequacy of such space is outside the purview of the DSEIR.

Response to TA.3-6

The author stated that allowing vehicular traffic on Center Street in the Plaza District will create pedestrian safety problems and expressed his opinion that the project should be more pedestrian-oriented.

Impacts on pedestrian mobility and safety were analyzed in the DSEIR in Impact TRANS-8. As discussed in that section, the Plaza District would incorporate a number of features to increase the appeal and safety of pedestrian mobility. Signalized pedestrian crossings of Camino Ramon and Bishop Drive would be provided, crosswalks on Center Street would receive pavement treatments to enhance their visibility to motorists and pedestrians, walkways or plazas would be provided along all street frontages and in front of all ground-level storefronts, and on-street parking would be allowed on Camino Ramon during non-commute hours to enhance the pedestrian environment. Given these features, it is reasonable to conclude that pedestrian safety would not be compromised by the proposed project.

Response to TA.3-7

The author referenced a sentence from Section 2, Executive Summary, regarding discussion of potentially controversial issues and requested clarification about the obligation of the lead agency to consider differing opinions from experts.

For context, the entire passage the author referred to is provided below:

In rendering a decision on a project where there is disagreement among experts, the decision makers are not obligated to select the most environmentally preferable viewpoint. Decision makers are vested with the ability to choose whatever viewpoint is preferable and need not resolve a dispute among experts. In their proceedings,

decision makers must consider comments received concerning the adequacy of the DSEIR and address any objections raised in these comments. However, decision makers are not obligated to follow any directives, recommendations, or suggestions presented in comments on the DSEIR, and can certify the Final SEIR without needing to resolve disagreements among experts. (DSEIR, Page 2-8.)

The passage above reflects the possibility that experts may disagree about the conclusions presented in the DSEIR and explains that decision makers do not need to resolve differences prior to certifying the document. The City of San Ramon is obligated to respond to comments on the DSEIR, including those provided by experts. However, the mere existence of differing viewpoints among experts does not require the City to side with the viewpoint that is considered the most environmentally preferable.

Response to TA.3-8

The author questioned the basis for the public-private partnership between the City of San Ramon and Sunset Development for the San Ramon City Center Project expressed his opposition to the partnership.

Public-private partnerships do not have a physical impact on the environment and, therefore, this subject is outside the scope of the DSEIR's review. No further response is necessary.

Response to TA.3-9

The author claimed that many people who object to the proposed project were not consulted about the initial design of the project and expressed his opposition to the City of San Ramon partnering with a private development interest.

This comment does not pertain to the adequacy of any issues evaluated in the DSEIR and requires no further response.

Response to TA.3-10

The author questioned why the San Ramon electorate did not vote on the General Plan Amendment approved by the City Council in 2006 that re-designated Parcel 1B from Office to Mixed Use.

Measure G, the 2002 ballot measure approved by the San Ramon electorate adopting the City of San Ramon General Plan, allows for General Plan Amendments that do not require voter approval. The re-designation of Parcel 1B from Office to Mixed Uses met the criteria for requiring only discretionary approval by the Planning Commission and City Council.

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October 9, 2007

City of San Ramon
Planning/Community Development
2226 Camino Ramon
San Ramon, CA 94583

RE: San Ramon City Center Draft Subsequent EIR (SCH#2007042022).

Dear Sir/Madam:

I am writing on behalf of San Ramon for Open Government, a group of San Ramon residents concerned with how city their government operates, to comment on the above-referenced Draft Subsequent EIR ("DSEIR"). The DSEIR is meant to cover the San Ramon City Center Project ("Project"), a public/private partnership project between the City of San Ramon and Sunset Development Company, the two owners of the Project site.

SF-1

Not surprisingly, given the size of the Project, the DSEIR acknowledges that it will have significant and unavoidable adverse impacts; specifically in the areas of traffic, air quality, global warming, and population and housing. However, the DSEIR fails to meet CEQA's standards by failing to consider and include all feasible mitigation measures that could significantly reduce the Project's significant impacts. While the additional mitigation measures may not suffice to reduce the Project's impacts to a level of insignificance, they could significantly reduce Project impact. Further, when taken in conjunction with a reduced-size Project alternative, such as, for example, an alternative that included the Civic Center, the housing component of the Project, along with reduced commercial and office components, the totality of mitigation measures might conceivably reduce the Project's impacts, after mitigation, to a level of insignificance. The SEIR therefore needs to be rewritten to include the additional mitigation measures and an additional project alternative that maintains the Project's civic center and residential components while reducing the most automobile-intensive components – its commercial and office space components. The remainder of this letter is a discussion in more detail of the additional mitigation measures and alternatives that should be analyzed in the revised SEIR.

SF-2

TRAFFIC IMPACTS

Given that the Project is primarily auto-oriented, it is not surprising that it has significant traffic impacts. This is in spite of the various intersection improvements added to the Project as traffic mitigation and the Project's touted TDM measures. The Project is still expected to primarily (68.8%) be accessed by single occupancy vehicles. (DSEIR at p. 4.12-30.) To some extent, this is to be expected, given the Project's suburban location and the surrounding low density housing that is not particularly conducive to transit use. Of course the Project does include a "transit center"¹, but this consists merely of a palce with space for five buses plus a passenger waiting area.

SF-3

¹ The transit center would presumably replace the existing transit center located 0.4 miles north of the Project site. (DSEIR at p. 4.12-19.) The DSEIR does not indicate what would happen to the site of the existing transit center. It should do so, and indicate if that reuse or replacement results in any indirect project impacts.

(DSEIR at 4.12-102) and would be served by the same seven bus routes that current serve the Project site.²

SF-3
CONT.

The Project is proposed to include the same TDM measures currently included in other projects developed by Sunset in San Ramon. These measures include encouraging carpooling and vanpooling, bicycling, walking, telecommuting, and compressed workweeks for employees. (DSEIR at p. 4.12-29.) The TDM program is proposed to reduce the otherwise-applicable Project trip generation by 10-15%. (DSEIR at p. 4.12-35.) However, this is not sufficient to reduce the project's traffic or air quality impact to less than significant levels. Therefore, additional mitigation measures should be considered.

Most of the measures that are parts of the current TDM package are positive incentives – incentives encouraging commuters to use alternatives to the single occupancy vehicle (“SOV”). (E.g., free bus rides, preferential parking for carpool users, etc.) The DSEIR does not, however, even explore options for negative incentives, or disincentives, for continued SOV use. There is overwhelming evidence available that disincentives are at least as effective as incentives in reducing SOV use and its consequent traffic and air quality impacts.

SF-4

One obvious and simple disincentive is charging for parking. This can apply to both residential and commercial/office uses. For residential uses, parking spaces would be rented separately from the residential units. A resident would have the option of not using a car and paying no parking rental fee. There could also be an exception for rental spaces used by cars participating in a certified carpool or vanpool program. For commercial and office space, simply setting up parking lots as paid lots would, in itself, serve as a disincentive to driving. Proceeds of parking fees could be used to improve bicycle and pedestrian access or to subsidize public transit, either to decrease fares or to improve service. Thus the fee would act both as a disincentive for SOV use and an additional incentive to use alternative transportation modes. Participants in a certified carpool or vanpool program could be provided a magnetic entry card exempting them from the parking fees.

Another related disincentive to SOV used during peak traffic hours would be to use congestion pricing for parking fees. Under congestion pricing, drivers are charged a premium for driving during peak commute periods. This encourages drivers to stay off the roads during those periods, reducing traffic impacts. For example, London, England has recently instituted a camera-monitored fee for entering the congested downtown area during peak commute hours. (See, e.g., http://en.wikipedia.org/wiki/London_congestion_charge³) Reports indicate that this fee has already been successful in reducing traffic congestion. (*Id.*) Similar use of congestion pricing is under serious consideration in New York City. (<http://www.transalt.org/campaigns/sensible/congestion/>) For this project, parking fees are the obvious choice for implementing congestion pricing. (See, http://www.ops.fhwa.dot.gov/tolling_pricing/value_pricing/index.htm) Parking rates could be structured to charge a premium for entry into or leaving from lots during peak travel hours, in addition to the normal hourly fees or monthly rental rate. With computerized entry systems, there would be no difficulty in allowing such fees to be

SF-5

² The DSEIR assumes that having the transit center within the Project would reduce Project trips by 2%. However, if the transit center is being moved from its current site, rather than the new center being added to the existing center, there may well be a loss of transit trips for areas close to the current transit center when it closes. The SEIR needs to clarify this point and, if appropriate, adjust the trip figures to take into account the additional auto trips generated by moving the transit center to the Project site.

³ The contents of the referenced webpages (as of the date of this letter) are incorporated into this comment letter by reference.

automatically noted upon entry. For commercial customers, the fee would be paid upon leaving. For employees or residents, the fee would automatically be added to the monthly parking bill, marked appropriately. The bills could also be notated to show how much the customer could have saved each month by not driving during peak traffic hours.

SF-5
CONT.

Finally, as an incentive for Project residents to not own and use a car, the residential portion of the Project should include provisions for shared car use, with parking space provided for a number of shared vehicles and a partial subsidy for residents to participate in a shared vehicle program as an alternative to car (or second car) ownership. Obviously, shared cars should be ULEVs or ZEVs. (See below.)

SF-6

AIR QUALITY

The DSEIR acknowledges that the Project would contribute to a cumulatively significant air quality impact by being inconsistent with the regional air quality plan. The lion's share of conventional (as opposed to global warming related) air quality impacts are due to the project's automotive traffic. As discussed under traffic impacts, the DSEIR's discussion of ways to reduce air quality impacts suffers from its unwillingness to use disincentives to reduce the use of SOVs in the Project. Reducing the use of SOVs would reduce overall automobile use and thereby also reduce the Project's air quality impacts. The various disincentives mentioned under traffic impacts should therefore also be considered for adoption as air quality impact mitigation measures.

SF-7

In addition to those measures, there are other mitigation measures that the Project could include to reduce air quality impacts. One example is to provide additional incentives for the use of zero-emission or ultra-low emission vehicles ("ZEVs" and "ULEVs", respectively). These would include some hybrid vehicles (those meeting the State of California standards to be considered ULEVs) and electric vehicles. Incentives for use of ZEVs and ULEVs could include eliminating or reducing parking fees, providing preferential parking spaces (as is currently done for carpools and vanpools), and providing outlets to plug in electric or plug-in hybrid vehicles. All of these measures should be incorporated into the SEIR.

SF-8

GLOBAL WARMING/ENERGY USE

As the DSEIR acknowledges, the Project will increase energy use and greenhouse gas production. This will, in part, be due to heating, cooling, and overall energy use in the Project buildings, but also from automobile and other vehicle use associated with the Project. Many of the mitigation measures identified above under traffic and air quality impacts will also, incidentally, reduce project energy use and global warming gas production. However, there are additional measures that should also be incorporated to reduce energy use and global warming gas production.

The Project already intends to incorporate high efficiency heating and cooling systems. As an additional mitigation measure, however, these systems should be designed so that they will automatically maintain temperatures that will minimize energy use, consistent with reasonable occupant comfort. For example, air conditioning systems should be designed not to turn on until interior temperature reaches 25 degrees C, and windows should be designed so that they can be opened to achieve ambient cooling. Similarly, building heating should not turn on until interior temperatures drop below 18 degrees C. The systems should be designed so that residents have the ability to reduce winter temperature below and raise summer temperature above these limits, but not visa versa.

SF-9

All buildings should be designed to include solar electric generation systems, and residential buildings should also incorporate solar hot water systems. Obviously, building lighting should be designed for maximum energy efficiency and interior light switches should include sensors that will automatically switch off the lights when ambient solar lighting is sufficient.

SF-10

WATER SUPPLY

While the Project is in the East Bay MUD service area, that does not eliminate the Project's need to consider its impact on EBMUD's water supply. Given the Project's location and the Project site's climate, water supply, and particularly potable water supply, must always be an issue. As the DSEIR notes, the Project appears to be within the overall projections of EBMUD's most recent Urban Water Management Plan. However, that is not the end of the analysis. Beyond those water sources currently in use by EBMUD, most of the other potential sources mentioned in the DSEIR are at best projected or planned sources. None have completed the necessary planning and approval processes to be considered secure sources. Consequently, they should not be included in assessing the adequacy of water supplies for the Project. While the DSEIR notes that EBMUD expects to have its Freeport Regional Water Project ("FRWP") come on line in 2010, the supplemental supply produced by that project will need to be shared among several entities. Further, EBMUD's Bureau of Reclamation water contract that is the basis for EBMUD's supply from the FRWP is subject to modification for, among other things, compliance with the Federal Endangered Species Act. State Water Project supplies have already been impacted by court decisions protecting the fragile environment of the San Joaquin Delta, and specifically the delta smelt. Federal water contract rights can also be expected to be affected similarly. The SEIR needs to consider the likelihood that a portion of the projected supplemental EBMUD supply from the FRWP will not be available due to such restrictions. To the extent EBMUD's Water Supply Assessment failed to take such restrictions into account, it should be reconsidered or supplemented with additional analysis discussing this likely contingency.

SF-11

The Project already includes some mitigation measures, such as use of high efficiency washing machines and toilets and evapotranspiration-based irrigation water controllers. However, additional mitigation measures should be considered to further reduce the Project's demand for potable water: 1) The Project should include installation of ultra-low flow ("mini-flush) toilets and low flow showerheads in the Project's residential units; 2) the project should discuss with EBMUD whether recycled water can be used for interior non-potable water uses (e.g., toilets and urinals) 3) the Project proposes to have 50% of its landscaping done using plants from EBMUD's low water use and drought tolerant plant list. The SEIR should discuss the feasibility of having 100% of landscaping done using that list, and what the relative water savings would be from doing so.

SF-12

POPULATION AND HOUSING IMPACTS

The DSEIR acknowledges that the Project would exceed projected population growth for the San Ramon area. The DSEIR concludes that the Project would have a significant and unavoidable growth-inducing impact. (DSEIR at p. 4.10-6.) The DSEIR asserts that there are no mitigation measures available to reduce the size of this impact. This is incorrect. There are a number of mitigation measures that could be adopted that might significantly reduce the Project's growth-inducing impact. The SEIR needs to be revised to discuss these measures and their ability to reduce the Project's growth-inducing impact.

SF-13

A major mitigation measure would be to tailor the demographics of the proposed residential component of the Project to match the demographics of the Project work force, or, at the very least, of the San Ramon workforce. The DSEIR assumes that half of the Project workforce would come from within San Ramon, with the remainder moving to the area from outside. (DSEIR at p. 4.10-6.) No analysis is included to explain the basis for this assumption. The SEIR should include information on the demographics of current San Ramon residents and the current San Ramon workforce. Information should also be included on the demographics of the proposed Project workforce and residency components. The demographics of the Project's workforce and residency should be adjusted to minimize the necessity of importing workers from outside the city and maximizing the percentage of Project residents who might also work within San Ramon, and more specifically within the Project. Not only would this potentially mitigate the Project's growth-inducing impacts, it could also significantly reduce the Project's energy, air quality, global warming, and energy impacts.

SF-13
CONT.

PROJECT ALTERNATIVES

The DSEIR considers three alternatives other than a no project alternative. All three alternatives would reduce the Project's size and would concomitantly reduce its impacts. However, only the Civic Center would eliminate most of the Project's significant and unavoidable impacts, including air quality, global warming and population and housing impacts. It would also reduce the extent of the significant and unavoidable traffic impact. However, the DSEIR concludes that the Civic Center option would be infeasible, both financially and because it would be duplicative of existing facilities elsewhere. (DSEIR at p. 5-24.)

The SEIR should also analyze one additional project alternative. This alternative would include the still-needed Civic Center components (i.e., city hall, library, police station, transit center) along with most or all of the Project's residential component and a corresponding portion of the proposed office and commercial components such that the employee base for the office and commercial components, coupled with that of the civic center, matched, both in size and demographics, the estimated number of employable residents in the residential component. The theme of this alternative would be to optimize the jobs/housing balance of the project. The project would also include as additional mitigation measures various incentives to have the Project's employees live in its residential component and, conversely, the Project's residents work in its commercial/office/civic component. Such a "matched" project could potentially reduce the Project's traffic, air quality, global warming, and population and housing impacts significantly below what they would be for a project without such matched and incentivized project components. The resulting analysis would also help inform the City Council about the relative benefits of promoting such balance in the project, regardless of its overall size.

SF-14

Most sincerely,



Stuart M. Flashman

London congestion charge

From Wikipedia, the free encyclopedia

The **London congestion charge** is a fee for some motorists entering the Central London area. As of 2006 it is the largest city to have adopted a congestion charge model. The organisation responsible for the charge is Transport for London (TfL), with Capita Group operating the scheme under contract. A payment of £8 is required each day when a chargeable vehicle enters the congestion charge zone between 7am and 6pm with a penalty payment required for non payment. The zone came into operation on 17 February 2003 and was extended into parts of West London on 19 February 2007. The aims of the charge are to discourage the use of private cars, reduce congestion, and provide investment in public transport.

The scheme was the first large scale one in the United Kingdom and has been controversial with reported effects not only on traffic levels, but business activity and the local environment. Worldwide several cities have used the London scheme as a model for possible schemes.

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The white-on-red C marks all entrances to the congestion charge zone.

History

Many toll roads and bridges exist in Great Britain such as the Severn crossing, Dartford Crossing and Forth Road Bridge. Previously toll roads run by turnpike trusts had been common from the late 1600s to 1800s. General road tolls have also been advocated by many others in the past, such as the 18th century economist Adam Smith.^[1]

Schemes similar to the current congestion charge have been under consideration by the British Government since the early 1960s. The Smeed Report of 1964 first assessed the practicality of road pricing in a British city.^{[2][3]} During the early years of the Greater London Council the first plans were drawn up for a system of cordon charging or supplementary licensing for use in the central area. A formal study was undertaken into the merits of the scheme, and in 1973 concluded that it would improve traffic and environmental conditions in the centre. However, the newly elected Labour council rejected the study's findings in favour of greater investment in public transport.

The idea nevertheless persisted and gained renewed support in the mid-1990s. The London Congestion Research Programme concluded in July 1995 that the city's economy would benefit from such a scheme.^[4] The power to introduce a form of congestion charge was given to any future mayor in the Greater London Authority Act 1999.^[5] Having won the first mayoral election in 2000, Ken Livingstone opted to exercise these powers as promised in his independent manifesto^{[6][7]}, and carried out a series of consultations with interested parties. The basic scheme was agreed in February 2002, and charging commenced, with some concessions accepted, on 17 February 2003. By law all surpluses raised must be reinvested into London's transport infrastructure and it was anticipated that this would be around £200m.^{[8][7]} The initial cost of setting up the scheme was £161.7m,^[8] with an



Signs indicate the boundary of the congestion charge area.

annual operating cost of about £115m anticipated.^[9] Total revenues have been £677.4m with the surplus over operating costs being £189.7m.^[8] On introduction, the scheme was the largest ever undertaken by a capital city.^[10]

After the introduction of the charge, there were a number of suggestions for its future. Soon after charging commenced, Livingstone announced that he would carry out a formal review of the charge's success or failure six months after its introduction — brought forward from one year, following the smooth start. On 25 February 2003 Livingstone stated, "I can't conceive of any circumstances in the foreseeable future where we would want to change the charge, although perhaps ten years down the line it may be necessary" referring to the amount that drivers have to pay, indicating that £5 was sufficient to bring about the reduction in traffic that he had hoped for.^[11] By November 2004, Livingstone directly contradicted his earlier stance and said in an interview with BBC London, "I have always said that during this term [his second term in office] it will go up to at least £6."^[12] By the end of the month, Livingstone changed his position again, saying in an announcement that in fact the rise would be to £8 for private vehicles and £7 for commercial traffic. Business groups such as London First said following the announcement that they were "totally unsatisfactory and unacceptable".^{[13][14]} The rise to £8 was announced formally on 1 April 2005, along with discounts for drivers buying month or year-long tickets.^{[15][16]} On 10 May 2006, in a live TV debate, Livingstone supported a rise in the charge to £10 by 2008.^[17]

The Western Extension

Soon after the introduction of the charge, newspapers began to speculate that the extension of the congestion charging zone would form part of Livingstone's manifesto for re-election as mayor (under the Labour Party banner) in 2004. In February 2004, TfL issued a consultation document^[18] on the expansion of the zone to the west, including a map of the enlarged zone^[19] that would cover the rest (western portion) of Westminster and the Royal Borough of Kensington and Chelsea.

In August 2004, following Livingstone's re-election in the June 2004 mayoral election, the results of the consultation were published. A substantial majority of respondents did not want the extension,^[20] however Livingstone said he was going ahead and that the consultation was a charade.^[21] Following on in May 2005 TfL announced a further consultation period with specific proposals about the extensions. These included a plan to reduce the operating hours of the charge by half-an-hour to "boost trade at London's theatres, restaurants and cinemas".^{[22][23]} At the end of September 2005, London Mayor Ken Livingstone confirmed the western expansion of the congestion charge, to come into effect on 19 February 2007 despite the majority of residents opposing it in the two consultations.^{[24][25]} The anticipated start up costs were £125m with operating costs of £33m; expected gross revenues are expected to be £80m resulting in nett revenues of £50m.^[26] It is expected that this extension will increase congestion in the zone by around 5% as the 60,000 residents in the new zone will be entitled to the discounts available.^[27]

Since the introduction of the western extension Transport for London has made a number of bus route changes to take advantage of the presumed higher traffic speeds and a greater demand for public transport. One new route (route 452) has been introduced and three others (routes 31, 46 and 430) have been extended. In addition the frequency of buses on other routes through the zone extension have been increased.^[28]

Coverage

Original

The original boundary of the zone is sometimes referred to as the London Inner Ring Road. Starting at the northernmost point and moving clockwise, the major roads defining the boundary are Pentonville Road, City Road, Old Street, Commercial Street, Mansell Street, Tower Bridge Road, New Kent Road, Elephant and Castle, Vauxhall Bridge Road, Park Lane, Edgware Road, Marylebone Road and Euston Road (other roads fill the small gaps between these roads). The zone therefore includes the whole of the City of London, the city's financial district, and the West End, the city's primary commercial and entertainment centre.^[29] There are also 136,000 residents living within the zone (of a total population of around 7,000,000 in Greater London), though the zone is primarily thought of (and zoned) as commercial rather than residential. There is little heavy industry within the zone. Signs have been erected and symbols painted on the road to help drivers define the congestion charge area.^[30]

Current Area



Until 18 February 2007 the congestion charge applied to drivers within the London Inner Ring Road.

The boundary of the enlarged zone, as of 19 February 2007, starts at the northern end of Vauxhall Bridge and (travelling in a clockwise direction) heads along the northern bank of the River Thames as Grosvenor Road, the Chelsea Embankment and Cheyne Walk. From here, it heads north, along the eastern edges of the Kensington and Earl's Court one-way systems (classified as part of the A3220), encompassing Edith Grove, Redcliffe Gardens, Earl's Court Road, Pembroke Road, Warwick Gardens and part of the Addison Road, before continuing to the A40 Westway as the Holland Road and the West Cross Route.

The boundary then includes parts of North Kensington, but the actual boundary is defined by the West London Line railway track, which runs between Latimer Road (inside the zone) and Wood Lane (outside the zone), until Scrubs Lane, before turning east, following the Great Western Main Line out of Paddington towards Ladbroke Grove. Here, the boundary follows the Grand Union Canal and rejoins the existing zone at Edgware Road after skirting Paddington, by way of the Bishop's Bridge Road, Eastbourne Terrace, Praed Street and Sussex Gardens.^[31]

TfL have defined some free through routes, where drivers do not have to pay the charge. The main route is defined by the western boundary of the original zone Vauxhall Bridge Road, Grosvenor Place, Park Lane and Edgware Road, with some additions around Victoria. The Westway is the other exempt route.^[32]

Operation

Payment and exemptions

The congestion charge came into force on 17 February 2003.^[33] Capita are responsible for processing payments and fines and has signed a contract with TfL until 2009.^[34] Initially set at £5, then raised on 4 July 2005 to £8,^[35] the daily charge must be paid by the registered keeper of a vehicle that enters, leaves or moves around within the congestion charge zone between 7 a.m. and 6 p.m. (previously 6.30 p.m.), Monday to Friday, excluding public holidays in England and a period over Christmas.^[36] Drivers may pay the charge on the Web, by SMS text message, in shops equipped with a PayPoint, or by phone.^[37] The charge may be paid the day after at an increased cost of £10. Failure to pay the charge results in a fine of £100, reduced to £50 if paid within 14 days, but increased to £150 if unpaid after 28 days.^[38]

Some vehicles such as buses, minibuses (over a certain size), taxis, emergency service vehicles (i.e., ambulances, fire engines and police vehicles), motorcycles, alternative fuel vehicles and bicycles are exempt from the charge although some of the exemptions are 100% discounts that still require registration.^{[39][40]} In the case of hybrid vehicles, the registration fee of £10 exceeds the congestion charge for one day.^[41] Residents of the zone are eligible for a 90% discount if they pay the charge for a week or more at once (note that there are administration charges for claiming the discount, presently the minimum administration charge is 10GBP).^[42]

TfL can and does suspend the congestion charge either in a small local area to cope with incidents and if directed so by a police officer.^[43] The congestion charge was suspended on 7 July and 8 July 2005, in response to the terrorist attacks on London Transport.^[44]

While private drivers are obliged to pay the charge either the day before, on the day or the following day, whether they are seen to enter the zone or not, the same does not apply to fleets of business vehicles. A business can register a group of cars with TfL, and is charged £7 per visit for all vehicles in the fleet detected by the cameras. In May 2005 businessman Miguel Camacho set up fivepounds.co.uk, whose sole function was to sign up private drivers to their "fleet", thus offering the convenience of not having to pay the charge pro-actively, avoiding fines in the case of a forgotten journey and also potentially getting a "free journey" if undetected by the cameras. Transport for London, 36% of whose charge revenue comes from fines, moved quickly to quash the loophole, by demanding that fleet operators provide V5 logbooks for each vehicle in their fleet. Fivepounds went out of business on 26 February 2006.^[45]

Drivers of foreign-registered cars are not exempt from the charge but the current lack of an international legal framework for the assessment and collection of traffic fines makes enforcement and recovery difficult.^[46] In 2005 it was revealed that several London embassies were not paying the charge as they believed it to be a tax, which they are protected from paying under the Vienna Convention.^[47] Although some embassies have agreed to pay the charge,^[48] the US embassy currently owes £1,600,000 (approximately \$3,000,000) in fines for non-payment, they do however, pay tolls in Oslo and Singapore. Transport for London



Closed-circuit cameras and vans police the zone, capturing live video. Vans can be identified by a sticker on the back door (inset).

argues that the charge is a toll, not a tax.^[49]

Technology

The scheme makes use of CCTV cameras which record vehicles entering and exiting the zone. They can record number plates with a 90% accuracy rate through Automatic number plate recognition (ANPR) technology^{[50][51]} There are also a number of mobile camera units which may be deployed anywhere in the zone. The majority of vehicles within the zone are captured on camera. The cameras take two still pictures in colour and black and white and use infra red technology to identify the number plates on cars. These identified numbers are checked against the list of payees overnight by computer. In those cases when a number plate has not been recognised then they are checked by humans.^[50] Those that have paid but have not been seen in the central zone are not refunded, and those that have not paid and are seen are fined. The registered owner of such a vehicle is looked up in a database provided by the Driver and Vehicle Licensing Agency (DVLA), based in Swansea.^[52] The cameras can be fooled by tail gating or switching lanes at the correct time.^[50]

TfL ran a six month trial of Tag and Beacon from February 2006 to replace the camera based system. This uses an electronic card affixed to the windscreen of a vehicle and can be used to produce "smart tolls" where charges can be varied dependent on time and direction of travel. This system automatically deducts the charge so that the 50,000 drivers a year who forget to pay the fine would not be penalised. TfL have suggested that this scheme could be introduced from 2009^{[53][51]}

Effects



At Old Street, street markings and a sign (inset) with the white-on-red C alert drivers to the charge.

Traffic levels

Before the charge's introduction, there were fears of a very chaotic few days as the charge bedded down. Indeed Ken Livingstone, Mayor of London and key proponent of the charge, himself predicted a "difficult few days"^[33] and a "bloody day".^[54] In fact, the first two days saw a dramatic reduction in inner city traffic. On the first day 190,000 vehicles moved into or within the zone during charging hours, a decrease of around 25% on normal traffic levels. Excluding 45,000 exempt vehicles, the decrease was more than 30%. Anecdotal evidence suggests journey times were decreased by as much as half. Just over 100,000 motorists paid the charge personally, 15–20,000 were fleet vehicles paying under fleet arrangements, and it is believed around 10,000 liable motorists did not pay the due charge.^[55] An extra 300 buses (out of a total of around 20,000) were introduced on the same day.^[56] Bus and London Underground

managers reported that buses and tubes were little, if at all, busier than normal.^[54] Initially it was suggested that the reduction in traffic was caused by the half-term school holidays, but this has proved not to be the case. Reports consistently indicate that, over the first month or so of operation, traffic was down at least 15% on pre-charge levels (the first week had a decrease of 20%).^[57]

On 23 October 2003 TfL published a report surveying the first six months of the charge. The main findings of the report were that on average the number of cars entering the central zone was 60,000 fewer than the previous year, representing a drop in non-exempt vehicles of 30%. Around 50–60% of this reduction was attributed to transfers to public transport, 20–30% to journeys avoiding the zone, and the remainder to car-sharing, reduced number of journeys, more travelling outside the hours of operation, and increased use of motorbikes and cycles. Journey times were found to have been reduced by 15%. Variation in journey time for a particular route repeated on many occasions also decreased. The report said that the charge was responsible for only a small fraction of the drop in retail sales.^{[58][59]} The report also stated that around 100,000 penalty fines are issued in each month. Around 2,000 are appealed against. The larger than anticipated reduction in traffic numbers meant that TfL revenue would be only £68 million — well below the £200 million per year expected by TfL's first projections in 2001. In practice, once the extensive roadworks undertaken in London during 2001-2002 were lifted in November of that year, TfL found traffic levels had dropped noticeably, and the profit projection was lowered to £130 million per year. Once the charge came live in February 2003, traffic levels dipped again, hence the much lower revenue than expected.

A further report published by TfL in October 2004 stated that only seven of the 13 government aims for London transport would be met by 2010. The target on reducing congestion for Greater London will not be met, the report said.^[60] In 2006 the latest report from TfL stated that congestion was down around 26% in comparison with the pre charge period and traffic delays had also been reduced. It also says that the charge appears to have no impact, either positive or negative, on road safety — the slow trend towards fewer accidents has continued.^[61] In comparison, during an experimental Stockholm congestion charge there has been on average a 25% reduction in congestion.^[62]

Business

Reports have shops and businesses being heavily impacted by the cost of the charge, both in terms of lost sales and increased delivery costs as recognised by the London Chamber of Commerce.^[63] In August 2003, the John Lewis Partnership announced that in the first six months of the charge's operation, sales at their Oxford Street store fell by 7.3% whilst sales at other stores in the Greater London area but outside the congestion charge zone rose by 1.7%.^[64] However London First's own report indicated that business was broadly supportive.^[65] Subsequently another report stated that there had been a reduction in some employment in the charging zone.^[66] TfL criticised the reports as unrepresentative and that its own statistics reported no effect on business.^[66]

A report in May 2005 stated that the number of shoppers had declined by 7% year-on-year in March, 8% in April and 11% in the first two weeks of May. TfL countered that an economic downturn, the sars outbreak and threat of terrorism were likely factors. At the same time a London Chamber of Commerce report indicated that 25% of businesses were planning on relocation following the charges introduction.^[67] However an independent report 6 months after the charge was implemented suggested that businesses were now supporting the charge. London First commissioned the study which reported that 49% of businesses felt the scheme was working and only 16% that it was failing.^[68] The Fourth Annual Review by TfL in 2004 indicated that business activity within the charge zone had been higher in both productivity and profitability and that the charge had a "broadly neutral impact" on the London wide economy.^[61]

It has been estimated that due to the West London extension in February 2007, 6,000 people will eventually lose their jobs.^[69]

Environment

Transport for London have recorded falling particulate levels within the original congestion charge area and along the Inner Ring Road boundary zone. Nitrous Oxide (NOx) fell 13.4% between 2002 & 2003 along with similar falls for Carbon Dioxide (CO2) and Particulate Matter (PM10).^[70] The full details are in the following table - the 2003/2004 figures are TfL estimates.

	Charging zone			Inner Ring Road		
	NOx	PM10	CO2	NOx	PM10	CO2
Overall traffic emissions change 2003 versus 2002	-13.4	-15.5	-16.4	-6.9	-6.8	-5.4
Overall traffic emissions change 2004 versus 2003	-5.2	-6.9	-0.9	-5.6	-6.3	-0.8
Source: Transport for London						

Reaction

The congestion charge has been heavily criticised by some opponents. They argue that the public transport network has insufficient spare capacity to cater for travellers deterred from using their cars in the area by the charge. Further, it is said the scheme will hit poorer sections of society more than the rich, as the charge to enter the zone is a flat £8 for all, regardless of vehicle size.^[71] The charge has proved controversial in Outer London, where it has encouraged commuters who previously drove into Central London to instead park at suburban railway or underground stations. This has led to the widespread imposition of controlled parking zones in these areas, at the expense of local residents.^[72]

Steven Norris, the Conservative Party candidate for mayor in 2004, has been a fierce critic of the charge, branding it the 'Kengestion' charge, and pledged to scrap it if he became mayor in June 2004. He had also pledged that, if elected, he would grant an amnesty to anyone with an outstanding fine for non-payment of the charge on 11 June 2004. In an interview with London's *Evening Standard* newspaper on February 5, 2004, Conservative leader Michael Howard backed his candidate's view by saying "[the charge] has undoubtedly had a damaging effect on business in London."^[73] Liberal Democrat candidate, Simon Hughes however supported the basic principles of the scheme. Amongst some of the changes he proposed included changing the end time from 6:30 p.m. to 5 p.m.; automatically giving all vehicles five free days a year so as not to affect occasional visitors.^[74]

In 2005 the Liberal Democrats claimed that Capita had been fined £4.5 million for missing the targets set for the congestion charge, that was equivalent to £7,400 for every day that the charge had existed.^[75] The *London Assembly Budget Committee* 2003 report on the company criticised the contract with Capita as not providing value for money.^[76] It was reported in July 2003 that TfL agreed to bail-out Capita by paying them £31 million because they were making no profits from the project, and that their most critical problem was the 103,000 outstanding penalty notices not paid.^[77] Capita was also the company that won the 'Most Invasive Company' award in the Privacy International 2003 Big Brother Awards.^[78]

Capita have employed subcontractors including Mastek, based in Mumbai, India, who are responsible for much of the IT

infrastructure. Due to the wide spread around the globe of sub-contractors and because some data protection regulations vary from country to country, the scheme has prompted concerns about privacy from technology specialists.^[79]

Towards the end of 2006, the Mayor proposed the introduction of a variable congestion charge. Similarly to vehicle excise duty (VED), it would be based on emissions of carbon dioxide in grams/km. This would reduce or eliminate the charge for small and fuel-efficient vehicles, and increase it to up to £25 a day for large, inefficient vehicles such as SUVs, large saloons and compact MPVs with a Band G VED rating, that is, emissions of > 225 g/km of CO₂. Electric zero-emissions vehicles are already exempt from the charge.^{[31][80]}

Outside London

The first congestion charge in the UK was a much smaller £2 million scheme which has been running in Durham since 2002,^[81] however the London scheme was the first large-scale implementation.^[82] Following implementation the Institute for Public Policy Research, a left-wing think tank, to call for similar schemes to be rolled out across the country.^[83] However, in November 2003, Secretary of State for Transport Alistair Darling said that despite apparent initial interest from many city councils, including those of Leeds, Cardiff, Manchester, Birmingham and Bristol, no city apart from Edinburgh had yet approached the Government for assistance in introducing a charge. Edinburgh City Council It seems unlikely that Edinburgh will introduce a scheme any time soon, after a postal referendum showed that almost 75% of voters in Edinburgh opposed congestion charging.^[84] Unlike in London, where Ken Livingstone had sufficient devolved powers to introduce the charge on his own authority, other cities would require the confirmation of the Secretary of State for Transport under the Transport Act 2000. Manchester has proposed a peak time congestion charge scheme which could be implemented in 2011/2012 (see Manchester Congestion Charge).^{[85][86]} In the East Midlands the three major cities of Nottingham, Derby and Leicester are examining the feasibility for a congestion charge.^[87] The government has proposed a nationwide scheme or road tolls.^[88]

Many cities around the world already use or have used congestion charging zones including Malta,^[89] Stockholm, Oslo, Trondheim, Bergen and Singapore (the first scheme worldwide, starting in 1975.^[90])



Congestion charge CCTV cameras on Vauxhall Bridge Road

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External links

- Transport for London's congestion charge homepage
- BBC London's congestion charge page
- National Alliance Against Tolls congestion charge page
- Association of British Drivers' congestion charge factsheet
- MayorWatch congestion charge guide





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Congestion Pricing

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Congestion pricing is the most powerful policy tool at the hands of City officials to improve our City's air quality, and protect our quality of life by reducing unnecessary driving, promoting environmentally sound transportation, and financing 21st Century improvements to our aging transportation infrastructure. Congestion charges have proven effective (and popular) in cities around the world.



Congestion pricing is the practice of charging motorists more to use a roadway, bridge or tunnel during periods of the heaviest use. Its purpose is to reduce automobile use during periods of peak congestion, thereby easing traffic and encouraging commuters to walk, bike or take mass transit as an alternative.

Mayor Bloomberg's [PlaNYC](#), long-term sustainability plan calls for a system similar to the one instituted in London in 2003. Cars that enter Manhattan south of 86th Street will be charged \$8 between 6 am and 6 pm. The revenues collected through the charge will be used solely to fund expansions and improvements to our regional transit system and achieve a state of good repair on city streets and on the transit system. The benefits of this plan across all five boroughs are significant.

Benefits of Congestion Pricing

21st Century Transit Improvements in All Five Boroughs

New York City has not expanded its transit system significantly for over 50 years. The fees generated from the congestion charge will enable a broad range of improvements in mass transit, such as subway expansion, [Bus Rapid Transit \(BRT\)](#) to

[greater, greener New York.](#)

East Queens and South Brooklyn, fast ferry service from the Rockaways and across the East River, as well as safer bicycling and walking infrastructure. Many of these improvements would be cost prohibitive without the revenue generated from a congestion charge. Current estimates, based on an \$8 charge for entering Manhattan south of 86th Street, place annual revenue from the charge at roughly \$400 million in the first year and up to \$900 million by 2030.

Reduced Traffic and Congestion

When a congestion charge is implemented, a small but significant number of motorists alter the time of their commute to avoid the charge, or adopt a more efficient means of transportation such as walking, bicycling or mass transit. This relatively small decrease in traffic leads to an enormous reduction in delays and congestion. Mayor Bloomberg's proposal anticipates a 6.5% reduction in the number of vehicles entering Manhattan south of 86th Street. The effect will be even more dramatic during peak hours when an 11% traffic reduction will result in a 20-40% reduction in time loss to traffic delays.

Faster Bus Service

The City's bus system is [mired in traffic](#). Many buses, especially on clogged arteries like Flatbush Avenue in Brooklyn, travel at a snail's pace. Reduced congestion means more reliable, faster bus service across NYC. In addition, taking cars off the street creates room for innovative projects like [Bus Rapid Transit](#) (PDF). With physically-separated lanes, these buses will carry huge volumes of passengers without traffic delays. The current plan calls for dedicated bus lanes across all East River bridges, dramatically speeding up interborough bus service

Less Thru-Traffic on Neighborhood Streets

Manhattan-bound traffic flows through the outer boroughs and Upper Manhattan, flooding them with oppressive commuter thru-traffic each and every day. That traffic pollutes neighborhood air and clogs neighborhood streets, [eroding our quality of life](#) (PDF). Neighborhoods just outside the CBD will see an enormous reduction in thru-traffic if a congestion charge is implemented.

A 2006 Partnership for NYC study foreseeing traffic reduction similar to London estimated traffic reductions in Downtown Brooklyn (-29%), Williamsburg/Greenpoint (-24%), Long Island City (-27%), Harlem (-14%), the South Bronx (-5%) and Flushing (-3%). A subsequent study, based specifically on the PlaNYC proposal forecasts more modest, but still citywide, traffic reduction.

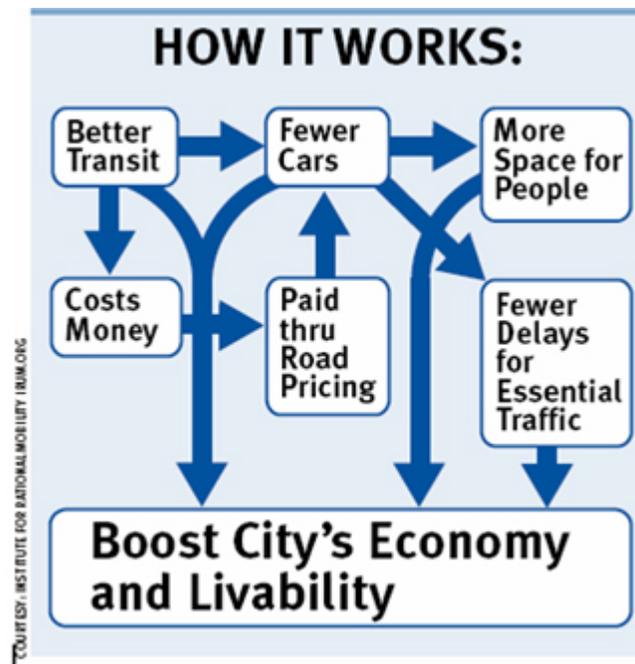
Improved Air Quality and Reduced CO2 Emissions

After Los Angeles, New York City has the worst air quality of any

US city, and asthma sends thousands of New York's children to the hospital each year. To compound matters, background pollutants are found in greater concentrations along [heavily-trafficked corridors](#) (PDF), particularly in Harlem and the South Bronx. Congestion pricing will decrease carbon monoxide, nitrogen oxide, volatile organic compounds and overall emissions dramatically within the charge zone, and citywide.

Faster Commutes for Those Who Must Drive

Reduced congestion will benefit those who continue to drive, in the form of faster, more predictable commutes. Essential trips, particularly emergency vehicles, delivery vehicles and small business owners, will become less susceptible to traffic-related delays. A driver saving 12 minutes per day on their driving commute (6 minutes each way) will save more than 48 hours per year (more than one week's work) in driving time.

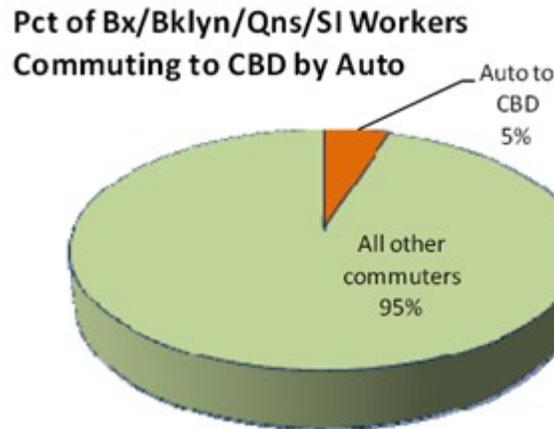


Frequently asked Questions and Answers

Below are some of the most common questions that residents, workers and businesses owners have about Congestion Pricing.

Don't people from the outer boroughs rely on the cars to commute to Manhattan?

Only 5% of commuters in Brooklyn, Queens, Staten Island and the Bronx commute to the Manhattan CBD by private car. Of that number, 80% have time-competitive mass transit available. Only 51% of household in the outer boroughs even own cars.



Is Congestion Pricing a tax on the working class?

No. Among commuters who live beyond walking distance to a subway station, workers earning less than \$25,000 are TWICE as likely to take the subway as drive, and THREE TIMES as likely to take bus, subway or commuter rail than drive. Among commuters who earn between \$25,000 and \$50,000 a year, transit remains the preferred option to driving, by a 3-1 margin. Only among commuters earning more than \$50,000 a year is driving more popular than the subway, though subway, bus and commuter rail use is greater than automobile use.

How will small businesses afford to drive their trucks to and from the City to make deliveries?

Most delivery vehicles will be charged a flat \$8 per day, regardless of how often they enter and exit the zone. The City has not yet defined "trucks" which are subject to a higher charge, but the truck definition appears unlikely to include delivery vans and other 2-axle vehicles with a maximum gross weight under 7000 lbs. Moreover, reduced traffic congestion will significantly lower the amount of time trucks spend stuck in traffic, so the productivity increase will make up for (and in many cases, exceed) the charge. A plumber who charges \$50 an hour could potentially schedule an additional job each day as a result; a florist might need fewer trucks to make the same number of deliveries. In London the overall effect of the charge on small businesses since 2003 has ranged from neutral to positive.

Will congestion pricing require large toll plazas to collect fees?

No. New York City would use a combination of EZ Pass technology, combined with a system that has been employed in London that relies on cameras that scan license plate numbers. Neither requires cars to slow down. The charge will then be assessed to a driver's EZ Pass account, or can be paid electronically, by mail or at designated retailers.

What impact will congestion pricing have on the City's economy?

Despite fears to the contrary, London's economy suffered no ill economic effects from its Congestion Charge. Retailers didn't see sales fall, and the cost of doing business in the city has decreased substantially. Because New York's proposed congestion charge is lower than that of London (\$8 versus \$13), an even more modest impact is anticipated here. With respect to tourism, the number of tourists visiting New York has continued to grow despite rapidly increasing costs in hotel rooms and other expenses.

Won't all of those drivers switching to transit result in a transit overload?

Only 10% of motorists affected by the congestion charge will switch to transit, resulting in a 2% increase in Manhattan-bound ridership, spread across dozens of transit lines. In anticipation of this modest increase, Mayor Bloomberg has proposed transit improvements across all five boroughs to alleviate congested bus and train lines. These improvements are targeted at neighborhoods with the highest drive-to-work rates, and include new express bus routes, bus/HOV lanes on the East River bridges, building out the Bicycle Master Plan, new ferry service and improving intra-city commuter rail access.

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Do you have a **comment or question** about this page? Fill in the form below and click "Send My Comment/Question". If you would like a response, please include your e-mail address.

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Value Pricing Pilot Program

[Tolling and Pricing Opportunities](#)

The Value Pricing Pilot (VPP) program, initially authorized in the Intermodal Surface Transportation Efficiency Act (ISTEA) as the Congestion Pricing Pilot Program, and most recently renewed with the passage of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), encourages implementation and evaluation of value pricing pilot projects to manage congestion on highways through tolling and other pricing mechanisms. This is the only program that provides funding to support studies and implementation aspects of a tolling or pricing project. The program is limited to 15 slots (which FHWA has reserved for "states") of which only one vacancy remains. Each state can have multiple projects.

SAFETEA-LU provides a total of \$59 million for fiscal years (FY) 2005-2009 for the VPP program. \$11 million was authorized for FY 2005 and \$12 million was authorized for each of FYs 2006 through 2009. Of the amounts made available to carry out the program, \$3 million will be set-aside in each of the fiscal years 2006 through 2009 for value pricing projects that do not involve highway tolls. Funds available for the VPP program can be used to support pre-implementation study activities and to pay for implementation costs of value pricing projects.

Program Highlights

- \$12 million available, with \$3 million set aside for value pricing projects that do not involve highway tolls.
- Value pricing concepts that have become mainstream and have been adopted, as common practice, such as High Occupancy Vehicle (HOV)-to-High Occupancy Toll (HOT) lane conversions, will not be funded. See reverse side for additional details.
- Non Highway Tolls
 - Innovative parking pricing strategies, including (a) surcharges for entering or exiting a parking facility during or near peak periods, and (b) a range of parking cash-out policies, where cash is offered to employees in lieu of subsidized parking, parking operators reimburse monthly patrons for unused parking days, or renters or purchasers in multi-family housing developments are provided direct financial saving for not availing of car parking spaces.
 - Pay-as-you-drive pricing, including car insurance premiums set on a per-mile basis and innovative car ownership, leasing, and usage arrangements that reduce fixed costs and increase variable usage costs.

Project Types/Projects

- [Converting High-Occupancy \(HOV\) Lanes to High-Occupancy Toll \(HOT\) Lanes](#)
- [Cordon Tolls](#)
- [Fair Lanes](#)
- [Priced New Lanes](#)

What's New

[VPP Quarterly 2 Report \(April - June 2007\)](#)

[Tool for Rush-hour User Charge Evaluation \(TRUCE\) Version 2.0 is Now Available](#)

[FHWA Grants Help States Tackle Congestion in Innovative Ways \(Release Date: Monday, March 26, 2007\)](#)

Value Pricing Pilot Program Participation, Fiscal Years 2007-2009 - Federal Register Notice: December 22, 2006 ([HTML](#), [PDF](#) 77KB)

Applications for Urban Partnership Agreements as Part of Congestion Initiative - Federal Register Notice: December 8, 2006 ([HTML](#), [PDF](#) 81KB)

- [Pricing on Toll Facilities](#)
- [Usage-Based Vehicle Charges](#)
- ["Cash-Out" Strategies/Parking Pricing](#)
- [Regional Pricing Initiatives](#)
- [Truck Only Toll Facilities](#)

References

- Congestion Pricing: A Primer ([HTML](#), [PDF 4.5MB](#)) - Publication Number: FHWA-HOP-07-074
- [Brief Description of Urban Partnerships Program and Congestion Pricing](#)
- [Tool for Rush-hour User Charge Evaluation \(TRUCE\)](#)

Resources

- [Planning and Decision Making Tools](#)
- [Policies & Legislation](#)
- [Publications and Products](#)
- [Quarterly Program Reports](#)

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Stuart M. Flashman (SF)

Response to SF-1

The author provided some introductory remarks to preface the comment letter. No further response is necessary.

Response to SF-2

The author referenced the six significant unavoidable impacts identified in the DSEIR and stated that the DSEIR needs to be rewritten to include additional mitigation measures and an alternative that maintains the civic and residential uses. The author acknowledged that he will identify specific mitigation measures and alternatives later in the letter.

As described in the responses below, all feasible mitigation is included in the project and the DSEIR evaluated a reasonable degree of alternatives to the proposed project.

Response to SF-3

The author referenced the Bishop Ranch Business Park Transportation Demand Management Survey results shown on page 4.12-30 and asserted most (68.8 percent) project-generated trips would be made by single-occupant drivers. The author also included a footnote in this statement stating that the proposed project's transit center would "presumably" replace the existing transit center.

The numbers shown on page 4.12-30 are presented to show transportation survey results for existing employees in the Bishop Ranch Business Park and document the effectiveness of existing Transportation Demand Management Programs. These numbers were the basis of the 15 percent trip reduction rate assumed for Transportation Demand Management Programs. The Bishop Ranch Transportation Demand Management Program is expected to reduce City Center trips because the nature of the proposed project (high-density, infill, mixed-uses) are complimentary to such a program. Moreover, while the transportation survey found a high percentage of single-occupant drivers for the Bishop Ranch Business Park, this is a reflection of the professional office uses of Bishop Ranch and is likely a rather high estimate of single-occupant vehicle usage for a high-density, infill, mixed-use project. Therefore, the author's claim that 68.8 percent of the proposed project's trips will be single-occupant drivers is perhaps overstated.

As stated on DSEIR page 4.12-102, the existing San Ramon Transit Center will remain open.

Response to SF-4

The author noted that the proposed project would be served by the same Transportation Demand Management Programs as the Bishop Ranch Business Park, but noted that these programs are not sufficient to reduce the project's significant air quality or transportation impacts to a level of less than significant. The author stated that parking fees should be considered as a mitigation measure to discourage driving and encourage alternative transportation usage.

Refer to Master Response 5.

Response to SF-5

The author also recommended that congestion pricing, similar to the system currently in place in London, could be incorporated as a mitigation measure to reduce project-generated trips during the peak hour.

Refer to Master Response 6.

Response to SF-6

The author proposed a mitigation measure that would require the project to implement a shared car usage for project residents using ultra low emissions or zero emissions vehicles.

Refer to Master Response 7.

Response to SF-7

The author referenced the proposed project's significant unavoidable impacts associated with air quality and recommended that the DSEIR include added mitigation measures establishing disincentives for single-occupant vehicle usage, such as parking fees and congestion pricing.

Refer to Master Responses 5 and 6.

Response to SF-8

The author proposed a mitigation measure that would require the project to implement a shared car usage for project residents using ultra low emissions or zero emissions vehicles. The program would include additional incentives for share vehicle usage by reducing or eliminating parking fees, providing preferential parking, and providing outlets to charge plug-in hybrid vehicles.

Refer to Master Response 7.

Response to SF-9

The author referenced the proposed project's significant unavoidable impacts associated with greenhouse gas emissions and recommended that the DSEIR include added mitigation establishing disincentives for single-occupant vehicle usage, such as parking fees and congestion pricing, and include a shared vehicle program.

Refer to Master Responses 5, 6, and 7.

Response to SF-10

The author referenced the proposed project's significant unavoidable impacts associated with greenhouse gas emissions and recommended that the DSEIR include added mitigation requiring use of solar electric generation systems, solar hot water systems, as well as building efficiency measures such lighting sensors that automatically shut off when ambient solar lighting is sufficient.

Refer to Master Response 4.

Response to SF-11

The author referenced the analysis of potable water supply in Impact US-1 and stated that the DSEIR cannot rely on the EBMUD's 2005 Urban Water Management Plan (UWMP) supply and demand projections because of the uncertainty of realizing the planned sources of water identified in the UWMP. The author specifically referenced the Freeport Regional Water Project as a source of water that may not be realized and, therefore excluded from consideration.

The California Supreme Court in *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* held that a local agency may rely on an Urban Water Management Plan (UWMP) if the project's water demands were accounted for in the UWMP. The Court wrote:

Long-term local water planning is not a burden that must be taken up anew, for CEQA purposes, each time a development is proposed; rather, cities and counties may rely on existing urban water management plans, so long as the expected new demand of the development was included in the water management plan's future demand accounting. (40 Cal. 4th 412, 434-35, 446-47, 2007.)

This concept is also reflected in the Water Code Section 10910(1)(2): "if the projected water demand associated with the proposed project was accounted for in the most recent adopted urban water management plan, the public water system may incorporate the requested information from the urban water management plan in preparing the elements of the [water supply] assessment." The Water Supply Assessment prepared by EBMUD confirms that the UWMP accounted for the proposed project's water consumption in its analysis and demand projections. The Water Supply Assessment and the DSEIR properly incorporated information in the UWMP and properly relied on its analysis. In his comment, the author essentially asks that the City of San Ramon undertake "anew" long-term local water planning when that task has already been accomplished by EBMUD. EBMUD properly adopted the UWMP on November 22, 2005 and the document was not legally challenged, so it can be presumed to be valid. It is appropriate for EBMUD and the City of San Ramon to rely on the UWMP which incorporates the proposed project's water demands into its demand analysis projections.

Regarding the issue of the certainty of water availability from the Freeport Regional Water Project, the *Vineyard Area Citizens* decision made clear that water supply analysis need not demonstrate future water supply sources with certainty, but rather there must be a "reasonable likelihood" that an identified water source will be available to serve the project. Further, the Court was clear that potential water supply sources need not be fully approved or have signed, enforceable agreements in order to be relied on in an EIR. The question is whether the water supplies bear a "likelihood of actually proving available." Contrary to the claim made in the comment letter, the discussed supplemental supplies have either been fully approved and are under construction, as is the case with the Freeport Regional Water Project, or have made significant progress toward approval and are likely to be fully developed. Freeport Regional Water Project is not a speculative or potential source of water; it is currently under construction and is reasonably likely to be an available source of

supplemental water in 2010. Environmental review has been completed for other supplemental supplies identified, including the improved linkage projects and the Bayside Groundwater Project, and the projects are actively moving forward. These are not speculative projects or the type of “paper water” to which courts have previously objected.

The comment implies that the water supply will be shared with the Sacramento County Water Agency makes the water less reliable. There is no evidence to support this assertion. Freeport Regional Water Project is designed to provide water to both Sacramento County Water Agency and to EBMUD and there is nothing to indicate that the water supply will be shared diminishes its reliability. As discussed in the EIR/EIS prepared for Freeport Regional Water Project, water from the project will only be available to EBMUD during dry years, which is expected to be about 3 out of 10 years. Further, the EIR/EIS extensively analyzed how the Freeport Regional Water Project will impact hydrology and regional water supply and found all impacts to be less than significant. See Draft Environmental Impact Report/Environmental Impact Statement, Freeport Regional Water Project (State Clearinghouse No. 2002032132), July 2003, Chapter 3 (FRWP EIR/EIS). Because Sacramento County Water Agency will also receive water from Freeport Regional Water Project does not make the source less reliable and this comment fails to provide evidence to the contrary.

The comment appears to be referencing the recent decision in *Natural Resources Defense Council v. Kempthorne*, 2007 U.S. Dist. LEXIS 42263 (E.D. Cal. 2007) in which the court found defective a Biological Opinion prepared for the State Water Project and Central Valley Project operations and issued an interim order restricting pump flows in order to mitigate impacts to the Delta smelt during the time that a revised Biological Opinion is being prepared. However, the court order did not impact the Freeport Regional Water Project or in any way restrict its ongoing construction and eventual operation. The comment provides no evidence supporting the claim that similar limitations are likely to be imposed on Freeport Regional Water Project operations, other than mere speculation. To the contrary, the EIR/EIS prepared for the Freeport Regional Water Project analyzed potential impacts to endangered species and concluded that there will be no significant impacts to any endangered fish species, including the Delta smelt, and did not identify the need for any mitigation measures. Draft Environmental Impact Report/Environmental Impact Statement, Freeport Regional Water Project (State Clearinghouse No. 2002032132), July 2003, Chapter 5 (FRWP EIR/EIS). The Biological Opinion found to be inadequate in the *Kempthorne* case covered the operation of the entire Central Valley Project and State Water Project. The comment assumes that because overall operations may impact the Delta smelt and that some of those operations may be curtailed due to endangered species considerations, that the Freeport Regional Water Project will also impact the Delta smelt and that its operations will be similarly restricted at some point in the future. The facts do not support making this connection. As is examined in great detail in the certified EIR/EIS, the Freeport Regional Water Project will have either no or negligible impact on Delta smelt and other endangered fish species, resulting in the conclusion that the project will not have a significant impact on endangered species and that no mitigation measures are required. Thus, there is no reason to assume that Freeport

Regional Water Project deliveries to EBMUD will be restricted and there is a reasonable likelihood that the entire projected delivery from the project will be available.

Response to SF-12

The author proposed additional mitigation measures to reduce the proposed project's potable water demand, including ultra-low flow toilets, low flow showerheads, and the potential for interior use of recycled water for non-potable uses. The author also requested that the DSEIR discuss the feasibility of requiring that 100 percent of the project landscaping be drought tolerant, as identified on EBMUD list.

With the implementation Mitigation Measures US-1a, US-1b, and US-1c, project impacts on potable water can be mitigated to a level of less than significant. Therefore, no additional mitigation is necessary to mitigate this impact to a level of less than significant. Nonetheless, the project applicant may elect to employ several of the measures identified by the comment author (e.g., ultra-low flow toilets, low flow showerheads, and 100 percent drought tolerant landscaping) if they prove to be economically and technically feasible. However, such a decision is at the discretion of the applicant.

Response to SF-13

The author referenced the proposed project's significant unavoidable impact associated with growth inducement and proposed a mitigation measure that would "tailor" the demographics of the proposed project's residential component to match the demographics of the project work force, so as to maximize the number of project residents who work in the project. The author asserted that this could mitigate the proposed project's growth-inducing impacts, as well as significant impacts associated with air quality, greenhouse gas emissions, and energy consumption, to a level of less than significant.

As discussed in Impact POP-1, the significant unavoidable impact associated with growth inducement is attributable to the inconsistency in population growth projections between the City of San Ramon General Plan and ABAG for the City of San Ramon. ABAG projects much slower growth than the City of San Ramon General Plan; however, actual growth has been more in line with the projections contained in the General Plan projections and, thus, has exceeded ABAG projections. The proposed project would directly add an estimated 1,264 new residents through the development of its 487 residential units. The proposed project is estimated to create 3,636 new jobs, and because of the diversity in job type, it was conservatively assumed that half of the new employees would relocate to San Ramon. In total, the DSEIR anticipated that the proposed project would add 3,082 residents to the City's population.

The proposed project's residential uses would contain dedicated workforce housing units for households making less than 120 percent of median income, adjusted for household size. However, requiring the project's residential uses to match the demographics of the project work force is not

practical because of legal concerns and the uncertainty of the employer tenant mix. Therefore, the author's proposed mitigation measure is not consider feasible.

Response to SF-14

The author referenced the DSEIR's analysis of alternatives and stated that an additional alternative should be analyzed that optimizes onsite jobs-housing and includes the City Hall components, with the goal of minimizing, if not avoiding, the significant unavoidable impacts associated with the proposed project.

The alternatives analysis presented in the DSEIR evaluated four reasonable alternatives to the proposed project. The evaluation of the four alternatives relied upon technical information prepared for the proposed project, including studies of onsite conditions, project plans, air quality calculations, and trip generation rates. This allowed for the alternatives analysis to provide a high degree of certainty in its conclusions about potential impacts. In addition, the Draft EIR prepared for the City Civic Center project served as the basis for evaluating that alternative.

The DSEIR purposely avoided re-designing the proposed project in the manner the author suggested because of the absence of any design plans or any other supporting information demonstrating that the alternative could be feasibly implemented. Without any design plans or any other type of supporting information, such an alternative is not considered realistic. 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." Moreover, analyzing an unrealistic alternative would be speculative and not provide any meaningful analysis. For these reasons, the author's proposed alternative is not considered practical.

From: Rosalind Rogoff [mailto:contact@sanramonobserver.org]
Sent: Tuesday, October 09, 2007 6:55 PM
To: Barr, Lauren
Subject: Comments on City Center DSEIR
Importance: High

Lauren,

I would like my comments on the City Center DSEIR included when the DSEIR is considered by the Planning Commission. I am very concerned about the location and size of the City Hall and Library building. It is on a small piece of property in the Bishop Ranch 1 Office Park, adjacent to Chevron. There is so little room to grow in that space that the City was negotiating with Chevron for a 1/6 acre piece of a parking lot, with a potential trade of who knows what to Chevron to get it.

This is not an acceptable location for the City Hall, library and offices. The Civic Center should not be in the middle of an Office Park. I want to know specifically why the city cannot build new offices where it is currently located, and what it would take to be able to rebuild there.

I would like to know specifically why the city building could not be moved to the 7 acre lot next to the Marketplace, which was originally designated for the Civic Center.

I would like to know specifically how the city plans to grow in the existing space and building, or what will happen in 5, 10, or 20 years?

Please acknowledge receipt of this email and its inclusion with the DSEIR.

Rosalind Rogoff
Editor & Webmaster
San Ramon Observer
www.sanramonobserver.org

RR-1

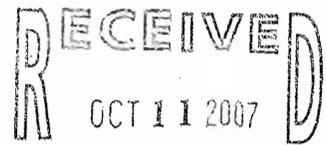
Rosalind Rogoff (RR)

Response to RR-1

The author expressed her opinion regarding the location of the City Hall and indicated her preference for the project to be redesigned. Because none of the comments pertain to the DSEIR, no further response is required.

Oct. 10, 2007

Lauren Barr, Senior Planner
City of San Ramon
2226 Camino Ramon
San Ramon, CA 94583



CITY OF SAN RAMON
PLANNING SERVICES

From: Jim Blickenstaff, Chair, Mount Diablo ~~Sierra Club~~

Re: Comment Letter to D.S.E.I.R. for City
Center Mixed Use Project.

TRANSPORTATION / TRAFFIC

The D.S.E.I.R. generously assumes the traffic mitigations proposed will reduce overall d.c.t.'s by nearly 25%. This is unjustified by the limited proposed mitigations. There should be analysis of a total d.c.t.'s closer to the realistic number of 40,000 per day.

JB-1

Full build out of Dougherty Valley and its traffic impacts on key roadways such as Bollinger Canyon Rd., Camino Ramon, Alcosta, and others has not been meaningfully incorporated in the traffic analysis. Further, because this project's growth inducing effects will likely lead to development of Tassajara Valley – those estimated traffic numbers should also be look at as a future traffic impact.

JB-2

There are serious back-ups even today on connecting roads and I-680 at commute hours. When one considers the current traffic volume is only around 23% of probable total volume when Dougherty Valley and other near-by areas both inside and outside city limits are fully developed, the Los Angeles grid-lock outcome seems inevitable. This S.E.I.R. will need to present a far more realistic traffic picture than currently presented in the draft. It is proposed that Norris Canyon Rd., serve as a auxiliary connector with I-680 on and off ramps in an effort to cope with "Level F" traffic expectations on Bollinger Canyon Rd. This will end its utilizations by residents as an easy accessible east-west traverse of the city. One more significant negative traffic impact for the residents on Sam Ramon.

JB-3

VISUAL

The S.E.I.R. would be well served here by presenting a 3-D model of the Project and surrounding area to truly demonstrate what are likely to be profound visual impacts. The power lines the traverse north-south through San Ramon are 50' high. BRIA and the hotel will be over twice as high as these power lines – profound visual consequences.

JB-4

Where there is now open views of surrounding hills and Mount Diablo, and where there is the modest infringement of 2 story buildings – there that will now be wide 110' high facades with their backs facing the onlooker – profound visual consequences.

JB-5

Report lacking in key view point before and after views. Such as:

From Morgan Drive
From Woodbridge Terrace
From Canyon Lakes
From Dalton Circle
From Vista San Ramon

JB-5
CONT.

From Bollinger Canyon Rd. – Especially looking towards Mount Diablo.
From Camino Ramon – Again paying attention to view to the east and north-east

The D.S.E.I.R.'s limited review of visual impacts severely understates actual impacts. There is still much work to be done in this area before the F.S.E.I.R. will be adequate.

BIOLOGY / HYDROLOGY

There are wetlands adjacent to the Iron Horse trail that is quite extensive. The D.S.E.I.R. seems not to notice potential disastrous impacts to the plants and animal of this wetlands area close to the project site.

JB-6

Dirtier air / more noise from construction and traffic / more human infringement more run off / more impacts from construction run – off and pollutants / more after project run off and pollutants / etc... all negatively effecting near by wetlands. We still need to see proper analysis and proper mitigation.

JB-7

Has C.D.F.G. and U.S.F.W.S, been solicited for appropriate commentary?

JB-8

Impact analysis and mitigation proposals for migratory birds still need to be done.

JB-9

PARKS

- People cannot go hiking, picnic, or play soccer on “in lieu fees,” In lieu fees need to be examined as to their sufficiency in resolve the inadequacy of park dedication. JB-10
- No parks created by this project but it increases city population by over 1,200 and adds 1,000's of out of city workers who also put pressure on available city parks. JB-11
- Deficit of 8 acres created by this plan. JB-12
- More pressure on Community Park. JB-13
- Community Park becomes more isolated by high-rise buildings / traffic and new neighboring residents. JB-14
- Crow Canyon specific plan also has no plan for commiserate and necessary park dedication. When park deficit resulting from this plan is taken in conjunction with C.C.S.P. total deficiency in park dedication will be 20 acres. JB-15

The F.S.E.I.R. needs to recommend more direct land mitigations to this serious negative parks impact. It also needs to examine the consistency of this plan with the General Plan's requirement of 6 1/2 acres of parks for every additional 1,000 residents.

JB-16

GENERAL PLAN COMPLIANCE

This plan is out of compliance with the voter approved 2002 General Plan. In addition to violation of the park acreage requirement, this proposal fails to comply with the overall concept for a City Center as presented in the General Plan.

Element 4.7-I-5 states: "...develop a city center as a cohesive mix of civic, compatible retail, and open space uses with an arts and entertainment focus".

And: "...include small scale retail...such as restaurants, cafes, book stores, gift shop, etc."

As noted above this is a voter approved document. So the question arises as to whether a reasonable person voting on the Plan as presented in the General Plan would even recognize the City's interpretation of those original noble goals.

PUBLIC SAFETY

The S.E.I.R. needs to examine the likely significant increase in crime as a result of the Project. The "regional draw" of the Plan will bring in 100's if no 1,000's of people to this "Center" who are not San Ramon residents. That fact alone seriously increases the dynamics for crime. Then there's the contributing factor of parking garages – which can be conducive to criminal activity.

The location of the Police Department makes it vulnerable to the inevitable grid-lock along Bollinger Canyon Rd. Traffic induced delays in response time, both for police directly and fire department indirectly, are serious safety issues. Solutions to these, or acknowledgement of lack of adequate solutions, need to be part of the F.S.E.I.R.

In the event of a major fire is the Fire Department under its current configuration and future response plan, sufficient to maintain the current level of fire safety enjoyed by San Ramon and its lower profile buildings? "Aerial ladders have a very limited value..." with buildings as high as those proposed in this plan. What is the evidentiary foundation for such a dismissive statement. Scenarios can be envisioned where aerial ladders may, at certain times, be the only options available to avoid undo risk to human life. Taken at face value the statement implies more inherent danger with buildings as high as those proposed here. A more complete analysis of this safety issue, including costs of new equipment, needs to be done.

The floor space proposed for city offices and police services appears limited and inadequate for long term needs. Again more thorough evaluation of this issue needs to be done. Comparisons to nearby cities, such as Pleasanton, would be useful.

BLIGHTING OF SMALL BUSINESS

This project will have serious economic impact on areas like the Market Place, and the Crow Canyon S.P. area. The blighting of various small business areas have only been lightly touched on by the D.S.E.I.R. The analysis needs to be much more thorough and expansive. For example, is the market place to be a future candidate for more economical high-rise replacement as a "solution" to increased blighting. In so doing, demonstrating a blighting, then an intense F.A.R. rebuilding trend for the future of San Ramon (see growth inducement sec.).

JB-17

JB-18

JB-19

JB-20

JB-21

JB-22

GROWTH INDUCEMENT

This plan sets a new and very aggressive standard for construction of high-rise buildings. Even so far as setting into motion the practice of tearing down low-profile buildings to build 110' or higher, high-rise.

The D.S.E.I.R. has virtually ignored the multitude of serious negative long term impacts in this category.

In almost every environmental category, beyond the negative impacts specific to this Project, there will be significant negative impacts as a consequence of its growth inducement.

Each category should be examined again with the full understanding and appreciation of how growth inducement exacerbates each one. This will clearly include:

- Long term negative impacts on traffic beyond serious Project specific impacts; as more intense F.A.R.'s and higher high-rise become more the rule rather than the exception.
- Long term increased visual degradation.
- Both Project specific and induced pressure to open up Tassajara Valley to significant development.
- Both project specific and induced pressure to again re-designate the South San Ramon Golf Course for more intense development – including housing.
- Increased blighting of small business beyond the blighting result from this Plan. For example, the "Market Place" looks particularly vulnerable to further blighting, and, in fact, a future as a candidate for replacement by even more commercial oriented high-rise.
- Further crime and public safety problems from induced increases in residential and especially non-residential populations.
- C.C.S.P. has no commiserate park dedication, now this Plan with the same problem. Realistic presentation of long term induced negative impacts on parks still need to be done.
- Induced growth will further exasperate air pollution. We need to understand, realistically, to what extent, and to what extent it's even mitigatable.
- Accelerated demands on City administrative services already constrained by very limited floor space by way of the Plan.
- Both this project and the standards it sets to induce growth will likely over time completely change the aesthetics and character of San Ramon. Currently Bishop Ranch Business Park retains a green and attractive park-like aspect. The standard set by this intense/more Concord like/high-rise development, will eventually degrade the park-like qualities to a point the San Ramon we know today will be less green, less open, less attractive, and more like a Concord or a Walnut Creek. A huge change to the future yet to be even acknowledge by this D.S.E.I.R.,

ALTERNATIVES

Alternatives currently presented are both weak and unrealistic. As a result S.E.I.R. alternative section is inadequate.

The Plan currently being promoted as the Primary Plan is more a Bishop Ranch Commercial / Retail Center than a San Ramon Civic Center.

The 'City Center' Plan originated not through an open public hearing process, but through closed negotiations between a very few City officials and a large commercial development corporation.

An unfortunate, but not surprising, consequence is a "City Center" plan short on civic components (such as adjuncts and additions to the Community Center and Community Park), but long on commercial and commercial serving components (such as commercial high-rise buildings and an 8 story hotel).

This is stunningly revealed by the disproportionate distribution of a total of 2.1 million square feet of floor space to be developed. Only a fractional 5% will be devoted to City / Civic uses such as City buildings and library. At the same time 40%+ will be devoted to commercial and commercial related uses.

Further the comparatively diminutive City building(s) will be 37%+ lower in heights, and occupy only a small fraction of the 41 acres to be developed. A sky line dominated by commercial and commercial serving high-rise make an aesthetic statement as to whose "Civic Center" it really is.

Then there is the aesthetic statement made to the citizens of San Ramon by buildings that have their backs turned to the streets connecting commuters and residents.

Another serious problem with this Plan is its dependence financially on a large commercial developer. There is no public ownership or sense of ownership of such a plan.

As they say in retail; "you get what you pay for".

The hotel is not there to serve the needs of the residents of San Ramon.

The 110' high high-rise commercial buildings are not there to serve the residents of San Ramon.

The regional draw, large retail is not there simply for the residents of San Ramon.

The extra traffic along the Bollinger Canyon Rd., will not benefit the residents of San Ramon.

The extra traffic on Norris Canyon Rd., will not be beneficial to residents of San Ramon simply trying to move east-west within the city.

The limited space available to Civic and City needs will not be sufficient to serve the long term needs of the residents of San Ramon.

The lack of open space and parks will not only not be of benefit to residents, it will further exacerbate their need for Parks and recreational space.

A so-called "Civic Center / Gathering Place" plan on the extreme end of the spectrum toward commercial servings, compared to residents serving interests, is simply not balanced enough to answer the needs and desires of the people living in San Ramon, as described in their own General Plan.

Therefore it is essential that this S.E.I.R. present realistic, less intense, less commercial dominated, alternatives.

Alternatives need to be fully evaluated and presented that are more in balance with Civic orientation vs commercial orientation.

For example, a plan that adheres to the 5 story building height limit and has a real and substantial Civic component funded by the residents through changes in budgeting priorities, or a reasonably sized bond measure. A plan that will give residents a sense of participation and ownership missing from the Priority Plan currently proposed. Part of such a presentation of alternatives will need to include expansion of the Community Center and Community Park and a direct physical connection between these components and City / Civic serving buildings. Police services will need to be re-evaluated in a presentation of alternatives as to the desirability of placing them in the heart of a heavy traffic area. Part of a sufficient alternatives proposal will need to include a more pedestrian friendly / bicycle friendly lower key plan. In effect a realistic Alternative Plan that does not fundamentally change the future course of the City toward a more intense Concord-style downtown, but keeps the essence of Park in "Business Park", while more successfully satisfying the needs and desires of the residents of the City.

JB-24
CONT.

Sincerely,



Jim Blickenstaff
Former Council Member
Chair, Mount Diablo Sierra Club
Resident

cc: News Media, interested parties,

Jim Blickenstaff (JB)

Response to JB-1

The author asserts that the DSEIR overstates the effectiveness of the proposed project's trip reduction features and the actual daily trip count should be closer to 40,000.

Table 4.12-9 in the DSEIR presents the proposed project's trip generation rates with and without adjustments for trip reduction (e.g., pass-by, transit usage, transportation demand management, etc.). The basis for the adjustments is explained in pages 4.12-34 and 4.12-36. The unadjusted figure is 40,709 trips per day and the adjusted figure is 30,127 trips per day. (When existing trips attributable to Bishop Ranch 2 and the vested office entitlement are factored in, the net daily trip generation figure is 24,926.) The trip reduction adjustments are in accordance with the methodology established in the Institute of Transportation Engineers' Trip Generation Handbook and, therefore, are considered acceptable and reasonable reductions.

Response to JB-2

The author asserted that the DSEIR did not consider traffic from development in the Dougherty Valley. The author also asserted that the proposed project would induce growth in the Tassajara Valley, which should be evaluated in the DSEIR.

The Traffic Operations Evaluation prepared for the proposed project modeled intersection operations impact using the Contra Costa Transportation Authority Regional Travel Demand Forecasting Model. This model accounts for existing and planned growth, including current and future development in the Dougherty Valley. Therefore, the author's assertion that the DSEIR did not consider traffic from development in the Dougherty Valley is incorrect.

Regarding the proposed project's potential to induce growth in the Tassajara Valley, analyzing such impacts in the DSEIR would be speculative because there are no physical or economic linkages between the two. Moreover, Contra Costa County currently has jurisdiction over the Tassajara Valley and any land use decisions are currently outside of the control of the City of San Ramon.

Response to JB-3

The author asserted that the DSEIR did not realistically evaluate existing traffic conditions and future traffic conditions, including traffic generated by the proposed project and development in the Dougherty Valley. The author also alleged that Norris Canyon Road over crossing of I-680 would become congested with the addition of the proposed High Occupancy Vehicle lane on- and off-ramps.

The Traffic Operations Analysis used traffic counts performed on local roadways in May 2006 and February 2007, which are considered representative of existing roadway traffic conditions because they were the most recent counts available at the time of the NOP publication on April 4, 2007. As shown in Table 4.12-3 of the DSEIR, all study intersections operate at acceptable LOS.

As previously mentioned, the Traffic Operations Evaluation prepared for the proposed project modeled intersection operations impact using the Contra Costa Transportation Authority Level of Service Methodology. The Contra Costa Transportation Authority Regional Travel Demand Forecasting Model accounts for existing and planned growth, including current and future development in the Dougherty Valley. Therefore, the author assertion that the DSEIR did not consider traffic from development in the Dougherty Valley is incorrect.

Regarding the author's allegation that the Norris Canyon Road over crossing of I-680 would become congested as a result of the development of the proposed High Occupancy Vehicle lane on- and off-ramps, this intersection was assessed qualitatively in the DSEIR. As stated on page 4.12-87, the intersection of Norris Canyon Road / I-680 HOV lanes is projected to operate at LOS B during the morning and afternoon peak hours under Year 2020 conditions. As described in Table 4.12-2, LOS B conditions are characterized as follows: "Stable traffic. Traffic flows smoothly with few delays."

Response to JB-4

The author suggested that preparing a three dimensional model of the proposed project would be helpful in evaluating the proposed project's visual impacts and would be particularly useful in terms of providing scale of building height.

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 author requested the DSEIR provide analysis of the alterations of views of the surrounding hills and Mt. Diablo from the following locations: Morgan Drive, Woodbridge Terrace [sic], Canyon Lakes, Dalton Circle [sic], Vista San Ramon, Bollinger Canyon Road (looking north), and Camino Ramon (looking east and northeast).

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

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 "Woodbridge Terrace;" however, it appears the author 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.

The Canyon Lakes Golf Course and residential development are located along the ridgeline of the Dougherty Hills, which is at a higher elevation than any of the proposed project's structures. In addition, there are a number of mature trees located along the ridgeline than screen views of the project site from the golf course and residences.

There is no street in San Ramon named "Dalton Circle;" however, the author may have been referring to "Dalton Way," which is located in the eastern portion of the Dougherty Valley. The project site is not visible from the Dougherty Valley and, therefore, this vantage point would not provide any analytical use.

Vista San Ramon is the neighborhood located on the east side of Alcosta Boulevard, opposite Central Park. Views from this neighborhood are shown in Exhibit 4.1-4e, which depicts a view from Ridgeview Court.

Regarding views from Bollinger Canyon Road looking north and views from Camino Ramon looking east, the DSEIR acknowledges that views along roadway corridors adjacent to the project site of the surrounding hills would be partially or fully obstructed by the proposed project's structures and the document presents several exhibits demonstrating this (e.g., Exhibits 4.1-4c, 4.1-4f, and 4.1-4i). However, it is not feasible to document the change in views from every conceivable vantage point. Therefore, preparing additional photo simulations is not warranted.

Response to JB-6

The author asserted that there are wetlands adjacent to the Iron Horse Trail and the DSEIR failed to evaluate potential impacts on these features, as well as their associated flora and fauna.

Section 4.3, Biological Resources, of the DSEIR identifies the presence of Watson Canyon Drainage on the east side of the Iron Horse Trail, which is apparently the wetlands the author claims to be adjacent to the trail. Impacts BIO-2 and BIO-3 in the DSEIR evaluated the proposed project's potential to impact Watson Canyon Drainage.

Response to JB-7

The author claimed the DSEIR did not evaluate the potential for Watson Canyon Drainage to be adversely impacted by air pollution, noise, traffic, urban runoff from the proposed project.

Impacts BIO-2 and BIO-3 in the DSEIR evaluated the proposed project's potential to impact Watson Canyon Drainage. As noted in each impact, the project site does not drain into Watson Canyon Drainage because the raised rail bed within the Iron Horse Trail corridor acts as a natural barrier against an eastward drainage gradient. In addition, no project-related construction activities would occur within Watson Canyon Drainage, precluding the possibility of air pollution, noise, or traffic impacts on the drainage feature.

Response to JB-8

The author asked if the California Department of Fish and Game or the United States Fish and Wildlife Service had been solicited for comments on the proposed project.

Both agencies are on the project's noticing list and were mailed copies of the NOP and the DSEIR. At the time of this writing, neither agency has provided a comment on the proposed project.

Response to JB-9

The author alleged that the DSEIR did not perform analysis of impacts on migratory birds or mitigate for such impacts.

Impact BIO-1 of the DSEIR included analysis of potential impacts to birds protected by the Migratory Bird Treaty Act. This analysis is located on page 4.3-13 under the heading "Nesting Birds." Mitigation Measure BIO-1b requires that nesting bird surveys be performed prior to any tree removal activities that occur during the nesting season and any trees found to contain nest be protected with a 250-foot or 500-foot buffer (depending on bird species) until the nests are no longer active. Therefore, the author's claim that the DSEIR did not evaluate impacts on migratory birds is incorrect.

Response to JB-10

The author asserts that payment of "in-lieu" of fees is not sufficient to mitigate for the proposed project's impacts on parks.

The DSEIR does not identify "in-lieu" of fees as mitigation for the proposed project's impacts on parks. Rather, the DSEIR concluded that the proposed project would not cause significant physical deterioration of parks to the extent that new or expanded parking facilities would need to be provided. The DSEIR acknowledged that the proposed project would provide "in-lieu" of fees or equivalent contribution to the City of San Ramon to the meet the City's parkland requirements; however, this is purely for information and is not intended to mitigate for any impacts.

Response to JB-11

The author noted that the proposed project would increase the City of San Ramon's population by more than 1,200 persons and several thousand workers to the workforce, but would not directly add any parkland acreage. The author asserted that this would put pressure on park facilities.

The proposed project's impacts on parks were evaluated in Impact PSR-5. The DSEIR concluded that the proposed project would not cause significant physical deterioration of parks to the extent that new or expanded parking facilities would need to be provided. The DSEIR acknowledged that the proposed project would provide "in-lieu" of fees or equivalent contribution to the City of San Ramon to the meet the City's parkland requirements.

Response to JB-12

The author claimed that the proposed project would result in a “deficit” of 8 acres of parkland in San Ramon.

The author derived the 8-acre figure by applying the City of San Ramon’s parkland objective of 6.5 acres / 1,000 residents to the proposed project’s population of 1,264. Residential development projects have the option of dedicating parkland to the City, providing “in-lieu” of fee payments to the City, or some combination thereof. In this case, there is no suitable acreage on the project site for a park and, therefore, the proposed project would be required to provide an “in-lieu” of payment or equivalent contribution. Regardless, the author’s characterization of the project creating a “deficit” of parkland is misleading because it does not accurately reflect the City’s parkland dedication options.

Response to JB-13

The author alleged that the proposed project would put more pressure on “Community Park.”

There is no park named “Community Park” in San Ramon; however, it appears the author is referring to Central Park. As discussed in Impact PSR-5, City of San Ramon parks officials indicated that they did not expect the proposed project to have an adverse impact on Central Park. Moreover, San Ramon parks officials anticipate that the proposed project’s residential uses would enhance the safety of the park by having views of its facilities.

Response to JB-14

The author stated that the proposed project’s high-rise buildings and traffic would isolate “Community Park.”

Again, the author appears to be referring to Central Park. For information, the Bishop Ranch 3 office complex, which contains four five-story office buildings and two four-story parking structures is located on the west side of the park. Central Park has not experienced a reduction in usage because of Bishop Ranch 3’s adjacency and, therefore, it would doubtful to expect the development of the City Center to discourage use of the park.

Regarding the author’s claim that the proposed project’s traffic would discourage use of the park, Impacts TRANS-1 and TRANS-2 found that all intersections impacted by project-generated trips would operate at acceptable LOS after the implementation of mitigation. Therefore, the proposed project would not result in significant traffic congestion near Central Park that could potential discourage park usage.

Response to JB-15

The author referenced the Crow Canyon Specific Plan project and stated that the cumulative parkland “deficit” resulting from implementation of that project and the City Center project would be 20 acres.

The Crow Canyon Specific Plan is a programmatic land use plan that establishes parameters for the anticipated conversion of land uses in the 128-acre Crow Canyon area. No residential growth would directly occur from the plan itself; rather, individual residential development projects that fall under the aegis of the plan will be required to conform to the City of San Ramon parkland dedication requirements. Moreover, it is possible that some residential development projects may directly dedicate parkland to the City of San Ramon. As such, it would be inaccurate to characterize the Crow Canyon Specific Plan as creating a parkland deficit and, regardless, the plan is completely independent of the proposed project.

Response to JB-16

The author asserted that the Final SEIR should require direct parkland dedication to offset the population growth that results from the proposed project.

The proposed project's impacts on parks were evaluated in Impact PSR-5. The DSEIR concluded that the proposed project would not cause significant physical deterioration of parks to the extent that new or expanded parking facilities would need to be provided. There is no nexus between the proposed project and the direct need for new or expanded park facilities and, therefore, there is no basis to require the project applicant to directly dedicate parkland to the City of San Ramon.

Response to JB-17

The author stated that the proposed project does not comply with the City of San Ramon General Plan because it fails to comply with the concept established in Policy 4.7-I-5. The author asserted that it is unreasonable to assume that the San Ramon electorate was aware of the development potential of the City Center concept when it approved the plan in 2002.

For context, the full text of Policy 4.7-I-5 is provided below. The first paragraph is the policy statement and the second paragraph of italicized text is commentary intended to provide additional explanation of policy.

Support the direction of the City Center Task Force and the City's efforts to develop the City Center as a cohesive mix of civic, compatible retail, and open space uses with an arts and entertainment focus.

Intended as a vital core for San Ramon, the City Center will be a people place first and include a performing arts center, library, and small scale retail establishments, such as restaurants and cafes, bookstores, gift shops, etc.

(Italics from original; City of San Ramon General Plan, page 4-29.)

Given the general nature of the policy language ("...a cohesive mix of civic, compatible retail, and open space uses with an arts and entertainment focus."), the proposed City Center project would be consistent with that description. Refer to Impact LU-2 for further discussion of the proposed project's consistency with the City Center concept identified in the General Plan.

Regarding the author's claim that the proposed City Center concept is inconsistent with the text referencing a "a performing arts center, library, and small scale retail establishments, such as restaurants and cafes, bookstores, gift shops, etc.," this is commentary and not policy language. The commentary is intended to provide explanatory language discussing the background for the policy language, but is not the actual policy and, therefore, does not have equivalent standing. Moreover, because the Policy 4.7-I-5 language provides a great deal of flexibility in crafting the City Center concept, it is reasonable to conclude the City of San Ramon decision makers intended to provide only general parameters for the concept. This is further reinforced by General Plan Policies 2.4-I-13, 4.8-I-17, and 7.1-I-1, which avoid placing any significant limitations on the size or scope of the City Center concept.

As for the author's statement that the San Ramon electorate was not aware of the development potential of the City Center concept when it voted on the General Plan in 2002, this is his opinion without factual support and, therefore, no further response is required.

Response to JB-18

The author stated that the DSEIR should examine the likely increase in crime that would be expected to result from the regional draw of the proposed project. The author identifies the proposed project's parking structures as being likely locations for criminal activities.

Impacts on police protection were evaluated in Impact PSR-2. As discussed in the DSEIR, the San Ramon Police Department indicated that the proposed project would be expected to generate 1,500 to 2,000 calls for service on an annual basis. Calls for service are considered a better indicator of police protection impacts than crime reports because calls for service represent actual responses by officers which are greater in number than crime reports. The Police Department indicated that anticipated budget increases would cover the need to hire additional officers to meet the additional policing demand created by the City Center project. In addition, the Police Department stated that it does not expect the project to compromise public safety or present any unusual policing challenges.

Response to JB-19

The author asserted that the location of the Police Department headquarters inside the City Hall makes it vulnerable to response-time delays from congestion on Bollinger Canyon Road.

As discussed in the DSEIR, the San Ramon Police Department indicated response times throughout the City of San Ramon are expected to improve from the relocation of the headquarters to the City Center. Moreover, as previously explained, Impacts TRANS-1 and TRANS-2 found that all intersections impacted by project-generated trips would operate at acceptable LOS after the implementation of mitigation. Therefore, the proposed project would not result in significant traffic congestion on Bollinger Canyon Road that would create significant delays to police response times.

Response to JB-20

The author referenced a passage in Impact PSR-1 stating that aerial ladders have limited value in high-rise fire fighting and inquired as to the evidentiary basis for this statement. The author requested that more analysis of fire safety be provided.

The San Ramon Valley Fire Protection District provided its concerns about the proposed project's fire protection and emergency medical service needs and three mitigation measures were proposed to address the Fire District's various concerns. The Impact PSR-1 analysis and mitigation measures were reviewed and approved by the Fire District prior to publication of the DSEIR, including the statement about aerial ladders.

Response to JB-21

The author asserted that the DSEIR needs to provide analysis of the adequacy of floor space within City Hall for various City services.

At the time of the DSEIR preparation, the City of San Ramon had not identified specific square footages for the interior uses of the City Hall and, therefore, it was not possible to identify the size of spaces for City services. CEQA does not require precise interior square footages to be identified, so long as the type of end use and overall square footage is disclosed. In this case, the DSEIR identified the City Hall and Transit Center as containing a maximum of 110,490 square feet of civic uses. Moreover, the allocation of space within the City Hall does not constitute a physical impact of the environment and, therefore, evaluating the adequacy of such space is outside the purview of the DSEIR.

Response to JB-22

The author alleged that the proposed project would result in serious economic impacts on the Crow Canyon Specific Plan area and the Market Place and should be evaluated at a more extensive level in the DSEIR. The author stated that the Market Place is a candidate for future high-rise redevelopment as a "solution" for increased blighting.

The proposed project's economic impacts were evaluated in Section 4.13, Urban Decay. The analysis in that section indicates that anticipated population and household income growth rates in San Ramon, the proposed project would not result in the substantial diversion of retail sales from existing businesses. Therefore, existing businesses in the Crow Canyon Specific Plan area, the Market Place, or any other part of San Ramon are not expected to experience significant lost sales to the point that store closure is a foreseeable consequence. As such, there is no basis for the author's claim that blight is likely to occur in the Crow Canyon Specific Plan area or the Market Place.

Response to JB-23

The author expressed concern that the density of the proposed project would result in the conversion redevelopment of other existing developed properties and create significant growth inducement that causes a number of physical impacts on the environment.

For clarification, growth inducement in the context of CEQA is defined 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.

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 create significant indirect growth inducement effects associated with the redevelopment of other properties is not realistic, thereby also negating the potential for environmental impacts associated with this growth inducement.

Response to JB-24

The author asserted that the alternatives evaluated in Section 5, Alternatives to the Proposed Project, are unrealistic and suggested that the DSEIR evaluate an alternative that limits building height to five stories, includes civic uses, and contains pedestrian and bicycle facilities.

The City Civic Center Alternative evaluated in the DSEIR is largely consistent with the concept the writer identifies in his comments. This alternative is a previous version of the City Center concept that was evaluated in an EIR certified in 2003. Refer to Master Response 3 for further discussion.

The DSEIR did not evaluate redesigning the project in accordance with the author's recommendations because 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.

October 10, 2007
From: Jim Gibbon, AIA
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To the City of San Ramon and All Concerned:

Re: Comments about the Proposed City Center Project and the DSEIR for that project

A "Done Deal"

So much for the San Ramon Planning Commission! So much for the City Center project not being a "Done Deal". Once the Planning Commission approves the DSEIR on November 6th the project will go before the City Council. The City Council will have three meetings during the holidays, before any one gets back from thinking of Thanksgiving and Christmas, and it will be another "Done Deal".

This is all by design and in the past they would have gotten away with it, but not now. The city's plea to "trust us" is too late. They are trying this trust us one too many times. They have no trust left.

Trust is given when trust is deserved. They manipulated the 2020 General Plan in 2002, they manipulated the Rezoning process in 2006, and they manipulated the Open Space Ordinance this year. There is only expectation left, one of self interest and of a private club mentality. Expectation of a public forum and public representation is gone and in its place is expectation of private business to business partnerships and 'Done Deals'.

The City Center Project has been in the works for years. The first budget workshops in were held in February 2004. The Economic Development Advisory Committee and Bay Area Economics held retail sector workshops in July 2005 and drafted a Strategic Plan. The city staff made a presentation to the City Council in October 2005. At the same time the council held private meetings with Sunset Development to form a partnership. In 2006 the City Council made changes to the General Plan and created the Mixed Use Zoning. Finally, in March of 2007 the City Council rolled the finished City Center Project in a joint staff and committee meeting. All this maneuvering and decision making was done behind a wall of silence.

The first "public" input to the project in September 2007 before the Planning Commission came with statements that this project was NOT a done deal. After two meetings we find out

that it was a “Done Deal”. No changes can be allowed because it would upset the economics of the deal. So much for the public trust.

What you can't trust is the private financial deal. What you can't trust is the "Statement of Overriding Consideration". What you can't trust is the expected traffic congestion. You can't trust this project that is more suited to San Francisco. You can't trust a project that is expected to cost \$775,000,000.00 and the city is going to be rich from the sales taxes. You can't trust what they won't tell you is the real cost of this private “Done Deal”.

Trust me this is going to cost the City of San Ramon plenty. This starts off as a land grab. The city purchased the 11 acres and then the 7.5 acres from Sunset Development for real money (\$12,000,000.00). In the deal the City Council transferred the FAR (floor area ratio) to Sunset Development's other projects which left no use for the 18 acres except for public uses. After years of turning down proposed public uses the City Council rezones the properties to Mixed-Use and added an FAR of 1.35 to them. Rezoned from no private use to eight story buildings. The estimated value of the 18 acre property with the new zoning, in current dollars, is between \$60,000,000.00 and \$80,000,000.00 as it stands empty.

In the City Center Project the city owned property gets lost. The property that the new Civic Center is to be located is not even owned by Sunset Development, it is owned by Chevron. Chevron is already asking for compensation. No one knows whether they will own the new Civic Center or lease it from Sunset Development.

It appears the city will get an increase in sales taxes but Sunset is expected to ask for a share of the increased revenue. What other guaranties is the City Council going to make in the name of this "Done Deal" project. The financial deal should be public before we vote on this deal. The voter of San Ramon should have a chance to Vote on whether they agree with deal.

This City Center Project needs to be redesigned to meet the needs of the public and not impact the city as severely as the present proposal does. If the project is built it should have the following change:

1. The buildings should only be a maximum of five stories with a smaller total square footage to be compatible with the rest of Bishop Ranch. A reduction of about 50% from the proposed size. Reduce the parking in half.
2. The Civic Center should be on the north side of Bollinger Canyon Blvd and next to the Central Park so it has a relationship to other public uses. Double the size to about 300,000 sq. ft.
3. The proposed City Center Plaza should open on to the Iron Horse Trail and Central Park.
4. All environmental effects of the project should be mitigated to not be a “significant and unavoidable cumulative impact” or not allowed. No letter of “Statement of Overriding Consideration” should to the impacts.

Public/Private Partnerships = Government-Sanctioned Monopolies

It is little understood by the general public how public/private partnerships can be used, not as a way to diminish the size of government, but in fact, to increase government's power.

That's because no one ever comes forward and tells the general public the entire plan for something as vast as the Security and Prosperity Partnership. No one ever calls for a debate or a vote to implement the plan with public approval.

Instead, it's done incrementally, a piece at a time, in an easy to disguise program here - a suggestion there. There are few debates or discussions. Even elected officials rarely know the true agenda they are helping to put in place.

Slowly, the whole comes together. By the time people realize the truth, it's already in place. Policy is set.

And Public/Private Partnerships are becoming the fastest growing process to impose such policy. State legislatures across the nation are passing legislation, which calls for the implementation of PPPs.

Beware. These bonds between government and private international corporations are a double-edged sword. They come armed with government's power to tax, the government's power to enforce policy and the government's power to enforce eminent domain.

At the same time, the private corporations use their wealth and extensive advertising budgets to entrench the policy into our national conscience. Cute little jingles or emotional commercials can be very useful tools to sell a government program.

Further, participating corporations can control the types of products offered on the market. Witness the drive for solar and wind power, even though the technology doesn't exist for these alternative energies to actually make a difference.

Yet, the corporations, in partnership with government to impose these policies, have convinced the American public that this is the future of energy. Rest assured that if any one of these companies had to sell such products on the free market controlled by consumers, there would be very little talk about them.

But, today, an unworkable idea is making big bucks, not on the open market, but in a controlled economy for a select few like British Petroleum because of their partnerships with government.

Public/private partnerships can be used by international corporations to get a leg up on their competition by entering into contracts with government to obtain favors such as tax breaks and store locations not available to their competition, thereby creating an elite class of "connected" businesses.

A private developer, which has entered into a Public/Private Partnership with local government, for example, can now obtain the power of eminent domain to build on land not open to its competitors.

The fact is, current use of eminent domain by local communities in partnership with private developers simply considers all property to be the common domain of the State, to be used as it sees fit for some undefined common good.

The government gains the higher taxes created by the new development. The developer gets the revenue from the work. The immediate losers, of course, are the property owners. But other citizens are losers too. Communities lose control of their infrastructure. Voters lose control of their government.

Using PPPs, power companies can obtain rights of way over private land, as is currently happening in Virginia where Dominion Power plans massive power towers over private property - against the strong objections of the property owners.

Private companies are now systematically buying up water treatment plants in communities across the nation, in effect, gaining control of the water supply. And they are buying control of the nation's highway systems through PPPs with state departments of transportation.

Because of a public/private partnership, one million Texans are about to lose their land for the Trans Texas Corridor, a highway that couldn't be built without the power of eminent domain.

Of course, it's not just American companies entering into PPPs with our government. Foreign companies are being met with open arms by local, state and federal officials who see a way to use private corporations and their massive bank accounts to fund projects.

As the Associated Press reported July 15, 2006, "On a single day in June (2006) an Australian-Spanish partnership paid \$3.6 billion to lease the Indiana Toll Road. An Australian company bought a 99 year lease on Virginia's Pocahontas Parkway, and Texas officials decided to let a Spanish-American partnership build and run a toll road for 50 years."

In fact, that Spanish-American partnership in Texas and its lease with the Texas Department of Transportation to build and run the Trans Texas Corridor contains a "no-compete" clause which prohibits anyone, including the Texas government from building new highways or expanding existing ones which might run in competition with the TCC.

That is not free enterprise. And it's not protecting the second principle of freedom - private property.

With inside information from its own Public/Private Partnership, Kansas City Southern Railroad (KCSR) has been able to grow overnight from a two-bit belt around Kansas City to controlling a 2,600-mile artery from Lázaro Cárdenas to Kansas City, straight up the Trans Texas Corridor. KCSR has obtained the rail rights up the corridor. It is now a government-sanctioned monopoly.

Protected from competition, the railroad will set the costs and the shipping rules. And it will get very rich, no matter the quality of service. All because of whom its owner knows. Ayn Rand called it the power of pull. That is not free enterprise.

At an April, 2007 meeting in Calgary, Canada, as part of the Security and Prosperity Partnership, government officials, business leaders and academics met to discuss redistributing Canada's water to Mexico and the U.S. Southwest.

Canada has water, lots of it, and the public/private partnerships of the SPP are swarming on it like locusts as they seek to drain it out of Canada's rivers and lakes and ship it to potential profit centers south of the Canadian border.

The Trans Texas Corridor will provide water pipelines for the shipping and PPPs will buy up the rights and dispose of the water as they see fit.

Canadians are suddenly feeling the raw power of the lethal combination of government and private industry as they dictate policy. The people of Canada now understand that they will have little say in the matter.

Private companies operating in the free market lack one thing government has - the power of coercion. That's a good thing. Imagine if Hershey's Chocolate had the power to stop you from buying Mars candy, of course telling you it was for your good health.

The free market operates with you making the decisions based on personal choice. Under Public/Private Partnerships the choices are decided for you in meetings behind closed doors.

How many times now are we seeing free choices taken away in the name of some government policy?

One example of PPPs using government partnerships to take away personal choice is the pharmaceutical companies using the power of the FDA to regulate and remove availability of natural supplements from the open market.

Meanwhile, private companies that are not part of a PPP are unable to compete with those who are. They are shut out of competition from the establishment of economic development zones, which provide the chosen elite with reduced real estate taxes and financial aid.

Companies, which find themselves outside of the elite status of the PPP, suddenly run into regulatory difficulties to get their own projects completed. It's not just a coincidence?

All of these things are happening through agreements between certain industries and government.

PPPs are one of the reasons many people find they can no longer fight city hall. The private companies gain the power of government to do as they please - and the governments earn the independence of the companies, no longer needing to answer to voters. It's the perfect partnership. But it's not freedom.

Such a process allows the private companies to be little more than government-sanctioned monopolies, answerable to no one. Their power is awesome and near absolute. Some call such policy corporatism. Another term would be corporate fascism.

What public/private partnerships are not, however, is capitalism or free enterprise, though it may have some of the trappings of such. The marketplace is still there. Its laws have not been repealed. But ultimately, corporatism does not trust the marketplace to do what the elites want.

Thus the alignment of corporations and government is done at the expense of ordinary people - the exact opposite of free markets controlled by consumers. I'll say it again it is not free enterprise. It's not "free trade."

Tom DeWeese is the publisher/editor of The DeWeese Report and president of the American Policy Center, a grassroots, activist think tank headquartered in Warrenton, Virginia. Its Internet site is www.americanpolicy.org. Tom can be reached at: letters@canadafreepress.com

[Other articles by Tom Deweese](#)

Jim Gibbon - October 10, 2007 (JG.2)

Response to JG.2-1

The author expressed his opposition to the project and his preference for the project to be redesigned. Because none of the comments pertain to the DSEIR, no further response is required.

**Comments submitted by Anne Cavazos dated October 11, 2007
on San Ramon City Center Draft Subsequent Environmental Impact Report,
State Clearinghouse Number 2007042022 dated August 13, 2007**

No.	DSEIR Section(s)	Page No(s).	Paragraph, Table No. or Figure No.	Comment
1	1.2		Agency and Community Outreach	<p>Where is the Community Outreach Plan for this project? The community outreach that has been done appeared to be focused on special interest groups and associations. How were these groups selected? The process for distributing notification of the DSEIR public comment period did not include residents living beyond 2,000 feet radius unless a resident specifically requested to be on the distribution list. However the significant unavoidable adverse impact of freeway access is going to impact, any San Ramon resident using Bollinger to get access to the freeway and any resident living south toward Alcosta and north to Crow Canyon who would potentially experience increased traffic in their neighborhoods because of drivers taking alternative routes to I-680. Traffic will likely increase in the areas of these access points and therefore these residents are impacted as well.</p> <p>I live with my family in the Newcastle neighborhood and we do not have a homeowners association and the 2000 ft radius cuts through our neighborhood. How was the 2000 ft radius selected? Why didn't the notification of the DSEIR public comment period extend beyond the 2,000 ft radius to residents that will be affected by the traffic impacts? Please include the reasoning for the radius selection in the EIR.</p> <p>Instead of using what appears to be an arbitrary radius that excludes entire portions of neighborhoods that would be affected by the proposed city center development, a more inclusive approach to determining stakeholders should have been employed early in the development of the city center design. The Smart Growth process includes participation by all stakeholders. How were the stakeholders determined for this project?</p>

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on San Ramon City Center Draft Subsequent Environmental Impact Report,
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No.	DSEIR Section(s)	Page No(s).	Paragraph, Table No. or Figure No.	Comment
2	3.2.1	3-18 3-19	last paragraph 2 nd paragraph	<p>The EIR discusses in detail, the background of the former iterations of the Civic/City Center proposals and designs except for why each of the former proposal failed. The text includes in two places.</p> <p>Referring to the 1997 plan: “For various reasons, that concept failed to materialize.” Referring to the 1999 plan: “Again, as with previous efforts, the project failed to proceed.”</p> <p>Please describe in detail why these former proposals failed.</p>
3	3.2.3 Project Components Plaza District	3-22	1 st and 2 nd paragraphs Exhibit 3-6	Automobiles should not be allowed to drive through the center of the plaza district. Cars are not pleasant to look at when dining and are of a safety concern where children might be playing or elderly people walking. The European model of a plaza should be incorporated into this design.
4	3.2.3 Project Components Plaza District			Moving sidewalks for elderly people or people with disabilities should be considered in the design.
5	3.2.1	3-20	First paragraph, Last sentence	The Children’s museum is not in San Ramon as was originally envisioned by the San Ramon voters. Why was this removed from the City Center Plans and moved to Dublin?
6	3.2.1	3-20	Third paragraph	Please include a reference to the document and the amendment reference number.
7	4.2.2 Air Quality Environmental Setting	4.2-17 to 18	Table 4.2-4 Sensitive Receptors	Children and elderly people frequently use Central Park which would be adjacent to the proposed City Center. Children using the park are usually exerting themselves in using the sports fields, playground, skateboard park, and just enjoying the freedom of running around that they cannot do at their own residences. They will be deeply breathing in the vehicle fumes generated by the proposed project. Elderly people tend to be more sensitive to polluted air and will be breathing in vehicle fumes generated by the project. Central Park should be included as a sensitive receptor on this table and in the air pollution analysis.

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No.	DSEIR Section(s)	Page No(s).	Paragraph, Table No. or Figure No.	Comment	
8	4.2.3 Air Quality Regulatory Framework	4.2-19 to 20	Table 4.2-5 Ambient Air Quality Standards	This table is missing visibility reducing particulates, vinyl chloride, and hydrogen sulfide. Why are these listed State air pollutants missing from this table? Please add them to the table so that we can evaluate them.	AC -8
9	4.2.6 Project Impacts and Mitigation Measures Impact AIR-1	4.2-26 to 28	Table 4.2-9 Table 4.2-10	Please add columns with data for SO _x and PM _{2.5} to these tables. Earlier in the section the text indicates that “Onsite emissions generally consist of exhaust emissions (NO _x , SO _x , CO, (NO _x ROG, PM ₁₀ and PM _{2.5})”, therefore they should be included on the tables.	AC -9
10	4.2.6 Project Impacts and Mitigation Measures Impact AIR-1	4.2-26 to 28	Table 4.2-9 Table 4.2-10	I object to NO _x ROG, and PM ₁₀ regional thresholds being exceeded for two to three years in a row. The commencement dates of construction for the various phases of this project could be spread out further to reduce the pollutant levels closer to the threshold. Again, there is no data on SO _x and PM _{2.5} which needs to be evaluated.	AC -10
11	4.2.6 Project Impacts and Mitigation Measures Impact AIR-1			Visibility reducing particulates may also be a concern during construction but are not addressed anywhere in this section. Please indicate the levels of visibility reducing particulates that will be generated (both unmitigated and mitigated) in this project.	AC -11
12	4.2.6 Project Impacts and Mitigation Measures Impact AIR-1	4.2-30	Impact AIR-1, Table 4.2-13	ROG, NO _x , CO, PM ₁₀ and PM _{2.5} threshold levels would be exceeded for operational emissions even after mitigation is implemented. I object to these exceedances for the purpose with which they are being exceeded. The citizens living in and using the area surrounding the city center project are going to pay for this city center with their health for the few people who want to shop and go to pricey restaurants.	AC -12
13	4.2.6 Project Impacts and Mitigation Measures Impact AIR-1 Mitigation Measures	4.2-30 to 33	MM AIR-1a and MM AIR-1b	How do these mitigation measures translate into hard numbers reduced from Tables 4.2-9 and 4.2-12 to create Tables 4.2-10 and 4.2-13? The assumptions should be provided in a table in this section with a list of each air pollution control measure (quantifiable and unquantifiable) and how much of a reduction each provides if it is quantifiable.	AC -13

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No.	DSEIR Section(s)	Page No(s).	Paragraph, Table No. or Figure No.	Comment	
14	4.2.6 Project Impacts and Mitigation Measures Impact AIR-1	4.2-33	MM AIR-1b Bullet 8	All fireplaces should be eliminated, even natural gas which contributes to CO and greenhouse gas emissions.	AC -14
15	4.2.6 Project Impacts and Mitigation Measures Impact AIR-1 Operational Emissions	4.2-33	MM AIR-1b Bullet 9	How do high efficiency filters on HVAC systems located in buildings the project area help outdoor air and the people who are exposed in the area of the project outside of the project area?	AC -15
16	4.2.6 Project Impacts and Mitigation Measures Impact AIR-1, Operational Emissions	4.2-32 to 33	MM AIR-1b	The list of operational emissions mitigations measures listed could be greatly improved. Additional green building techniques should be employed as well as discouraging air polluting motor vehicle traffic. This project is very automobile intensive and could do a better job of encouraging the use of higher fuel efficiency vehicles and buildings or the use of renewable energy. This project would be perfect for use of solar panels on all buildings. Also, many automobile manufactures are coming out with electric car models. The plan should incorporate the use of solar energy powered charging stations/parking places for electric vehicles. Locating these parking places in preferred areas would encourage the use of electric vehicles.	AC -16
17	4.2.6 Project Impacts and Mitigation Measures Impact AIR-1	4.2-33	First subtitle and sentence	“Level of Significance After Mitigation Significant unavoidable impact.” This unavoidable impact is not acceptable. Additional mitigation measures and project alternatives should be considered to reduce the emissions of criteria pollutants during construction and operations for this project.	AC -17
18	4.2.6 Project Impacts and Mitigation Measures Impact AIR-2	4.2-34	3 rd paragraph	This section assumes that the traffic evaluation model is correct but since a model is only as good as what is put into it, the LOS could be worse than a level D. Also the model does not predict beyond Year 2020 and this area could become a CO hot spot in the future. A more detailed analysis of the City Center’s potential to create a CO hotspot should be prepared.	AC -18

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No.	DSEIR Section(s)	Page No(s).	Paragraph, Table No. or Figure No.	Comment	
19	4.2.6 Project Impacts and Mitigation Measures Impact AIR-2	4.2-34	3 rd paragraph	This section does not evaluate the CO hotspot that could potentially be produced as a result of freeway operations operation at an LOS of F. Please incorporate an analysis of the CO hot spot that would be created by the degraded freeway operations that would be created by this project.	AC -19
20	4.2.6 Project Impacts and Mitigation Measures Impact AIR-3	4.2-34 to 35	Entire section	My comments for this AIR-3 section are the same as they are for 4.2.6 Project Impacts and Mitigation Measures, Impact AIR-1 listed above.	AC -20
21	4.2.6 Project Impacts and Mitigation Measures Impact AIR-3	4.2-35	2 nd subtitle and paragraph	“Level of Significance After Mitigation Significant unavoidable impact.” This unavoidable impact is not acceptable. Additional mitigation measures and project alternatives should be considered to reduce the operational emissions to the regional threshold levels and decrease the cumulative impact on air quality.	AC -21
22	4.2.6 Project Impacts and Mitigation Measures Impact AIR-4	4.2-35	Mitigation Measures	The document asserts that “No mitigation is available.” Additional green building techniques should be employed as well as discouraging air polluting motor vehicle traffic.	AC -22
23	4.2.6 Project Impacts and Mitigation Measures Impact AIR-4	4.2-35	Last subsection	“Level of Significance After Mitigation Significant unavoidable impact.” This unavoidable impact is not acceptable. Additional mitigation measures and project alternatives should be considered to at bring the projections in line with the original San Ramon 2010 population projections.	AC -23
24	4.2.6 Project Impacts and Mitigation Measures Impact AIR-5	4.2-36	Entire section	Children and elderly people frequently use Central Park which would be adjacent to the proposed City Center. Children using the park are usually exerting themselves in using the sports fields, playground, skateboard park, and just enjoying the freedom of running around that they cannot do at their own residences. They will be deeply breathing in the vehicle fumes generated by the proposed project. Elderly people tend to be more sensitive to polluted air and will be breathing in vehicle fumes generated by the project. Central Park should be included as a sensitive receptor in the air pollution analysis.	AC -24

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No.	DSEIR Section(s)	Page No(s).	Paragraph, Table No. or Figure No.	Comment
25	4.2.6 Project Impacts and Mitigation Measures Impact AIR-7	4.2-38	1 st full paragraph	The document states “it is anticipated that the project itself will not substantially add to the global inventory of greenhouse gas emissions.” This logic is faulty. The people living in the City Center Housing will still be traveling by motor vehicle in and out of the City Center so that they can pay for their expensive apartments. Does the document assume that they will be walking or riding their bikes to work? I’m having difficulty imagining highly paid executives in suits riding bikes or taking lengthy public transportation rides. If they have to take BART, they will drive their vehicles to BART. Also, the retail will encourage people to shop when they wouldn’t necessarily have shopped in the first place. If the activity is not readily accessible, it is human nature to not conduct that activity.
26	Appendix B Section 1 Section 4	2, 39		The Civic Center Alternative needs to be presented in these sections for completeness. Directing the reader to an earlier EIR by reference is time consuming especially when the final EIR is not readily available on the City of San Ramon web site. I found the draft as a pdf but not the final. This appears to be a method used to discourage the reader from evaluating an earlier alternative that was approved by the voters to the City Center alternative favored by the city officials. Please incorporate the tables showing the unmitigated and mitigated air quality impacts for the Civic Center alternative into this EIR.
27	Appendix B Section 2.2.3 Carbon Monoxide	11	Entire section	San Ramon residents regularly use the Central Park in their exercise programs and for family gatherings. The project is very motor vehicle intensive which creates carbon monoxide pollution. The City Center and the pollution that it would create is inconsistent with the original intention of Central Park and that it provide the people of San Ramon a place to get fresh air.

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No.	DSEIR Section(s)	Page No(s).	Paragraph, Table No. or Figure No.	Comment
28	Appendix B Section 4.4.2 Project Operation Mitigations	42-43	AQO-1 AQO-3 AQO-4 AQO-5 AQO-6 AQO-7 AQO-9	All of these proposed mitigations are supposed to encourage bicycle use by people using the City Center. However, use of bicycles is not feasible for most people dressed up for work, dining, or shopping. Shoppers with bags could not be expected to use bicycles to carry their bags home. Executives dressed up for work are not going to ride bikes on a hot or rainy day especially while they are in a hurry. People dressed up for dining at a nice restaurant or going to a function or the movies are not going to use a bicycle. Employees working at the restaurants will probably not live in San Ramon and will not be able to use a bicycle to get to work. Parents taking several children with them for shopping or dining will not use a bicycle especially with the increased traffic danger on Bollinger Canyon. Use of bicycles has become dangerous on city streets due to drivers using cell phones and PDAs while driving and the increased traffic will increase drivers' impatience with pedestrians and bicyclists. The only people who will use bicycles are the people living in the area close to the City Center and who currently ride their bicycles. Mitigation measures encouraging the use of bicycles will not work and should not be included in any calculation that would reduce the air pollution emissions.
29	Appendix B Section 4.4.2 Project Operation Mitigations	42-43	AQO-1 AQO-3 AQO-4 AQO-5 AQO-6 AQO-7 AQO-9 AQO-15 AQO-22 AQO-23	These proposed mitigations are supposed to encourage bicycle and public transportation use. Since these mitigations are only incentives there is no way to know if people would use them and cannot be quantified for use in the reduction of air pollution emissions. Mandatory use of carpooling, use of public transportation, bicycling or walking should be included in the mitigation measures. These mitigation measures should be included for City of San Ramon employees and elected officials and for owners and employees of businesses that would be located in the City Center. A mandatory percentage of people using alternate transportation would be quantifiable and could then be used in calculations to reduce air pollution emissions.
30	Appendix B Section 4.4.2 Project Operation Mitigations	44	AQO-19	All fireplaces should be eliminated, even natural gas which contributes to CO and greenhouse gas emissions.

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No.	DSEIR Section(s)	Page No(s).	Paragraph, Table No. or Figure No.	Comment
31	Appendix B Section 4.4.2 Project Operation Mitigations	42-43		<p>Other mitigation measures for the Plaza District should include:</p> <p>1) Encouraging the use of electric cars powered by solar panels. Preferred and free parking and plug-in sites for electric cars would encourage the use of renewable energy rather than polluting motor vehicles.</p> <p>2) Discouraging the use of air polluting vehicles and encourage use of public transportation by charging parking fees at City Center. The fees should be such that the public transportation is a less expensive alternative to parking fees.</p> <p>3) Public transportation vehicles should have a very high-fuel efficiency or be powered by renewable energy.</p>
32	Appendix B Section 4.4.2 Project Operation Mitigations	42-43		<p>All new buildings at the City Center site should include solar panels and other green building techniques. The City should refer to the City of Santa Cruz for their green building codes, to the U.S. Green Building Council LEED program, and other numerous standards. The City of San Francisco is currently developing a green building standard for new buildings and for remodels. We should be building all new city construction with green building techniques. The City Center would be a good time to incorporate them. Neighboring cities such as Dublin and Livermore are using LEED certification for some of their new buildings. Why isn't San Ramon? Will we be able to use the City Center as a prime example of green building?</p>
33	Appendix B Section 4.4.2 Project Operation Mitigations	42-43		<p>Use electric powered landscaping equipment rather than fuel powered. The electricity should be generated by renewable energy sources.</p>

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No.	DSEIR Section(s)	Page No(s).	Paragraph, Table No. or Figure No.	Comment
34	Appendix B Section 4.4.2 Project Operation Mitigations	42-43		<p>Other alternatives should be considered to reduce the impacts to air quality such as</p> <ol style="list-style-type: none"> 1) Reduced building heights (which may mean smaller offices for city officials and employees) which would reduce use of pollution from buildings. 2) Reduce or eliminate retail, theater, hotel, or apartment space in City Center which would reduce use of pollution from buildings and motor vehicles.
35	Appendix B Section 4.4.2 Project Operation Mitigations	42-43		<p>The reason behind including apartments in the City Center is to enable the residents to work, shop, and get entertainment without having to get into a car to do it. Therefore the apartment dwellers should have less need for cars. Suggested mitigation measures for reducing air pollution generated by residents in the apartment complex include:</p> <ol style="list-style-type: none"> 1) Reducing the number of parking spaces for residents to 1 car per 2 or more apartments. 2) Include a mandatory program for people living in the apartments to use a car sharing program if they need a car. The car sharing program would include cars with very high fuel efficiency or powered with renewable energy. <p>These mitigation measures would reduce building heights since there would be fewer parking spaces needed and reduce traffic and air pollution since fewer cars and/or cars generating less air pollution would be driven.</p>
36	Appendix B Section 4.4.2 Project Operation Mitigations	42-43		<p>Although several green design elements have been incorporated into the design of the City Center, a lot can still be done. The City Center has a very vehicle intense design which impacts traffic, noise, safety, air pollution, greenhouse gases, and building heights. A committee should be formed and/or consultants should be employed to generate and consider ideas for implementing green design into the plans and specifically include plans for reduction of pollution generating vehicles for the City Center which would in turn reduce all the impacts listed above.</p>

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No.	DSEIR Section(s)	Page No(s).	Paragraph, Table No. or Figure No.	Comment
37	Appendix B Section 4.4.2 Project Operation Mitigation	45	Table 21	Which mitigation measures translate into hard numbers reduced from Tables 17, 18, and 19, to create Tables 21, 22, and 23? A table in this section should be provided containing a list of each air pollution mitigation measure listed on pages 42 through 44 (quantifiable and unquantifiable) and how much of a reduction each provides if it is quantifiable.
38	Appendix B Section 4.4.4 Carbon Monoxide Hot Spots	47	Entire section	<p>This section assumes that a detailed analysis does not need to be performed because the traffic operations indicate that the study area will operate at no lower than an LOS of D. The V/C ratio with mitigation at the Bollinger Canyon Road/Sunset Drive/Chevron Park intersection (Table 4.12-16) is 0.87. This V/C ratio is at the upper end of the LOS D range. At 0.91 this intersection would be assigned an LOS of E. What is the confidence level that this projected V/C ratio is correct? What is the potential that the assigned LOS would actually be E?</p> <p>A CO hot spot will more than likely be caused by the City Center project because the ambient CO levels are currently low.</p> <p>Please perform a detailed CO hot spot analysis for the City Center project so that we can evaluate this data.</p>
39	Appendix B Section 4.4.4 Carbon Monoxide Hot Spots	47	Entire section	This section assumes that a detailed analysis does not need to be performed because the traffic operations indicate that the study area will operate at no lower than an LOS of D. However the freeway operations are projected to operate at LOS F and therefore a detailed CO hot spot analysis needs to be performed. Please perform a CO hot spot analysis for the impact to freeway operations.

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No.	DSEIR Section(s)	Page No(s).	Paragraph, Table No. or Figure No.	Comment
40	Appendix B Section 4.4.6	48-53	Tables 24, 25, 26 and text	These tables show that motor vehicles would contribute 93% of the primary greenhouse gas for the project or 39,850 metric tons = 3.99 Tg CO2 Eq. However, all but one of the proposed mitigations on page 52 through 53 are aimed at building and landscaping efficiencies. These mitigation efforts are aimed at the 7% of the projected greenhouse gas emissions. Additional mitigation measures need to be put in place to reduce the amount of greenhouse gasses emitted by vehicles. Several are proposed above in comments related to air quality and need to be seriously considered to make a real impact in greenhouse gas mitigation for this project.
41	4.2 Air Quality 4.11 Public Services and Recreation 4.12 Transportation			Several of the neighborhoods south of Bollinger Canyon Road send their children to Iron Horse Middle school. What will be the impacts to children who will be walking or riding their bikes to Iron Horse Middle School from the neighborhoods south of Bollinger Canyon Road? Children typically use Iron Horse Trail and the sidewalks on Alcosta. What additional traffic hazards, air pollution, and crime will these children experience over what they experience now? What mitigation is proposed? If parents do not feel that their children will get to school safely, they may drive their children to school and thereby increase traffic congestion at the Alcosta and Bollinger Canyon intersection. Was this assumption taken into account in the DSEIR traffic section? If not, please add it into the calculations for traffic impacts and air quality impacts.
42	4.12 Transportation		4.12-2a etc.	Please include an explanatory legend on all traffic analysis diagrams.
43	4.12 Transportation			How much additional time will it take for residents using Bollinger from/to Alcosta and San Ramon Valley Blvd to enter and exit Interstate 680 at 8 am, 12 noon, and 5 pm with the proposed project scenario and the with proposed project scenario in 2020 compared to the current scenario with no project?

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No.	DSEIR Section(s)	Page No(s).	Paragraph, Table No. or Figure No.	Comment	
44	4.12.2	4.12-7	Table 4.12-2	The grading system used for the traffic level of service (LOS) is described in Table 4.12-2. The lowest rating given for the LOS is a grade "F" which is defined as >50 second delay per vehicle or a volume to capacity ratio of >1.00. In order to provide a more descriptive LOS grading system, the F grade should be broken down into more refined grades. For example "F" should be equal to a V/C ratio of 1.00 to 1.10 and additional grades should be added such as "G" equal to a V/C ratio of 1.10 to 1.20 and so on. Please include additional grades to more accurately represent the LOS determinations. Examples of these grades have been prepared for other projects.	AC -44
45	4.12.2 Impact TRANS-2	4.12-78	Table 4.12-17	Item 28. The V/C ratios in columns 2 and 6 of 1.13 and 1.17 indicate that the LOS grade in columns 3 and 7 would be "F". Why are these shown as "E"	AC -45
46	4.12.2 Impact TRANS-2	4.12-88	Table 4.12-18	Item 28. The V/C ratio in columns 2 is 1.17 and should be and LOS of "F". Why are does the LOS in column 3 show an "E"?	AC -46
47	4.12.2 Impact TRANS-3	4.12-89	Tables 4.12-19 and 4.12-20	How does the density in passenger cars per mile (pc/mi/hr) per hour relate to the LOS? Please provide the ranges of pc/mi/hr for each LOS grade in a table such as was provided in Table 4.12-2. Also, these tables have several "*" in place of density numbers. If no density numbers can be calculated, how was the LOS determined to be an "F"?	AC -47
48	4.13 Urban Decay			The plans for the City Center do not currently include the specific type of retail that will be in the anchor stores. What are the retail assumptions of the DSEIR for Urban blight? Please include in this section of the EIR the outcome of different scenarios based on the types of retail that are currently being considered for the anchor stores. How would the urban blight results change if a discount anchor store such as Wal-Mart was assumed versus and upscale anchor store such as Nordstrom's or Niemen-Marcus?	AC -48

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No.	DSEIR Section(s)	Page No(s).	Paragraph, Table No. or Figure No.	Comment
49	4.12 Transportation Public Transit, Bicycles, and Pedestrians			Bollinger Canyon Road at the Iron Horse Trail crossing has become more difficult and dangerous to cross for bicyclists and does not provide a usage consistent with a park-like setting. This busy intersection detracts from bicyclists wanting to use the trail. Mitigation should be included to encourage the use of bicycles rather than detract from it. Please incorporate a lighted and secure tunnel under Bollinger for bicycle traffic in the City Center design.
50	4.12 Transportation Public Transit, Bicycles, and Pedestrians			Bollinger Canyon Road at the Iron Horse Trail crossing has become more difficult and dangerous to cross for pedestrians and does not provide a usage consistent with a park-like setting. The timing to cross at the pedestrian light is too short for elderly and small children. Please incorporate an access bridge across Bollinger for pedestrians in the design of the City Center. This would have to include an elevator for elderly or disabled people.
51	4.2 Air Quality 4.8 Land Use 4.12 Transportation 4.14 Utility Systems			Governor Schwarzenegger signed Executive Order #S-20-04 on December 14, 2004, requiring the design, construction, and operation of all new and renovated state-owned facilities to be LEED Silver. LEED stands for Leadership in Energy and Environmental Design. Architects-Cooper, Robertson, and Partners are members of the U.S. Green Building Council. Do they have LEED Accredited Professionals that can work on the City Center project? LEED Certification may result in reduction of greenhouse gases generated by the buildings and would demonstrate that San Ramon is a leader in green building. The operational costs of LEED certification will become more relevant as fuel and water costs increase. Are the buildings of the proposed City/Civic Center going to be LEED certified? Dublin and Livermore are currently constructing LEED certified buildings. San Ramon should also be following their example.
52	5, 6			The Reduced Density/Civic Center Alternative that is discussed needs to be revised in light of current information. The Children's Museum is now going to be built in Dublin and we now have a Center for performing visual arts at the new high school in Windemere. We still need a larger and better library and City offices. An aquatic center would be consistent with land usage at Central Park.

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No.	DSEIR Section(s)	Page No(s).	Paragraph, Table No. or Figure No.	Comment
53	4.2 Air Quality 4.8 Land Use 4.12 Transportation			<p>What will be impacts be on the following activities at Central Park:</p> <p>1) Parking - How will people going to the City Center for shopping, dining, visiting residents, working, and going to the theater be discouraged from parking at the Central Park parking facilities? Will the people using Central Park have a place to park when they want to use Central Park?</p> <p>2) Annual San Ramon Wind Festival – Where will the attendees park for this event? Will the height and position of the buildings alter the wind patterns and strength to disable our ability to have the wind festival at this location?</p> <p>3) Annual Independence Day Festival – Where will everyone park? Where will the fireworks be held?</p> <p>4) Will people using the park still be able to hear the birds sing? At what decibel level will birds be overshadowed? Will that level be exceeded at the park? When and where?</p> <p>5) What will be the air quality impacts for adults and children using the park for exercise and sports activities?</p> <p>All of these impacts should be addressed in one location of the EIR.</p>

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No.	DSEIR Section(s)	Page No(s).	Paragraph, Table No. or Figure No.	Comment
54	8.1	8-1		The BAAQMD is a key agency that should comment on the DSEIR since four of the adverse significant impacts are related to air quality. Why wasn't the BAAQMD included in the NOI? Since four of the significant adverse unavoidable impacts are related to air quality and of the four, three of them are related to BAAQMD thresholds it seems important that the BAAQMD weigh in on these concerns. Please contact the BAAQMD and ensure that their concerns and comments on this DSEIR are included in the final EIR for this project.

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Anne Cavazos (AC)

Response to AC-1

The author inquired about whether a “Community Outreach Plan” had been prepared and questioned why the City of San Ramon used only a 2,000-foot radius for inclusion on the surrounding property owner notification list.

There is no statutory requirement that a formal Community Outreach Plan be prepared for any discretionary land use project. However, the City of San Ramon has made a good faith effort to inform residents and other affected parties about the project through City-wide mailings of newsletters, publishing newspaper notices, posting project information (including the DSEIR) on the City website, sponsoring several public workshops regarding the project, and noticing surrounding property owners.

Government Code 65090-91 requires lead agencies to notify all property owners within a 300-foot radius of a discretionary land use project. By noticing all property owners within a 2,000-foot radius of the project site, the City of San Ramon has exceeded statutory noticing requirements.

Response to AC-2

The author referenced the discussion of previous concepts of the City Center project in Section 3, Project Description, and requested more detail on why two previous concepts were not realized.

Economic feasibility was the primary reason those concepts were not realized.

Response to AC-3

The author expressed her opinion that automobile traffic should not be allowed on Center Street. No further response is necessary.

Response to AC-4

The author suggested that “moving sidewalks” should be considered for the elderly or disabled persons.

The comment is noted and the proposed project will comply with American’s With Disability Act requirements.

Response to AC-5

The author referenced the discussion of previous concepts of the City Center project in Section 3, Project Description, and inquired why the Valley Children’s Museum proposed as part of the City Civic Center concept was ultimately developed in Dublin.

The City Civic Center concept was not viable from an economic perspective. As such, sponsors of the Valley Children’s Museum reached an agreement with the City of Dublin in 2006 to develop the facility on property previously occupied by Camp Parks.

Response to AC-6

The author requested the reference numbers for the General Plan Amendment and the Change of Zone for the re-designation of Parcel 1B.

The applicable reference numbers are Ordinance No. 384, Resolution No. 2006-155, and Resolution No. 2006-156.

Response to AC-7

The author stated that Central Park should be considered a sensitive receptor.

The significance of air pollution impacts on sensitive receptors is dependent on continuous exposure over sustained period. The sensitive receptors identified in Section 4.2, Air Quality—hospitals, schools, convalescent facilities, and residential areas—are land uses occupied by children, the elderly, or the sick for extended periods of time, either continuously (e.g., hospitals) or at regular sustained intervals (e.g., schools). In contrast, park facilities are used for short, discrete periods and have the benefit of being outdoors, which allows for dispersion of air pollutants. For these reasons, it is not appropriate to classify Central Park as a sensitive receptor.

Response to AC-8

The author noted that Table 4.2-5 did not include visibility reducing particulates, vinyl chloride, and hydrogen sulfide and asked that these pollutants be evaluated.

These pollutants were purposely excluded from the DSEIR because they are not applicable to the proposed project. Vinyl chloride is primarily used to make polyvinyl chloride (PVC) plastic and vinyl products. PVC is used to make a variety of plastic products, including pipes, wire and cable coatings, and packaging materials. In addition, vinyl chloride is also emitted from landfills, sewage plants, and hazardous waste sites due to microbial breakdown of chlorinated solvents. The proposed project does not contain any uses that would emit vinyl chloride and, therefore, there is no potential for this project to emit this pollutant.

The San Francisco Bay Area Air Basin does not exceed State standards for visibility reducing particles and, therefore, this is not a pollutant concern in the region. Moreover, federal guidance for visibility reducing particles states that such pollutants need only be analyzed for “major sources” within 100 kilometers (62.5 miles) of a Class I site, which is defined as national parks, wilderness areas, monuments, seashores, and other areas of natural, recreational, scenic, or historic value with a minimum size of 5,000 acres). A “major source” is defined as a stationary source emitting 250 tons per year of a regulated pollutant (i.e., a criteria pollutant). The nearest Class I source to San Ramon is Point Reyes National Seashore, located 43 miles to the northwest. As shown in DSEIR Table 4.2-13, the proposed project’s area source emissions (which are considered stationary source emissions) would be 75 pounds per day, or 13.5 tons annually. This is below the 250-ton threshold for visibility reducing particle analysis and, therefore, such analysis is not necessary in the DSEIR.

Hydrogen sulfide is primarily emitted by geothermal power plants, petroleum production and refining, and sewer gas. None of these uses pertain to the proposed project and, therefore, there is no potential for this project to emit this pollutant.

Response to AC-9

The author requested that Tables 4.2-9 and 4.2-10 provide estimates for sulfur oxides (SO_x) and particulate matter (PM_{2.5}).

As noted in the text, Tables 4.2-9 and 4.2-10 are displaying only emissions with quantifiable thresholds (i.e., thresholds established by the Bay Area Air Quality Management District [BAAQMD]). Data presenting SO_x and PM_{2.5} emissions are included in the URBEMIS printout in Appendix B of the DSEIR.

Response to AC-10

The author stated that the project construction schedule could be spread out to reduce the proposed project's construction emissions closer to BAAQMD thresholds.

As shown in Table 4.2-8, the construction schedule of the three project components is currently staggered over three years. Construction scheduling is dependent on a number of factors, including availability of contractors, labor, equipment, and materials, as well as economic considerations. Moreover, given the type of construction activities associated with each project component, further spacing out the construction schedule is not anticipated to substantially reduce construction emissions relative to levels projected in the DSEIR. Rather, further spacing out the construction schedule would result in construction emissions exceeding BAAQMD thresholds over a longer period of time. For these reasons, requiring the project applicant to further space out the construction schedule is not considered practical.

Response to AC-11

The author requested that construction air quality analysis evaluate emissions of visibility reducing particles.

BAAQMD has no quantifiable thresholds for visibility reducing particle emissions; as such, they were not modeled in the DSEIR. Refer to response AC-8 for further discussion of visibility reducing particle emissions.

Response to AC-12

The author expressed her objection to the proposed project's operational emissions exceeding BAAQMD thresholds for reactive organic gases (ROG), NO_x, PM₁₀, and PM_{2.5}. No further response is necessary.

Response to AC-13

The author questioned the assumptions used to quantify the mitigated project emissions shown in Tables 4.2-10 and 4.2-13 as a result on the implementation of the air pollution control measures established in Mitigation Measures AIR-1a and AIR-1b.

The quantification of emissions reductions shown in Tables 4.2-10 and 4.2-13 was performed using the URBEMIS2007 Version 9.2 emissions model. URBEMIS does not calculate reductions on specific measures, instead relying on a synthesis of measures by giving credit for creating an environment where mitigations can be effective. URBEMIS calculates operational emissions reductions from establishing a mix of uses, the presence of local serving retail, the presence of transit, a pedestrian/bicycle mitigation factor, and several transportation demand management factors.

Response to AC-14

The author asserted that all fireplaces should be eliminated from the proposed project to prevent carbon monoxide (CO) and greenhouse gas emissions.

Final design of the proposed project is not yet complete and it is unknown if fireplaces would be included in the Plaza District residential uses. Therefore, fireplaces may not be included in the proposed project. Regardless, eliminating fireplaces would not substantially reduce the proposed project's operational CO emissions because such emissions are primarily attributable to mobile sources (refer to Tables 4.2-12 and 4.2-13). Therefore, such a measure is not warranted.

Response to AC-15

The author referenced the requirement in Mitigation Measure AIR-1b pertaining to high efficiency filters on heating, ventilation, and air conditioning (HVAC) systems and queried as to how they would improve air quality for people breathing outdoor air.

High efficiency filters are primarily intended to improve indoor air quality. However, because they are high efficiency filters, they would reduce HVAC energy consumption and cumulatively contribute to a reduction in regional energy demand, which is considered a beneficial air quality impact.

Response to AC-16

The author stated that the operational air pollution control measures listed in Impact AIR-1b could be expanded to include measures that discourage motor vehicle traffic, encourage the use of higher efficiency vehicles, require the use of solar panels, require electric vehicle charging stations, and incorporate green building techniques into project design.

The proposed project incorporates a number of the author's recommendations as design features. The proposed project is an infill, high-density mixed-use project, located adjacent to an existing job center. The project incorporates a number of trip reduction features, including a transit center, a pedestrian-oriented design, a direct "crow flies" pedestrian connection to the Iron Horse Trail, bicycle parking facilities, and Class II bicycle lanes on the Bishop Drive extension. The proposed project

incorporates a number of sustainability features, including the extensive use of glass to promote natural day lighting, automated occupancy sensors, the use of high-albedo construction materials, a recycled water system for outdoor irrigation, and high efficiency water heaters.

Regarding the author's suggestion that the project encourage the use of higher efficiency vehicles, the project applicant cannot control the vehicle preference of project residents, employees, customers, or guests and, therefore, this mitigation is not feasible.

Regarding the author's suggestion that the project include electric vehicle charging stations, final project design is not complete and it is unknown if such stations can be feasibly included into the project. Therefore, the DSEIR did not require them as mitigation measures. However, this does not preclude the project applicant from including electric vehicle charging stations if they are found to be feasible.

Finally, regarding the author's suggestion that the project include solar panels, refer to Master Response 4.

Response to AC-17

The author referenced the Impact AIR-1 residual level of significance after mitigation of "significant unavoidable impact," and stated that additional mitigation measures and alternatives should be considered to reduce project emissions. However, the author does not identify any specific mitigation measures or alternatives and, therefore, no further response is required.

Response to AC-18

The author referenced the proposed project's CO hotspot analysis in Impact AIR-2 and noted that the analysis does not predict beyond 2020 and, therefore, there is the possibility that CO hotspots could be created in the future.

As discussed in Impact AIR-2, the CO hot spot analysis employs the results of the project Traffic Operations Evaluation. The Traffic Operations Evaluation used 2020 as the "long-term" scenario for analysis because this year is the planning horizon of the City of San Ramon General Plan. Regardless, the CO Protocol method is a well-accepted method in which to pre-screen intersections. Any analysis beyond the 2020 would yield even less adverse effect of CO hot spots because the model assumes a cleaner vehicle fleet in each successive year.

Response to AC-19

The author requested that the DSEIR evaluate the potential for CO hot spots on I-680.

As shown in Tables 4.12-19 through 4.12-22, the proposed project would not cause any freeway ramp or mainline segment to change from LOS D or better to LOS E or worse under Existing Plus Project Conditions or Year 2020 Conditions. Therefore, a CO hot spot analysis was not necessary for any

ramp or mainline segments because all segments operating at LOS E or worse would operate at this level regardless if the proposed project was implemented.

Response to AC-20

The author referenced the cumulative air quality analysis in Impact AIR-3 and stated that all of her comments that pertained to Impact AIR-1 also pertain to this impact.

Refer to the responses AC-11 through AC-17.

Response to AC-21

The author referenced the Impact AIR-3 residual level of significance after mitigation of “significant unavoidable impact,” and stated that additional mitigation measures and alternatives should be considered. However, the author does not identify any specific mitigation measures or alternatives and, therefore, no further response is required.

Refer to response AC-17.

Response to AC-22

The author referenced the statement in Impact AIR-4 that no mitigation is available to reduce the significance of the proposed project’s inconsistency with the BAAQMD Clean Air Plan and stated that mitigation measures and alternatives should be considered to reduce the significance of this impact.

As discussed in Impact AIR-4, consistency with the BAAQMD Clean Air Plan is a function of consistency with the population projections and vehicle miles traveled assumptions contained in the plan. The proposed project is inconsistent with both projections and there is no feasible mitigation available to resolve this inconsistency. Moreover, the author does not identify any potential mitigation measures or alternatives to resolve this inconsistency. No further response is required.

Response to AC-23

The author referenced the Impact AIR-4 residual level of significance after mitigation of “significant unavoidable impact,” and stated that additional mitigation measures and alternatives should be considered. However, the author does not identify any specific mitigation measures or alternatives and, therefore, no further response is required.

Refer to response AC-22.

Response to AC-24

The author stated that Central Park should be considered a sensitive receptor.

Refer to response AC-7.

Response to AC-25

The author referenced a statement in Impact AIR-7 that the proposed project itself would not substantially add to the global inventory of greenhouse gas emissions and asserted that this statement employs faulty logic because the project will create new vehicle trips.

As stated on page 4.2-38 of the DSEIR, the effects of greenhouse gas emissions are global in nature. The project's greenhouse gas emissions were quantified in Tables 4.2-14 through 4.2-16 and, relative to global concentrations of these pollutants, the proposed project's contributions would not be significant at an individual level. However, the proposed project's cumulative contribution of greenhouse gas emissions to global concentrations of heat-trapping gases would be considerable, which the DSEIR acknowledged.

Response to AC-26

The author stated that the Air Quality Analysis technical report (Appendix B) should present the air quality emissions figures for the City Civic Center Alternative and not rely on citing the figures from the Draft EIR prepared for that project.

The DSEIR incorporates the City Civic Center Draft EIR by reference; refer to DSEIR Section 1.4. Because it is incorporated by reference, the Air Quality Analysis technical report does not need to restate the air quality analysis presented in the City Civic Center EIR. The City Civic Center EIR is available at the City of San Ramon offices, located at 2222 Camino Ramon, San Ramon, California, 94583.

Response to AC-27

The author stated that the Air Quality Analysis technical report should have evaluated potential CO hot spot impacts on Central Park.

As stated on page 47 of the Air Quality Analysis technical report, CO hot spots are localized to congested intersections (i.e., those operating at LOS E or worse). Because CO hot spots are localized, they do not extend to surrounding areas. Moreover, as discussed in Impacts TRANS-1 and TRANS-2, all intersections would operate at LOS D or better after the implementation of mitigation. As such, the proposed project would not create localized CO hot spots at intersections, much less in Central Park.

Response to AC-28

The author referenced several mitigation measures that encourage bicycle usage presented in the Air Quality Analysis technical report for operational emissions and stated that they cannot be relied upon to reduce operational emissions because bicycling is not practical for everyone.

For clarification, the mitigation measures presented in the Air Quality Analysis technical report are not the same measures proposed in the DSEIR in Mitigation Measure Impact AIR-1b. For various reasons, including economic and technical feasibility and the interests of tailoring mitigation to reflect

project characteristics, these mitigation measures either not included or were modified in Mitigation Measure AIR-1b. Therefore, most of the measures the author references are moot.

Regardless, because of the project's proximity to the Iron Horse Trail, it is reasonable to assume that bicycle usage would occur. However, the DSEIR did not assume that bicycle usage would be substantial enough to fully mitigate any air quality or transportation impact.

Response to AC-29

The author asserted that the DSEIR should include mitigation measures mandating car pooling, use of public transportation, or bicycles or pedestrian modes of transportation.

Dictating the type of transportation a project resident, employee, or guest could use would not likely be legally defensible, and furthermore, such a requirement would likely discourage potential residents or businesses from locating in the proposed project, thereby compromising its economic viability. Therefore, this is not considered feasible mitigation.

Response to AC-30

The author asserted that all fireplaces should be eliminated from the proposed project to prevent CO and greenhouse gas emissions.

Refer to response AC-14.

Response to AC-31

The author asserted that the Plaza District should include mitigation measures that: encourage the use of electric cars powered by solar panels by providing preferred and free parking and plug-in sites for such vehicles; require parking fees to be charged to encourage the use of alternative transportation; and require that public transportation vehicles be highly fuel efficient or be powered by renewable energy.

Regarding the author's suggestion that preferred parking or free parking and charging stations be provided for electric vehicles, final project design is not complete and it is unknown if such features can be feasibly included into the project. Therefore, the DSEIR did not require them as mitigation measures. However, this does not preclude the project applicant from including these features if they are found to be feasible.

Regarding the author's suggestion that parking fees be assessed, refer to Master Response 5.

Finally, CCCTA oversees County Connection bus service, which would serve the proposed project. The City of San Ramon does not have the authority to require that CCCTA use certain types of fuel efficiency technologies or energy sources to power its bus fleet. Therefore, the DSEIR cannot require County Connection buses to be highly fuel efficient or use renewable fuels.

Response to AC-32

The author asserted that the proposed project should use solar panels and other green building techniques and expressed her opinion that the City of San Ramon should be requiring more green building.

Refer to Master Response 4.

Response to AC-33

The author asserted that the DSEIR should require that electric landscaping equipment powered by renewable energy be used in place of gas powered equipment.

The primary constraint to requiring this mitigation is assuring to a reasonable degree of certainty that all electric landscaping equipment could be powered by renewable electricity. Unless the proposed project could be entirely self-sufficient on a renewable energy source (e.g., solar or wind), it would be impossible to verify compliance with this requirement. Moreover, given the size and intensity of the proposed project, it is doubtful that solar or wind sources could generate enough electricity 24 hours a day, 7 days a week to meet the project's anticipated demand. In addition, there are technical feasibility constraints with electric landscaping equipment (e.g., the need for a nearby electrical outlet) and there may be times when gas powered landscaping equipment is the only feasible option to safely and efficiently complete a task. Therefore, such a requirement is not considered feasible.

Response to AC-34

The author suggested that two additional project alternatives be considered in the DSEIR: 1) reduced building heights, and 2) reduce or eliminate retail, cinema, hotel, or residential uses.

The DSEIR did not evaluate reducing the proposed project's building height 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.

Regarding the elimination or reduction of retail, cinema, hotel, or residential uses, this was considered in the Reduced Density Option 1 Alternative, which considered eliminating the Plaza District. The change in air quality impacts that would occur under this alternative are discussed in Section 5, Alternatives to the Proposed Project.

Response to AC-35

The author recommended a mitigation measure that would reduce the parking requirements for the project residential uses to "1 car per 2 or more apartments," and require the project applicant to

implement a car sharing program using highly fuel efficient vehicles or those powered by renewable energy for project residents.

The reduced parking requirement would conflict with the City of San Ramon's existing parking requirements for residential uses. As shown in Table 4.12-24, the City requires that 1 space be provided for each 1 bedroom unit and 2 spaces be provided for each 2 and 3 bedroom unit. Therefore, it would not be feasible.

Regarding the author's suggestion that a shared vehicle program be implemented as mitigation for project air quality impacts, refer to Master Response 7.

Response to AC-36

The author recommended that a committee be formed or consultants be employed to identify ideas for implementing green building concepts into the project.

As previously mentioned in response AC-16, the proposed project incorporates a number of green building features. These features were identified by the project applicant, the project architect, the project engineer, and the DSEIR consultant.

Response to AC-37

The author requested information regarding the effectiveness of the proposed project air quality mitigation measures identified in Impact AIR-1.

Refer to response AC-13.

Response to AC-38

The author referenced the volume-to-capacity ratio (V/C) shown for the intersection of Bollinger Canyon Road / Sunset Drive / Chevron Park in DSEIR Table 4.12-16 and asserted that the 0.87 V/C ratio for the intersection is close to the V/C threshold for LOS E. This prompted the author to question the certainty of results generated using the traffic model and suggested that a CO analysis should be done because the intersection is close to the LOS E threshold. The author also alleged that traffic generated by the City Center project has a greater propensity to create CO hot spots because the ambient CO levels are currently low.

The Traffic Operations Evaluation prepared for the proposed project modeled intersection operations impact using the Contra Costa Transportation Authority Regional Travel Demand Forecasting Model. This is the accepted model for evaluating intersection operation impacts in the City of San Ramon. The model is regularly validated with existing roadway volumes to ensure that it accurately forecasts intersection operation impacts. Regardless, the CO Protocol indicates that only intersections operating at LOS need to be evaluated for potential CO hot spots. Because the traffic model found that all intersections would operate at LOS D or higher after the implementation of mitigation, CO hot spot analysis modeling is not necessary.

There is no factual basis for the author's allegation that the proposed project would have a greater propensity to create CO hot spots because ambient levels are currently low. An intersection would have to have a larger influx of CO to create a hot spot if the ambient levels were lower. Therefore, the author's claim is incorrect.

Response to AC-39

The author requested that the DSEIR evaluate the potential for CO hot spots on I-680.

Refer to response AC-19.

Response to AC-40

The author asserted that additional mitigation should be proposed to reduce the project's vehicular emissions of greenhouse gases. The author identified mitigation measures she proposed previously in her letter.

Refer to responses AC-29, AC-31, and AC-35.

Response to AC-41

The author expressed concern that children using the Iron Horse Trail to get to Iron Horse Middle School may be exposed to traffic hazards, air pollution, and crime, prompting parents to drive their children to school, which would create additional traffic and air quality impacts.

As discussed in Section 4.12, Transportation, the proposed project would not cause Bollinger Canyon Road to operate at unacceptable LOS, nor would it create any roadway safety hazards. Therefore, Iron Horse Trail users would not be expected to be exposed to traffic hazards.

Iron Horse Trail users are not expected to be exposed to unusually high levels of air pollution associated with the project because the trail is outdoors and wind patterns effectively disperse air pollution disperses, and because they would not be expected to experience sustained, continuous exposure to project emissions over a long period of time (refer to response AC-7 for further discussion in this regard).

Finally, neither the San Ramon Police Department nor the East Bay Regional Parks District indicated that the proposed project would be expected to create criminal activity problems within the Iron Horse Trail corridor. Therefore, criminal activity within the trail corridor is not a foreseeable consequence of the proposed project.

For these reasons, it is not considered foreseeable that parents of Iron Horse Middle School students would begin driving their students to school en masse as a result of the proposed project.

Response to AC-42

The author requested an explanatory legend be included on all of the Transportation exhibits.

The author did not identify what information the explanatory legend would show; therefore, no further response is necessary.

Response to AC-43

The author requested quantification of how much time it would take for vehicles traveling on Bollinger Canyon Road to go between Alcosta Boulevard and San Ramon Valley Boulevard at 8 a.m., 12 p.m., and 5 p.m.

The intersection operational analysis evaluated impacts during the AM (7 a.m. to 9 a.m.) and PM (4 p.m. to 6 p.m.) peak hour. Midday conditions were not evaluated because they do not represent the times of peak intersection operations and, therefore, it is not possible to provide a lay explanation of such conditions.

In lay terms, at 8:00 a.m. under both the Existing Plus Project and Year 2020 with project scenarios, traffic on Bollinger Canyon Road would be moving slower than the posted speed limit between San Ramon Valley Boulevard and Sunset Drive / Chevron Park, and in some cases, it may take more than one signal cycle to clear an intersection. From Camino Ramon eastward, traffic speeds would increase and all intersections could be cleared in one signal cycle under normal conditions. Under the Existing Plus Project and Year 2020 without project scenarios, traffic would experience slightly higher speeds and fewer intersection delays between San Ramon Valley Boulevard and Sunset Drive / Chevron Park; there would be no noticeable change east of Camino Ramon.

At 5:00 p.m., under both the Existing Plus Project and Year 2020 conditions, traffic on Bollinger Canyon Road would be moving slower than the posted speed limit between San Ramon Valley Boulevard and Alcosta Boulevard, and in some cases, it may take more than one signal cycle to clear an intersection. Under the Existing Plus Project and Year 2020 without project scenarios, there would be no noticeable change in traffic speeds and delays between San Ramon Valley Boulevard and Alcosta Boulevard.

Response to AC-44

The author requested that the LOS criteria shown in Table 4.12-2 be broken down to provide more refined grades, such as “LOS G.”

The LOS criteria shown in Table 4.12-2 is established by the Contra Costa Transportation Authority and the City of San Ramon lacks the authority to modify the criteria. Moreover, any adjustments of the criteria shown in Table 4.12-2 would compromise the integrity of the intersection operations analysis presented the DSEIR. The author’s comment is best directed to the Contra Costa Transportation Authority.

Response to AC-45

The author asserted that the V/C ratio shown for the intersection of Bollinger Canyon Road / Norris Canyon Road in Table 4.12-17 is 1.13 and 1.17, which is consistent with LOS F, not LOS E as shown.

There is an asterisk shown next to each V/C and LOS value, which references a footnote at the bottom of the table explaining that the intersection is unsignalized. Because the intersection is unsignalized, it is measured by a different methodology established in the Highway Capacity Manual. Therefore, the V/C values and their corresponding LOS for this intersection are correct.

Response to AC-46

The author questioned the V/C ratio shown for the intersection of Bollinger Canyon Road / Norris Canyon Road in Table 4.12-18 is LOS E, when it appears to be consistent with criteria for LOS F.

The intersection is unsignalized and is measured by a different methodology than a signalized intersection. The methodology used is established in the Highway Capacity Manual. Therefore, the V/C values and their corresponding LOS for this intersection are correct.

Response to AC-47

The author asserted that the criteria used for analyzing freeway ramp and mainline segments are not consistent with the LOS criteria shown in Table 4.12-2.

The LOS criteria shown in Table 4.12-2 are for intersection operations and do not apply to freeway ramp or mainline operations. The criteria shown in Table 4.12-4 are for freeway ramp and mainline operations and are used as the basis for assessing impacts in Impact TRANS-3.

Response to AC-48

The author noted that the DSEIR did not identify the end users for the anchor store retail space and requested that the document provide different analysis scenarios for tenants (e.g., discount retail vs. high-end retail).

In accordance with 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 inconsequential from a CEQA perspective, so long as they are consistent with the nature of the aforementioned commercial uses. Therefore, analysis of different types of retail uses occupying the Plaza District is not warranted in the DSEIR.

Broadly, 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.

Response to AC-49

The author requested that the DSEIR include mitigation requiring the project applicant to grade separate the Iron Horse Trail at Bollinger Canyon Road with an undercrossing.

Refer to Master Response 1.

Response to AC-50

The author requested that the DSEIR include mitigation requiring the project applicant to grade separate the Iron Horse Trail at Bollinger Canyon Road with an overcrossing.

Refer to Master Response 1.

Response to AC-51

The author inquired if the City Center Project would be pursuing a Leadership in Energy and Environmental Design (LEED) certification.

The project applicant does not have plans to pursue formal LEED certification of the proposed project. Refer to response AC-16 for a discussion of the various green building concepts incorporated into the project design.

Response to AC-52

The author stated that the City Civic Center Alternative should be modified to eliminate the Children's Museum and performing arts center.

Refer to Master Response 3.

Response to AC-53

The author requested that the DSEIR evaluate potential parking impacts associated with City Center users parking at Central Park, parking supply for the Art and Wind Festival, and parking supply for the Fourth of July festivities. The author also inquired if Central Park users "will still be able to hear the birds sing" and what air quality impacts would be on park users.

Regarding project parking, the City Center project would provide 6,910 off-street spaces. These parking facilities are intended to accommodate parking demand from all project users, including residents, employees, customers, and guests. Given the proximity of the project parking to the City Center uses, it would be unlikely that project users would park at Central Park to use City Center facilities.

The City of San Ramon has not identified temporary event parking plans for the Art and Wind Festival or the Fourth of July festivities. However, given that the proposed project would provide

6,910 off-street spaces and the existing presence of thousands of off-street parking spaces in the Bishop Ranch 3 office complex, it would be expected that sufficient temporary event parking could be found within walking distance of Central Park.

Regarding the author's inquiry about Central Park users being able to hear the birds sing, the DSEIR provided ambient noise contours for the project vicinity for Year 2020 conditions in Exhibit 4.9-5 (without project) and Exhibit 4.9-6 (with project), which show projected noise levels for Central Park. As shown in both exhibits, ambient noise levels in the park under both scenarios would range from more than 65 dBA near Bollinger Canyon Road to less than 55 dBA in the center of the park. The ability of a park user to hear birds singing is dependent on a number of factors, including time of day, location within the park, and sensitivity of the listener's hearing. A park user with good hearing would likely be able to hear birds sing in the parts of Central Park that are located away from roadways.

Air pollution impacts on Central Park are addressed in responses AC-7 and AC-41.

Response to AC-54

The author stated that BAAQMD should comment on the DSEIR and inquired why "BAAQMD was not included in the NOI."

BAAQMD was consulted during the preparation of the air quality analysis of the DSEIR. Joe O'Bannon, a senior air quality scientist with MBA, met in person with Greg Tholen, a senior environmental planner for the BAAQMD, on June 3, 2007, to consult with the agency regarding the DSEIR air quality analysis.

BAAQMD was included on the City of San Ramon's agency notification list for the NOP and the DSEIR. BAAQMD is aware of the City Center DSEIR, but has not submitted any written comments to the City of San Ramon on the project at the time of this writing.

Regarding the author's query about why "BAAQMD was not included in the NOI," there is no CEQA document or notice known as an "NOI." Therefore, no further response is necessary.

SECTION 3: RESPONSES TO SEPTEMBER 4, 2007 PLANNING COMMISSION HEARING PUBLIC COMMENTS

The City of San Ramon solicited public comments on the San Ramon City Center Draft Subsequent Environmental Impact Report (DSEIR) (State Clearinghouse No. 2007042022) on September 4, 2007 at a San Ramon Planning Commission hearing at the San Ramon Community Center. Comments were provided in oral form and transcribed by a court reporter. Although the City of San Ramon is not obligated to respond to oral comments by the California Environmental Quality Act (CEQA), the City has nonetheless elected to respond to the comments made at the meeting in order to address concerns and questions related to the evaluation of the proposed project's environmental impacts in the DSEIR. These written responses become part of the Final SEIR for the project in accordance with CEQA Guidelines Section 15132.

This section is organized as follows:

- **Section 3.1** - List of Speakers: Provides the list of individuals who provided comments at the September 4, 2007 Planning Commission Public Hearing.
- **Section 3.2** - Transcript of the September 4, 2007 Planning Commission Public Hearing.
- **Section 3.3** - Responses to September 4, 2007 Planning Commission Public Hearing Comments: Provides responses to all applicable comments on the DSEIR.

3.1 - List of Speakers

A list of the speakers who provided comments on the DSEIR at the September 4, 2007 Planning Commission hearing is presented below. Each speaker has been assigned a code. Individual comments within each communication have been numbered so comments can be cross-referenced with responses. Because much of the transcript documents comments that did not pertain to the DSEIR (e.g., different agenda items, procedural discussions among planning commissioners, personal opinion on the City Center project, etc.), those comments are not addressed in these written responses and are noted in the transcript as "NA" or Not Applicable.

Speaker	Speaker Code
Michael Jones.....	MJ
John Koerber.....	JK
Anne Cavazos.....	AC
Jim Blickenstaff.....	JB
Thomas Albert.....	TA
John Nunes.....	JN
Roz Rogoff.....	RR
David Ernest.....	DE

Jim Gibbon.....	JG
Paul Desmarais.....	PD
Jan Desmarais	JD
Glen May	GM
Sriram Guremvathy.....	SG
Phil Henry	PH
Kevin Wheelwright.....	KW
Cliff Sanburn.....	CS
Phil O'Loane.....	PO
Dennis Viers.....	DV

3.2 - September 4, 2007 Planning Commission Hearing Transcript

The following pages are the transcript from the September 4, 2007 Planning Commission Hearing.

**CERTIFIED
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CITY OF SAN RAMON
PLANNING COMMISSION MEETING
Tuesday, September 4, 2007
7:10 p.m.
12501 Alcosta Boulevard
San Ramon, CA

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A P P E A R A N C E S

CITY OF SAN RAMON PLANNING COMMISSION:

DENNIS VIERS
CHAIRPERSON
BOB PATRINO
VICE CHAIRPERSON

DONNA KERGER
PLANNING COMMISSIONER
PHIL O'LOANE
PLANNING COMMISSIONER

HARRY SACHS
PLANNING COMMISSIONER

ALSO PRESENT:

BYRON ATHAN
CITY ATTORNEY

PHIL WONG
PLANNING DIRECTOR
DEBBIE CHAMBERLAIN
PLANNING SERVICE MANAGER

LAUREN BARR
SENIOR PLANNER
LUISA WILLNECKER
RECORDING SECRETARY

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AGENDA ITEM 1

CHAIRPERSON VIERS: Good evening, ladies and gentlemen. I'd like to call the Planning Commission meeting for September 4th to order.

AGENDA ITEM 2

CHAIRPERSON VIERS: Have a roll call, please.

(Thereupon the roll was called and all Members of the Planning Commission were present.)

AGENDA ITEM 3

CHAIRPERSON VIERS: Okay. Bob, will you lead us in the Pledge of Allegiance.

(Pledge of allegiance recited.)

AGENDA ITEM 4

CHAIRPERSON VIERS: Agenda Item 4 is the public comment period. This is for anything that's not on the agenda this evening. So if there's anyone in the audience that wishes to speak to any issue in San Ramon not on tonight's agenda, you may come forward.

I do not have a speaker card for anyone. Does anybody, at the last minute?

AGENDA ITEM 5

CHAIRPERSON VIERS: Okay. We'll move on to Number 5. Additions and revisions. Staff?

MS. CHAMBERLAIN: Yes. If it is the pleasure of the Commission tonight, we would recommend that the

1 Commission change the order of tonight's agenda to first
2 hear Item 10.1, which is non- public hearing action item
3 regarding extension of time for Church on the Hill; and
4 then take Item 9.2, which is a rezoning at 1884 Bollinger
5 Canyon Road, followed by the City Center Environmental
6 Impact Report Public Hearing, and then followed by the
7 Continued Public Hearing on the City Center Project.

8 CHAIRPERSON VIERS: I think that's an excellent
9 idea. Commission?

10 (Members of the Planning Commission answered in the
11 affirmative.)

12 CHAIRPERSON VIERS: The change is so noted.

13 MS. CHAMBERLAIN: Thank you.

14 AGENDA ITEM 6

15 CHAIRPERSON VIERS: Moving to Item No. 6, consent
16 calendar. Minutes from the August 21st meeting.

17 COMMISSIONER KERGER: I have a -- on page three of
18 eight, we have Phil Henry and it should be "he" is in
19 favor. I'm not sure if it was Phil or Pam Henry.

20 AUDIENCE MEMBER: Phil.

21 COMMISSIONER KERGER: It was Phil? Okay. Thank
22 you.

23 CHAIRPERSON VIERS: Any other revisions or
24 corrections?

25 Final motion?

1 COMMISSIONER KERGER: I move approval as corrected.

2 COMMISSIONER SACHS: I second the motion.

3 CHAIRPERSON VIERS: All in favor?

4 (Members of the Planning Commission answered in the
5 affirmative.)

6 CHAIRPERSON VIERS: None opposed.

7 AGENDA ITEM 10.1

8 CHAIRPERSON VIERS: There are no continued items on
9 the agenda, Item 7; so we will move right into our newly
10 arranged agenda, starting with Church on the Hill.
11 Agenda Item 10.1.

12 Do we have a staff report?

13 MS. CHAMBERLAIN: Yes, we do. Mr. Shinei Tsukamoto
14 will provide the staff report, and the applicant is here
15 tonight to answer any questions regarding the extension of
16 time.

17 CHAIRPERSON VIERS: Okay. Thank you.

18 MR. TSUKAMOTO: Good evening, Chair Viers,
19 Commission, and members of the public. My name is
20 Shinei Tsukamoto.

21 COMMISSIONER KERGER: Shinei, we can't hear you.

22 MR. TSUKAMOTO: Good evening, Chair Viers and
23 member of the commission and member of the public. My
24 name Shinei Tsukamoto, and I'm the project planner for
25 Church on the Hill and the Senior Housing Project.

1 This was continued from the September -- oh, I'm
2 sorry -- August, previous meeting, since we had some
3 questions to the applicant regarding this matter.

4 In summary, applicants are requesting 36 months'
5 extension of this vested tentative map.

6 If you have any questions, applicants are here to
7 answer any questions. Or if you any questions to staff,
8 I'd be happy to answer questions.

9 CHAIRPERSON VIERS: I think we will have a few
10 questions for the owner. That's the reason that we
11 brought it back. I think Commissioner Kerger had a few to
12 state to the applicant.

13 COMMISSIONER KERGER: Is the applicant here?

14 MR. TSUKAMOTO: Yes, they are.

15 COMMISSIONER KERGER: Okay.

16 MR. GRANT: Good evening. I wasn't sure we were
17 the applicant. I'm David Grant. I am general counsel for
18 American Baptist Homes of the West. That makes us the
19 applicant; correct?

20 And we are working with a company who is
21 representing us in the development process,
22 Satellite Housing; and on their behalf Cindy Heavens is
23 here to answer questions you might have. I can as well.

24 And ABHOW's -- another Senior Vice President
25 related to affordable housing Ancel Romero is here, as

1 well. So between the three of us, we believe we can
2 answer any questions that you have.

3 I know you may be asking questions also of
4 Church on the Hill, and their counsel Roger Gaither will
5 be here in moments. And their pastor is here tonight as
6 well.

7 CHAIRPERSON VIERS: Commission?

8 COMMISSIONER KERGER: Well, I guess I'd like to
9 know the process and why the need for the extension.

10 MS. HEAVENS: Hi, again. I'm Cindy Heavens and I'm
11 representing Satellite Housing, Inc. And I am working as
12 a project manager with American Baptist Homes of the West.

13 So to answer your question, Commissioner Kerger, we
14 are requesting the extension so that we have the time that
15 we need to apply for the affordable housing financing that
16 we are using to construct the 105 units of very low and
17 low income housing for seniors on two lots that ABHOW
18 purchased from Church on the Hill, which that acquisition
19 was completed in April 30th.

20 So at the time of the acquisition closing, we also,
21 some of the time that took after, after the church had
22 gotten their initial extension, we had to have a land
23 exchange so that ABHOW could purchase the land in April,
24 acquire financing from the city and county, which took up
25 some of the initial time of that initial approval.

1 And then after that we had to go forward and apply
2 for HUD financing in June, which we will not hear about
3 until sometime between November and January. So that's a
4 month. Then after we acquire that, we have two other
5 financing sources to apply for as well.

6 COMMISSIONER KERGER: Okay. Let me just explain
7 why I was so adamant about when things like this come
8 before us, it's really very, very important that someone
9 from the applicant's side be at a public hearing to talk
10 to us in case we have questions.

11 And by what you just said, it also gives the public
12 an opportunity to hear exactly what's going on, rather
13 than reading it.

14 So I really do appreciate you coming in tonight,
15 because those are some of the things that we like the
16 greater public to know what is happening. Not only that
17 we know it, but that the community knows about it. So I
18 do appreciate the fact that you did come tonight.

19 MS. HEAVEN: Thank you.

20 CHAIRPERSON VIERS: Any other comments?

21 VICE CHAIRPERSON PATRINO: I have a question of
22 staff. Will this extension have any impact on the RDA
23 loan?

24 MS. CHAMBERLAIN: No, it will not.

25 COMMISSIONER SACHS: I'd like to ask the

1 applicants: So are you in the process of trying acquire
2 dollars above and beyond the money that's been loaned to
3 you by the municipalities?

4 MS. HEAVENS: Yes. We have to leverage the funds
5 that we're applying for to HUD with the city and the
6 county money. So we are looking to leverage over
7 \$7 million, I believe, through HUD and through a state --
8 or the California Tax Credit Allocation Committee. We're
9 looking to both of those sources.

10 COMMISSIONER SACHS: And that would be above and
11 beyond the RDA loan from the City of San Ramon?

12 MS. HEAVENS: Yes, or in addition to.

13 COMMISSIONER SACHS: Do you have a timeline? I
14 mean, can you give us a timeline with regards to when you
15 might have these dollars secured and when you might start
16 looking at some of the construction?

17 MS. HEAVENS: The HUD applications we submitted in
18 June, and will have either a yea or nay from HUD between
19 November and January.

20 Right after that, we'll apply for additional
21 financing from the state. If everything goes in our
22 favor, we're looking to hopefully start construction by
23 the end of next year or summer, if it all works out.

24 COMMISSIONER KERGER: The end of 2007 or the end of
25 2008?

1 MS. HEAVENS: 2008.

2 COMMISSIONER KERGER: Oh. I thought she said this
3 year. All right. Thank you.

4 CHAIRPERSON VIERS: Anything else?

5 Okay. Commission?

6 COMMISSIONER KERGER: Thank you.

7 CHAIRPERSON VIERS: Any discussion or motions from
8 the Commission?

9 VICE CHAIRPERSON PATRINO: I'd like to move that we
10 adopt Resolution 07-07, approving a 36-month extension of
11 the project entitlements including the mitigated negative
12 declaration for Vested Tentative Map 8364, Development
13 Permit 99-003, and Architectural Review 99-061.

14 COMMISSIONER KERGER: I second.

15 CHAIRPERSON VIERS: We have a first and second.
16 All in favor?

17 (Members of the Planning Commission answered in the
18 affirmative.)

19 CHAIRPERSON VIERS: Any opposed?

20 Passes unanimously. Thank you very much --

21 MR. TSUKAMOTO: Thank you.

22 CHAIRPERSON VIERS: -- for your information.

23 AGENDA ITEM 9.2

24 CHAIRPERSON VIERS: We are going to move next to
25 Agenda Item 9.2. Bollinger Canyon Rezoning.

1 MR. DRISCOLL: Good evening, Planning
2 Commissioners. This application is for a rezone by the
3 applicant of property that is approximately 3.65 acres at
4 18884 Bollinger Canyon Road. It would be rezoned from
5 agriculture, AG, to residential estate RE-A to achieve
6 consistency between the General Plan --

7 CHAIRPERSON KERGER: You need to put the mic down,
8 I think, Ryan.

9 CHAIRPERSON VIERS: If I could just interject, we
10 have a court reporter here this evening specifically for
11 the draft EIR comments, which will be incorporated into
12 them. So I might remind you occasionally to speak slower
13 and into the microphone so our reporter can hear you.
14 Thank you.

15 MR. DRISCOLL: Sorry about that.

16 So the proposed RE-A zoning district would allow
17 for single family residential development on the property
18 with minimum lot size of 20,000 square feet. Their
19 request does not include any development entitlements or
20 vested tentative map at this time. The project is not
21 within the Northwest Pacific Plan and therefore does not
22 require a specific plan amendment.

23 Staff has determined through their analysis that
24 there is admission of this parcel in the recent zoning
25 ordinance update last year. Therefore to achieve the

1 consistency between the General Plan 2020, which the
2 voters approved in 2002, and the zoning map, the applicant
3 has applied for this rezone.

4 Staff recommends that the property be designated in
5 the Residential Estate dash A zoning district so as to
6 provide a natural progression of small, 15,000 square foot
7 to large, five-acre single-family residential lots along
8 the east side of Bollinger Canyon Road.

9 The General Plan designation would allow for up to
10 10 units on the subject site; whereas the Residential
11 Estate RE-A zoning district would allow for approximately
12 five to seven lots or units on the subject site, which
13 would be consistent with the General Plan designation. If
14 the subject site were to be developed, it would serviced
15 by all major utilities, including East Bay MUD Central
16 Contra Costa Sanitary District, and PG&E.

17 So overall, based on the staff's analysis, the
18 rezone would appear to be internally consistent with the
19 General Plan 2020, and staff has prepared Resolution
20 No. 09-07, if the Commission decides to recommend the
21 City Council approve the requested rezone application.

22 And we do have the applicant here, available for
23 any questions or comments; and staff is available for any
24 questions or comments.

25 CHAIRPERSON VIERS: So just to summarize, because I
13

1 know I had a little trouble hearing you, too, although I
2 did read the report: This is a simple -- correct me if
3 I'm am wrong, Ms. Chamberlain -- this is a simple zoning
4 change that should have occurred when we revised the
5 zoning ordinance.

6 MS. CHAMBERLAIN: That is correct. If the
7 Commission recalls, when we updated the zoning code last
8 year, we did extensive zoning map revisions to bring the
9 zoning map into conformance with the General Plan.

10 Unfortunately this one parcel was an oversight. So
11 at this point, the applicant, all he's asking for is
12 conformancy with the zoning map to the General Plan map.
13 And there's no development proposed.

14 CHAIRPERSON VIERS: And there's no development
15 proposal coming forth at this time. It's a simple zone
16 change.

17 MS. CHAMBERLAIN: That is correct.

18 CHAIRPERSON VIERS: Okay. Any questions from the
19 Commissioners for staff?

20 COMMISSIONER O'LOANE: Are there any other similar
21 situations that were overlooked?

22 MS. CHAMBERLAIN: Not that we're aware of.

23 CHAIRPERSON VIERS: Thank you, Ryan.

24 Any other comments from the Commission or do I have
25 a motion?

1 (Planning Commission members spoke with each other
2 off the record.)

3 CHAIRPERSON VIERS: If the applicant wishes to
4 speak to the Commission, it's more than welcome to.
5 Otherwise we're ready to move on this issue. I think the
6 applicant is coming forward.

7 MR. SWENSON: Madam Chair, and distinguished
8 Commissioners. Thank you very much for taking the time
9 today. I'm sorry to interrupt on the City Center; but I
10 just wanted to ask if there's any questions, and I would
11 answers those.

12 CHAIRPERSON VIERS: I don't think we have any.

13 MR. SWENSON: Well, then I'd like to ask that you
14 adopt the ordinance. And thank you very much.

15 CHAIRPERSON VIERS: Okay. What is the wish of the
16 Commission?

17 COMMISSIONER KERGER: Well, I think it's pretty
18 clear it just needs to be consistent with the Zoning
19 Ordinance. And since the General Plan already directs it,
20 I move that the proposed rezoning 07-6-001 has been --

21 CHAIRPERSON VIERS: Can I stop you just one moment?

22 COMMISSIONER KERGER: Sure.

23 CHAIRPERSON VIERS: Just point of order --

24 AUDIENCE MEMBER: Speak into the microphone.

25 COMMISSIONER KERGER: You still can't hear me?

1 Okay. Is that better? Okay.

2 CHAIRPERSON VIERS: Donna, let me just cut you off
3 a minute. A point of procedure. Do we need to open this
4 up to public comment?

5 MS. CHAMBERLAIN: Yes. You'd open a public
6 hearing, close a public hearing, and then a motion to
7 recommend --

8 CHAIRPERSON VIERS: Okay. I'm sorry. I jumped
9 ahead myself.

10 PUBLIC COMMENT ON AGENDA ITEM 9.2

11 CHAIRPERSON VIERS: All right. This rezoning issue
12 is open for public comment. If there's anyone that wishes
13 to speak to this issue, they can come forward to either
14 microphone. And I did not receive any speaker cards on
15 this. Someone is waving? There is a --

16 MS. MAGUE: I don't have a card filled out.

17 CHAIRPERSON VIERS: You can fill one out after, and
18 go ahead and speak. Thank you. Familiar face.

19 MS. MAGUE: Hi, my name is Leslie Mague. I didn't
20 come here to speak on this tonight. I'm just reading it
21 for the first time. I think -- I hope that the council
22 does not add this in as a prezone.

23 We spent four years working out the zoning, working
24 out this landscape, and this would be completely insane.
25 This is kind of something that gets slipped under the

1 crack, and I'm pretty much floored right now that is out
2 here with no communication to those who live in that area.

3 Please consider that and please discuss this
4 thoroughly, because this was an area that was discussed
5 for four years. Why now, that they are coming and wanting
6 this is curious to me. That's all.

7 CHAIRPERSON VIERS: Thank you.

8 CLOSURE OF PUBLIC HEARING

9 CHAIRPERSON VIERS: Any other speakers? Okay.
10 I'll close the public hearing and redirect comments back
11 to the Planning Commission. Anyone?

12 COMMISSIONER KERGER: I have a question of
13 Mrs. Mague. Can she please come back. Hi.

14 MS. MAGUE: Hi.

15 COMMISSIONER KERGER: What do you think is
16 happening on this property?

17 MS. MAGUE: From what I just heard, the planner --

18 COMMISSIONER KERGER: No. What did you read?

19 MS. MAGUE: What did I read?

20 COMMISSIONER KERGER: Yes.

21 MS. MAGUE: That there's 10 residential potential
22 units that could go here if it was rezoned as residential.
23 That is what I heard. If I heard incorrectly, I do
24 apologize.

25 I haven't had time to read this. Just what I've

1 heard tonight; that right now it's asking to be rezoned
2 with nothing potentially to be built right now, but that
3 there could be 10 residential properties on there at some
4 time. That's my understanding.

5 COMMISSIONER KERGER: Okay. That's what I want to
6 know.

7 MS. MAGUE: Is that correct?

8 CHAIRPERSON VIERS: My understanding, if I can just
9 inject, is that it's currently zoned up to 10.

10 MS. MAGUE: Oh, it is zoned 10.

11 CHAIRPERSON VIERS: It's currently zoned 10. And
12 we would actually be lowering --

13 MS. MAGUE: Okay. My understanding was when he
14 said 10, I couldn't hear him back here.

15 CHAIRPERSON VIERS: Okay.

16 MS. MAGUE: That's why I jumped out of my seat. I
17 apologize.

18 COMMISSIONER KERGER: No. It's to take it from
19 10 units down to one.

20 MS. MAGUE: Okay. So they might be building a home
21 on this land at some point in time.

22 MS. CHAMBERLAIN: Through the Chair, point of
23 clarification: The requested rezoning, the general plan
24 for the property is single-family residential, low
25 density, which could allow, based on the General Plan

1 designation itself, up to 10 units per acre. The zoning
2 to RE-AB would allow a range of five to seven units per
3 acre. The zoning currently is agricultural, which is
4 inconsistent with the general plan designation of single-
5 family, low density.

6 So tonight what we're here to do is to conform the
7 zoning to the General Plan. And in reality, based on the
8 minimum lot size required by the RE-A zoning, the
9 applicant would obtain a range of five to seven, which is
10 below the General Plan range of 10.

11 CHAIRPERSON VIERS: Thank you.

12 MS. MAGUE: I'm sorry. Well, thank you for
13 clarifying that, Mrs. Chamberlain.

14 COMMISSIONER KERGER: Did you close?

15 CHAIRPERSON VIERS: Yes.

16 COMMISSIONER KERGER: You closed public?

17 CHAIRPERSON VIERS: I did.

18 COMMISSIONER KERGER: Okay. I move that the
19 Planning Commission finds that the proposed rezoning of
20 07-600-001 has been reviewed under an addendum to the
21 San Ramon General Plan 2020 Environmental Impact Report
22 and to adopt Resolution 09-07 recommending that the
23 City Council approve the rezoning 07-600-001.

24 CHAIRPERSON VIERS: Second?

25 VICE CHAIRPERSON PATRINO: I'll second it.

1 I have a question of staff, if you'd indulge me.

2 COMMISSIONER KERGER: Sure.

3 VICE CHAIRPERSON PATRINO: I notice that the
4 applicant made an application to rezone this. Why didn't
5 the city -- why didn't we do this on our own, since it's a
6 discrepancy, an oversight in our planning, a function of
7 the zoning code update; why did we make the applicant do
8 this on his own and not do it ourselves?

9 MS. CHAMBERLAIN: There's a couple ways to look at
10 that, but the applicant --

11 COMMISSIONER KERGER: Deb, we can't hear you.

12 MS. CHAMBERLAIN: Sorry. The applicant in the
13 future is looking to rezone the parcel. So usually it's
14 the duty of the applicant when they're ready to
15 contemplate development of the property to bring forward
16 the rezoning request.

17 It's unfortunate that it was an oversight, but it's
18 being corrected now so the applicant can proceed with the
19 rezoning request.

20 VICE CHAIRPERSON PATRINO: But we took money from
21 him in order to fix our mistake.

22 MS. CHAMBERLAIN: That's correct.

23 VICE CHAIRPERSON PATRINO: Thank you.

24 CHAIRPERSON VIERS: So we have a first and second.
25 Have a voice count. All in favor?

1 (Members of the Planning Commission voted in the
2 affirmative.)

3 CHAIRPERSON VIERS: Any opposed?

4 Motion passes.

5 AGENDA ITEM 9.1

6 CHAIRPERSON VIERS: We're going to the next agenda
7 item is 9.1, the Draft Subsequent Environmental Impact
8 Report; and then we'll finish up with the City Center
9 Project.

10 Staff?

11 MR. BARR: Thank you. Let me make sure I'm
12 speaking correctly into this thing.

13 Thank you, Chair Viers; Members of the Commission.

14 We're here tonight to request that the Planning
15 Commission conduct a public hearing in order to receive
16 testimony on the Draft Subsequent Environmental Impact
17 Report for the City Center Mixed Use Project.

18 The purpose of this hearing is to receive public
19 comment on the accuracy and adequacy of the environmental
20 document. Those members of the public or in the audience
21 that have concerns about this, it would be most helpful if
22 they are able to identify the effect that they have
23 concerns about, explain why this effect might occur, why
24 the effect is significant in relationship to the proposed
25 project, and then of course the basis for the comment or

1 any supporting documentation that's applicable.

2 With us tonight, we have our EIR consultants. And
3 at this point I'd like to introduce Jason Brandman with
4 Michael Brandman Associates to give an overview of the
5 environmental process, the project, and the relationship
6 between the project and the environmental impacts.

7 With that, I'll turn it over to you, Jason.

8 MR. BRANDMAN: Thank you, Lauren.

9 Can everyone hear me? Great. Apologize. I'm a
10 little under the weather.

11 Good evening, Chairperson Viers, Members of the
12 Planning Commission, city staff, and those of you from
13 the public in attendance this evening. My name is
14 Jason Brandman. I'm a vice president with Michael
15 Brandman Associates, and it truly is a pleasure to be here
16 this evening.

17 Little background on Michael Brandman Associates.
18 We are a full-service environmental consulting firm
19 celebrating our 25th year of business. We have offices
20 throughout the state of California, with our Bay Area
21 office here located in San Ramon.

22 In the spring of this year, MBA was retained by the
23 City, it was a coapplicant with Sunset Development, to
24 prepare a subsequent EIR for the proposed San Ramon City
25 Center Project.

1 As part of our presentation this evening on the
2 EIR, MBA has been asked to provide basically an overview
3 of the project and its environmental review under the
4 California Environmental Quality Act.

5 More specifically, MBA will provide highlights of
6 key issues addressed in the EIR as it relates to the
7 project and its potential effects on the environment.

8 And finally we will outline the next steps in the
9 public review process of the EIR and upcoming
10 opportunities to further provide comment on the document.

11 To provide this overview this evening, I would like
12 to introduce Grant Gruber, who was a project manager in
13 our San Ramon office. As part of the EIR preparation,
14 Mr. Gruber assisted in the management and oversight of a
15 full complement of MBA technical experts and a team of
16 outside consultants, in addition to providing ongoing
17 consultation and coordination with city staff.

18 I'd like to now turn the presentation over to
19 Grant.

20 MR. GRUBER: Good evening. The slide up there
21 gives you an idea of where the project is located. It's
22 at Bollinger Canyon Road and Camino Ramon. It's all four
23 quadrants of that intersection.

24 City Center is made up of three components: The
25 Plaza District; an office complex, tentatively named

1 Bishop Ranch IA; and the City Hall/Library, and Transit
2 Center.

3 And up here gives you a conceptual site plan of the
4 project. The Plaza District is located on the north side
5 of Bollinger Canyon Road, Bishop Ranch IA is located in
6 the southeast quadrant, and the City Hall and Transit
7 Center is located in the southwest quadrant.

8 The project consists of 635,000 square feet of
9 retail and cinema uses, 169 room hotel, up to 487
10 residential units; and all three of those components would
11 be in the Plaza District.

12 680,000 square feet of office space, which would be
13 in Bishop Ranch IA; 50,000 square feet of retail-flex,
14 which could be retail or office. And that would be in the
15 Plaza District.

16 110,000 square foot City Hall, including Council
17 Chamber, Library, and Police Department, and close to
18 7,000 parking spaces provided in parking structures. And
19 then also a potential for a 539-space future reserve
20 parking structure.

21 The Environmental Impact Report prepared for this
22 project was prepared in accordance with the California
23 Environmental Quality Act, otherwise known as CEQA.

24 CEQA requires that the environmental impacts of
25 development projects be identified and disclosed to the

1 public and mitigated to the extent feasible.

2 The City of San Ramon is the lead agency for this
3 project, and therefore has oversight and approval
4 authority of the document. And as mentioned, we used an
5 Environmental Impact Report for this project.

6 An Environmental Impact Report, known as an EIR, is
7 the most detailed type of CEQA documentation and is
8 typically used for major projects.

9 As the most detailed type of CEQA document, there
10 are various requirements for components, including summary
11 table, project description, impact analysis, alternatives
12 analysis, and cumulative impact analysis.

13 This particular EIR is a subsequent EIR, which
14 signifies that it tiers off previously certified CEQA
15 documents. The idea of tiering is to acknowledge that the
16 project has been previously analyzed, typically at a
17 programatic level/conceptual level in another document to
18 identify the conclusions presented in those documents.

19 And the two EIRs the City Center's subsequent EIR
20 tiered off of was the City of San Ramon General Plan EIR,
21 which was certified in 2001 and the City Civic Center EIR,
22 which was certified in 2003. The conclusions in those
23 documents are restated in the City Center Subsequent EIR.

24 We should note that while we tier off of that
25 document and we restate the conclusions, we did do new

1 analysis that reflects the changes in this project and are
2 right there on that desk, the technical appendices that
3 reflect the various new technical studies that were
4 prepared for things like traffic, air quality, biological
5 resources, economics, and whatnot.

6 The City Center Subsequent EIR analyzed 14 topical
7 areas listed on the screen above. The typical format of
8 the sections was to identify the baseline conditions; then
9 identify the thresholds use to evaluate the project
10 against; and then finally the actual impact analysis and
11 if necessary, mitigation measures needed to reduce the
12 impact to a level of less than significant.

13 So the five big highlights of this EIR presented
14 above. Aesthetics. This is an issue of concern because
15 of the height of buildings, the potential for obstruction
16 of views. Building massing is a concern. The potential
17 for shade and shadow impacts on Central Park.

18 And to support the analysis in this section, we
19 used a lot of photographs. We prepared visual simulations
20 showing before and after, and we did shade and shadow
21 impacts showing what would be the shadow of the buildings
22 cast on Central Park.

23 Air quality, we analyzed emissions of criteria
24 pollutants -- such as ozone, particulate matter, carbon
25 monoxide -- using standard methodology presented by the

1 Bay Area Air Quality Management District. And we also did
2 analysis of greenhouse gases, which is somewhat of a new
3 and evolving area of environmental impact analysis.

4 There's no guidance currently to date on how to do
5 that. However, because of various state laws, including
6 the California Global Warming Solutions Act, which was
7 signed into law last year, we felt it was prudent to
8 prepare some type of analysis that reflected that the
9 state is moving in this direction of regulating greenhouse
10 gases.

11 Land use, we evaluated the project's consistency
12 with the General Plan and Zoning Ordinance. That included
13 a General Plan policy matrix that looked at 100 General
14 Plan policies and evaluated project consistency with that.

15 Transportation, this is perhaps the most extensive
16 section. It was based on a traffic study prepared by
17 DMJM Harris that looked at intersection impacts. He used
18 a countywide -- the Contra Costa County Transportation
19 Model, which is the accepted countywide transportation
20 model for this area. Looked at cuing impacts. It looked
21 at freeway operations impacts on Interstate 680. Also
22 looked at things like parking capacity, pedestrians,
23 bicycles, and public transit.

24 Finally, Urban Decay. Looked at the potential for
25 closure of competing businesses as a result of the new

1 retail space in the City Center. This again is a new area
2 of CEQA. There's not a whole lot of defined methodology
3 yet, but we thought it was prudent to identify if there's
4 potential impacts for businesses to close and the
5 potential for vacant storefronts.

6 So up there we have the six significant unavoidable
7 impacts of the City Center Project. Construction and
8 operational emissions, cumulative air emissions,
9 inconsistency with the Bay Area Air Quality Management
10 District Clean Air Plan, greenhouse gas emissions, growth
11 inducement, freeway operations.

12 The first three are pretty much related to each
13 other. This is a pretty large project in terms of scale
14 and intensity, and emissions of various criteria
15 pollutants would exceed Bay Area Air Quality Management
16 District thresholds, therefore you have a Significant
17 Unavoidable Impact.

18 That triggers a Cumulative Air Quality Impact, and
19 it also implies the project is inconsistent with the
20 assumptions in the Bay Area Air Quality Management
21 Plan/Clean Air Plan. And this is not uncommon for
22 projects of this size.

23 The fourth one is greenhouse gas emissions. Again,
24 as we explained, this is an evolving area of CEQA. It is
25 debatable how we could have concluded. We could have said

1 this is not significant.

2 We thought it was prudent to identify this as a
3 Significant Unavoidable Impact because of the criteria
4 pollutants were also significant unavoidable. We felt it
5 made sense to also declare it a significant impact.

6 We should note this project does incorporate a lot
7 of strategies that are consistent with state and regional
8 strategies to reduce greenhouse gas emissions.

9 It's a mix-use project that locates housing next to
10 jobs; jobs next to housing. Incorporates public
11 transportation. It's a pedestrian-oriented project. So
12 there are a lot of mitigating factors for this project.

13 In terms of growth inducement, this was one that
14 was difficult because the Association of Bay Area
15 Governments has very conservative growth projections for
16 San Ramon. This project would contribute to growth in
17 San Ramon that would exceed ABAG projections.

18 And finally this is perhaps the one of most concern
19 is freeway operations on Interstate 680. This was
20 declared a Significant Unavoidable Impact because under
21 Caltrans methodology, if a project adds new net trips to a
22 freeway segment that is congested and cannot mitigate for
23 it, as in this case, because widening 680 is currently not
24 a feasible alternative, it's therefore a Significant
25 Unavoidable Impact.

1 And because there are Significant Unavoidable
2 Impacts, City of San Ramon will be required to adopt a
3 Statement of Overriding Considerations for the project.
4 Statement of Overriding Considerations asserts that the
5 economic, social, and technological benefits of a project
6 outweigh the environmental impacts.

7 Currently the EIR is circulating for the statutory
8 45-day public review period. Agencies and individuals
9 have the opportunity to provide written comments on the
10 EIR until September 26.

11 We'd like to emphasize that written comments are
12 preferred. It allows us as consultants and the City to
13 get an accurate understanding of potential concerns about
14 the issues analyzed in the EIR. And when the comment
15 period closes, responses will be prepared for all written
16 comments.

17 Dovetailing off of that, just to recap, again,
18 public review period closes September 26. After that,
19 responses will be prepared and all commentors will receive
20 the responses to their written comments in a minimum of
21 10 days before the Planning Commission considers
22 certification of the EIR.

23 And we should note that the EIR, the final EIR,
24 includes the Responses as well as the Findings of Fact,
25 and the Statement of Overriding Considerations. And the

1 Planning Commission must certify the EIR before
2 considering approval of the City Center Project.

3 This is the final slide. If you're interested in
4 reviewing a hard copy of the EIR, it's at the six
5 locations above, including technical appendices. And if
6 you'd like to download a copy of the EIR, it's available
7 on the City Website at the url shown on the screen.

8 With that, I'd like to turn it back over to City
9 staff.

10 MR. BARR: Thank you, Grant.

11 So at this point staff would like to recommend that
12 the Planning Commission open a public hearing to solicit
13 oral and written comments regarding the Draft Subsequent
14 EIR and then close the public hearing and continue to
15 accept written comments until 5:00 p.m., Wednesday,
16 September 26th, 2007.

17 And as indicated above or indicated before, all
18 written comments will be responded to in the Response to
19 Comments Document, along with any necessary changes to the
20 Subsequent Environmental Impact Report.

21 So with that, I would request that you open a
22 public hearing.

23 CHAIRPERSON VIERS: Okay. Before I open the public
24 hearing, I'd like to just clarify for everybody that we
25 have over 30 speaker cards. So I'm going to put a

1 three-minute to five-minute limitation on the comments so
2 everybody gets to speak. We should be here another couple
3 hours, just plowing through the comments.

4 The other thing I want to make clear is there's two
5 agenda items that seem to overlap this evening, and I'm
6 seeing a lot of confusion on the comments. And so let me
7 just note that the first agenda item that we're going to
8 open to public hearing in just a few minutes is the
9 Draft Subsequent Environmental Impact Report.

10 The court reporter is here to take your comments
11 specifically on the document that will be included as part
12 of the EIR. If you have general comments to make this
13 evening regarding the City Center that aren't specific to
14 the EIR, then I'm going to call you up on the next agenda
15 item and you can make those comments.

16 But what we're looking for in the next public
17 hearing here is comments specifically directed at the EIR.
18 And these comments, I have some notes here I'd like to
19 read to you so I don't leave anything out.

20 The Planning Commission is here to receive only
21 comments on the accuracy and adequacy of the Draft
22 Subsequent Environmental Impact Report. The actual
23 document. Comments specific to the project are more
24 appropriate when we open the hearing on the project.

25 The Planning Commission and staff will not be

1 responding to questions. All comments are being recorded
2 and will be responded to in the Response to Comments
3 Document, which is a section of the Draft Environmental
4 Impact Report.

5 Again we ask that when you speak, that you focus
6 only on whether the Draft Subsequent Environmental Impact
7 Report adequately identifies and analyzes potential
8 impacts on the environment and ways in which the
9 significant impacts can be avoided or mitigated.

10 Comments are most helpful if they provide a better
11 way of avoiding or mitigating a significant environmental
12 impact.

13 I'm going to plow through these cards here and then
14 at the end I'm going to go through this other stack of
15 cards, and so in case I miss anybody that wants to speak
16 to the Draft EIR. And some wish to speak to both and they
17 handed in one card, and that's being noted and we'll make
18 sure you get to speak on both items.

19 Okay. I hope that's clear. Full menu this
20 evening.

21 PUBLIC COMMENT ON AGENDA ITEM 9.1

22 CHAIRPERSON VIERS: I'm going to officially open
23 public comment on Agenda Item 9.1, the Draft Subsequent
24 EIR.

25 If you wouldn't mind coming to the center

NA

33

1 microphone. I think it will be easier for the court
2 reporter and for us. I've got two more coming in.

3 And I think I'll do, since there's so many of us,
4 Michael Degeronimo (phonetic) had a good idea last year.
5 I think I'll do an on deck call. So I'm going to call two
6 people at once. One to speak and one to be prepared to
7 step up next, if that will help us get through the
8 evening.

9 First up is Michael Jones, and the second speaker
10 will be John Koerber.

11 MR. JONES: Good evening. Glad I was able to rush
12 my notes here together. I'm Michael Jones. I'm from the
13 Claremont Crest District of San Ramon.

14 First off, mostly I have various concerns over the
15 EIR process I'd like to discuss; but first I would like to
16 request that there be an extension for the review period
17 for the EIR.

18 I had heard that in the last meeting an extension
19 was requested and I had heard that it was denied based on
20 the fact that extension -- the period is only 45 days, and
21 that's state law.

22 A quick Google search, point five seconds, and I
23 saw numerous instances in the State of California where
24 extensions had been granted for the greater good of the
25 public. So I'd like to request that extension, please.

NA

MJ-1

34

1 As far as how far that extension should go, looking
2 at the size of this draft EIR and the other previous
3 documents that go with it, I think it would not be
4 unreasonable to request 90 days as an extension period.
5 It requires scholars to go through this.

MJ-1
CONT.

6 Looking at the significant impacts that cannot be
7 mitigated, as we know, one of the requirements is that
8 these impacts must be mitigated in an attempt to get them
9 to be less than significant. But there are numerous
10 impacts that have already been deemed as significant and
11 unavoidable.

12 So my concern is that if this project was to be
13 approved with the EIR as is, with numerous unavoidable
14 impacts, what would be the incentive to the builder to
15 attempt to mitigate those impacts at all?

MJ-2

16 If they know they cannot make them down to the
17 point of less than significant, why try? Especially if
18 the project has already been approved. So that's a great
19 concern. A bad situation could be much worse if no
20 attempt is put in there, and there's nothing to hold them
21 to the fire.

22 One of the goals and objectives of this project is
23 to reduce greenhouse gases, but I've noticed that one of
24 the significant impacts is that it increases greenhouse
25 gases. So I'm concerned that this project could possibly

MJ-3

1 be approved, even though clearly stated one of its goals
2 is not being met.

3 Now I realize that there's a transit center, but if
4 you increase greenhouse gases by 90 percent and then take
5 it back down by 10 percent because we have four bus bays,
6 I'm a little concerned, and since it's clearly been stated
7 that some of the alternatives cannot be approved because
8 they don't meet all the goals and objectives here.

9 A lot of us have been through this process before.
10 You know, we have a pretty good understanding that we're
11 looking at 50-50 pretty much set in stone the City wants
12 this very badly, but let's not put it in our faces.

13 We're just going to write this statement of
14 consideration here. You know, let's really consider these
15 issues. Let's talk about it. Let's think about it. And
16 I think rushing this process is not going to be very
17 helpful at all for anyone.

18 Lastly, I'm a little concerned about the lack of
19 impartiality in this process. Clearly this is a project
20 that the City wants and the City is bringing forward.
21 Clearly the City has put out the glossy fliers that we've
22 all received. They've spent significant sums of money
23 promoting this already. Have to start wondering how much
24 workforce housing could be supplemented with that type of
25 cash. But we're not going to go there.

MJ-3
CONT.

MJ-4

MJ-5

1 Obviously the City has to have an EIR and they have
2 to hire a consultant. But I get a little concerned when I
3 start going through the EIR and I see where it looks like
4 the consultant is trying to sell this project. You know,
5 maybe they are trying to make their client happy. Maybe
6 they've been given some instructions.

7 But if it's the City that has brought this forward,
8 and we know the City can deem what is and is not allowable
9 in the General Plan. And the City gets to vote on this;
10 and as I've understood the EIR process, the City does not
11 have to pay attention to the consultant. The city does
12 not have to pay attention to the public. They can just
13 deem on their own that this project needs to go forward,
14 which is why they write up the Statement of Overriding
15 Considerations.

16 But when I start looking through some of the, as an
17 example, some of the pictures in the EIR, the draft EIR,
18 concerning the visual impacts, I look at Exhibit 4.1-4G
19 and here's -- these are the before and after pictures for
20 the visuals.

21 COMMISSIONER KERGER: Michael, that was 4.1?

22 MR. JONES: 4.1-4G. And when I look at the before
23 picture, I see a major ridge line visible. It's a ridge
24 line that's over by my house, so I'm pretty familiar with
25 it.

MJ-5
CONT.

1 And when I look at the after picture, there's a
2 building that 100 percent blocks the major ridge line.
3 But there's a cute dog in the picture. They put a dog and
4 a jogger, and it's the same picture. And that's a little
5 worrisome to me that somebody is selling this and not
6 being impartial. So that's not really necessary.

7 Now I look at Exhibit 4.1-4I and the before
8 picture, it's Bollinger -- it's from Chevron Park. It's
9 Bollinger Canyon Road. And here's bumper to bumper
10 traffic going past Target towards the freeway. I think
11 we've all seen it. It gets pretty nasty, especially on
12 rush hour.

13 And now here's the after picture. There's three
14 pedestrians, a bicycle that no one is even riding --
15 somebody just parked it there -- and one car. One very
16 cool car. Looks like if we build this project, no one is
17 going to need to drive anymore except for the people with
18 really cool cars that just need to show them off.

19 So this isn't helping. This isn't helping, that
20 somebody is trying to sell this project through this
21 impartial process.

22 One more. There were several others, but I've just
23 picked out the ones that were very, very easy for
24 everybody to see.

25 Exhibit 4.1-4L. This is a view from Iron Horse

MJ-5
CONT.

1 Trail. This is looking south. So this isn't even right
2 next to the project. It's further north, looking south.
3 Here's the Iron Horse Trail. It's pretty wide open.
4 Grass is kind of burnt. There's not too much shrubbery
5 around.

6 And now I look at the after picture. The grass is
7 all green. The shrubbery has all been filled in. It
8 makes you think boy, if we build this, somebody is going
9 to fix the Iron Horse Trail. But the two are not
10 connected; they are not run by the same people. And the
11 builder is not going to go out there and water the lawn.

12 So this shouldn't be happening in this impartial
13 process. I noticed other views where you could not see
14 any visual impact. That was the goal of the before and
15 after. You couldn't see anything. Nothing was altered on
16 those pictures, because there was nothing to sell there.

17 So please don't sell us. We're looking to you to
18 help guide the city, be impartial, think about what we're
19 saying. But don't make this process be where it's getting
20 jammed down our throat. You know? Let's work together.
21 Okay?

22 CHAIRPERSON VIERS: Thank you.

23 MR. JONES: Thank you.

24 CHAIRPERSON VIERS: Let's hold the applause for the
25 end, if you don't mind. We have a lot to go through

MJ-5
CONT.

NA

1 tonight, and some of those comments, Mr. Jones, you are a
2 well-known citizen here, and I appreciate everything you
3 said. Some of them could have gone into the next agenda.
4 Try and be specific to the EIR.

5 All right. John, I hope I pronounced your last
6 name correctly.

7 MR. KOERBER: It was close enough. It's
8 John Koerber.

9 CHAIRPERSON VIERS: Koerber. Thank you.

10 MR. KOERBER: I think the majority of my comments
11 do fall to the second half of this. One of my original
12 comments towards the EIR was to actually ask for 120-day
13 extension, so 90 days would be great as well.

14 Most of us, I think, here don't have the
15 opportunity to spend our days reading these massive
16 documents. We all work for a living. So the extra time,
17 I think, would be greatly appreciated.

18 Seems like the comments from the prior speaker were
19 received pretty well. Most of you, I think, were
20 listening. Some were rolling their eyes; but I do think
21 it's, you know, there's a lot of good comments out there
22 that came out.

23 Other than that, I ask for the extension, I think
24 I'm going to wait until the second half for the majority
25 of my comments, specifically towards the overall concept

NA
CONT.

JK-1

40

1 of the project.

2 CHAIRPERSON VIERS: And I appreciate that,
3 Mr. Koerber. Thank you very much for your comments.

4 Next up is Anne Cavazos. Summerview Court. And
5 Jim Blickenstaff will be on deck.

6 MS. CAVAZOS: Thank you for the opportunity to
7 speak tonight. I basically mirror the comments by the
8 first speaker, requesting an extension.

9 I live on Summerview Court, but I did not receive
10 notification that the EIR was available for review. I
11 knew that it was coming out sometime in August, didn't get
12 a card in the mail, asked my neighbors did they get
13 anything.

14 By the time I saw it, it was late August. And I
15 work for a living. I would like to be able to review this
16 document, and I thereby would like to request an
17 extension. 90 days would be good; 120 days would be
18 great.

19 The EIR lists the six significant Unavoidable
20 Adverse Impacts. Four associated with the air pollution,
21 one is with population growth, and the other with traffic
22 operations.

23 Since no mitigation is available for these impacts,
24 does this City plan to revise their City Center Plan or
25 just ignore the impacts and build the City Center anyway?

NA

AC-1

AC-2

1 And also I'd like to know, I understand you can't
2 ask questions tonight, but what is your role in the EIR
3 process? What is the Planning Commission's role in the
4 EIR process? Maybe I'll get that answered somewhere else.

AC-3
CONT.

5 My other question, and I've noticed that there's
6 several mitigations for reducing air emissions and
7 greenhouse gases and reducing energy use and water use,
8 but I wanted to know are these buildings planned to be
9 LEED certified?

AC-4

10 And that concludes my comments. Thank you.

11 CHAIRPERSON VIERS: Thank you. Mr. Blickenstaff.

12 MR. BLICKENSTAFF: Good evening, planning
13 commission. Jim Blickenstaff, resident of Talavera Drive.

14 I have some points of interest on the EIR that I
15 think need to be put on the record. I'll probably try to
16 get a written comment in by the 26th, if that's your
17 deadline. And I would again on that point think that it
18 would behoove you to really consider extending the review
19 process for the betterment of the project itself and also
20 to demonstrate a cooperative effort with your citizens.

JB-1

21 It's a huge document. Most of them are very busy,
22 and it really takes some wading through of somebody with
23 some extra time on their hands, which is not easy.

24 45 is state statute. It's a minimum statute.

25 It's the absolute minimum you can give the public to go

42

1 forward legally. You can go above that, and many cities
2 do out of respect for their citizenry. And I hope you
3 would do the same thing.

4 I wanted to mention something in terms of the EIR
5 that probably should be evaluated and that's the process,
6 the harsh contrast between the public process of a plan
7 that was derived three or four years ago and this plan you
8 have now.

9 That plan derived a few -- the last one was a
10 product of roundtables that included people interested in
11 the project, community people, and families of San Ramon.
12 And it was hugely different than the project you have now.

13 The project before us now was primarily done
14 between a few people from the City and the developer,
15 behind closed doors and then presented to the public as
16 more or less a take it or leave it, here's your package, I
17 hope you like it. And if you don't, you can tell us, but
18 we're not going to change our 10/0 vote.

19 So that process is troubling. It doesn't reflect,
20 again, a connection with the people and residents and
21 families of San Ramon like I'd like to see. And the
22 project also reflects that lack of connection.

23 The EIR can do a great service if it seriously
24 examines alternatives to the project that actually --
25 viable and real alternatives.

JB-1
CONT.

JB-2

JB-3

43

1 The one most common to me that seems a viable
2 alternative that isn't really here now is one that
3 includes five-story buildings and includes a
4 connectiveness with the civic buildings to the community
5 park and the community buildings. That connectiveness is
6 broken now by eight-story buildings.

7 And it would be an alternative of not just
8 five-story buildings, but also of an orientation more like
9 the plan of four years ago: Family-based orientation with
10 more recreational and open space as a component of it to
11 make it more viable for the community in terms of their
12 appreciation of it and also reduce the traffic impacts.

13 What might be handy here, depending on the cost and
14 the time involved, would be a 3D model. I think you do
15 have some difficulties when you do two dimensional
16 overlays and try to give people a feeling of what the
17 visuals are like. And if you don't pick the right road,
18 you've missed the point entirely.

19 But a 3D model would give you a before and after
20 that would be more real and people could get a feeling for
21 that kind of impact. And I think the more you give this a
22 presentation, the better it is for the public in terms of
23 what they are going to come up against.

24 Visual impacts is inadequate right now. You need
25 to have more locations than you have now along Alcosta, as

JB-3
CONT.

JB-4

JB-5

1 well as Morgan Drive, Woodridge Terrace and Canyon Lakes
2 Roads because many neighborhood roads, just going to be
3 incredible difference in visuals between now and when they
4 have their 100-foot buildings. And so we need to expand
5 the visuals in terms of roads, like I mentioned, that are
6 neighborhood roads.

7 One of the most profound things of this project is
8 the growth inducing aspects of it. I mentioned before,
9 but I'm mentioning now to get it on the record, because
10 we've had a history here of going from three-story
11 buildings in the past -- that was the General Plan -- five
12 story, and now we're looking at going eight story.

13 So I see a progression here that is pushing us
14 beyond the point of no return in terms of what San Ramon
15 is and what San Ramon will become, which is more like a
16 Concord than a San Ramon in my mind because momentum is
17 never backwards. It's always forwards.

18 So now that we have eight-story buildings, the next
19 proposal we'll be lucky if it's eight stories. It will
20 probably be 10. And so that growth-inducing impact is
21 very real.

22 And we need to understand that fully, because that
23 impacts traffic, visuals, and the future of the city in
24 terms of how overgrown it is, when FARs go from 1.3 to 1.8
25 and then beyond that.

JB-5
CONT.

JB-6

45

1 Again, you're doing an overbuilt, high-rise type of
2 future for San Ramon which is very troubling to me. And I
3 think the EIR needs to do a more inclusive job of putting
4 that in their document.

5 Dougherty Valley traffic numbers are not part of
6 this document in any real way. It's deferred to other
7 studies as if it's already been taken care of. It has not
8 been. There is going to be tens of thousands of daily car
9 trips down this road from Dougherty Valley.

10 There's a settlement agreement on Dougherty Valley
11 between county and two cities involved and the numbers
12 that triggers. And that settlement agreement does not
13 envision up to 40,000 more car trips on Dougherty Valley
14 Road.

15 So you have some legal issues here that have yet to
16 be addressed, and I think a legal analysis by the EIR is
17 also appropriate.

18 Let's see if I have anything else. One other
19 thing, just very briefly. High-end retail is the desired
20 goal here. It has a certain high-quality sound to it, but
21 other cities tried for high-end retail and it didn't work
22 out.

23 So the EIR needs to look at plan B. When high-end
24 retail Saks Fifth Avenue does not come knocking on our
25 door, what's plan B? It's a scary thought, and I have a

JB-6
CONT.

JB-7

JB-8

46

1 feeling you're going to want to put that retail into some
2 use.

3 And it may end up being more like low-end retail in
4 massive quantities. But you've got to put it to use. You
5 can't just let it sit there. So now you're stuck with
6 plan B. So that's the kind of thing I think the EIR needs
7 to look at.

8 And like I said, I'll try to elaborate in writing
9 to cover this by the 26th at the minimum, but I'd love to
10 have more time for myself and for the people here to
11 really do a more thorough job. Thank you.

12 CHAIRPERSON VIERS: Thank you, Jim. And I have
13 your card slated for another agenda item.

14 I have a speaker card, gentleman does not wish to
15 speak, but has a comment: I believe we can have a better
16 use for the land than commercial development. Thank you.
17 Don -- Dom Downey. Casa -- I'm not sure of the address.
18 I got the name right.

19 Another card from someone who wishes not to speak,
20 but has a written comment. It's from Thomas Albert,
21 El Dorado Street: I bike to work in Bishop Ranch.

22 MR. ALBERT: I did want to speak, if I may.

23 CHAIRPERSON VIERS: Oh, you did? Okay. I
24 apologize. I thought you wrote something in here.

25 MR. ALBERT: I believe I was a little bit confused.

1 As you mentioned, some people might have been confused
2 about the two topics.

3 CHAIRPERSON VIERS: And I see that you're going to
4 speak to both agenda items this evening.

5 MR. ALBERT: I would.

6 CHAIRPERSON VIERS: Okay.

7 MR. ALBERT: So for the moment I'll confine myself
8 to my impression of the environmental report, and there
9 was one slide that was about the unavoidable issues that
10 would affect the quality of life and possibly the health
11 of the people of this community.

12 And therefore, in my judgment, this Environmental
13 Impact Report is fully adequate. It is fully adequate to
14 me that the quality of life and the health of this
15 community is more important than whoever stands to profit
16 from whatever is on the table here.

17 CHAIRPERSON VIERS: Thank you, Mr. Albert.

18 Camille Thompson.

19 MS. THOMPSON: My comments are more for the other
20 agenda item.

21 CHAIRPERSON VIERS: Okay. I'll move you over to
22 this stack. Thank you.

23 Joyce Gunn.

24 MS. GUNN: My comments are on the other.

25 CHAIRPERSON VIERS: City Center?

NA
CONT.

TA-1

NA

1 MS. GUNN: Yes.

2 CHAIRPERSON VIERS: Okay. Pauline Nolte.

3 CHAIRPERSON KERGER: Hers is for the other.

4 CHAIRPERSON VIERS: The other? Okay.

5 John Nunes.

6 MR. NUNES: Good evening, Planning Commission. My
7 name is John Nunes.

8 CHAIRPERSON VIERS: John, could you put --

9 MR. NUNES: Sure.

10 CHAIRPERSON VIERS: Thank you.

11 MR. NUNES: My name is John Nunes, and I live in a
12 residential subdivision that's going to be mostly impacted
13 by this project. It's very close. Probably one of the
14 closest to the project site.

15 I'd also like to request an extension. This is a
16 very comprehensive document. There's many components
17 attached to it. The City spent considerable resources on
18 professionals in various areas to be able to put together
19 the packet for the residents to read.

20 And a layperson such as myself and many of the
21 residents here in the city of San Ramon are undoubtedly
22 going to find that this document is very complicated and
23 not easy to respond to unless there's a lot of research
24 done.

25 I know even the Planning Commission, when this

NA
CONT.

JN-1

49

1 document came out, had difficulty absorbing it and had to
2 go ahead and postpone the Planning Commission meeting for
3 the Draft Subsequent Environmental Impact Report to
4 tonight.

5 So I also request the same. Under CEQA 45 days is
6 the minimum, as the other gentleman had mentioned this
7 evening. And some may have to consult laypersons; some
8 may have to go ahead and consult credible experts to be
9 able to review all these documents and give subsequent
10 comments back to the Planning Commission, also the City
11 Council.

12 There's very good concepts, I believe, that's built
13 into this design. High-density housing -- I mentioned
14 some of these last time -- restaurants and entertainment
15 facilities, state of the art civic center; but this
16 project is just too intense for that location.

17 I believe that when it comes to the City Center
18 concept, there's been two city councils really at polar
19 opposites on this project. It's kind of a Dr. Jekyll and
20 Mr. Hyde syndrome. And I think the residents of San Ramon
21 can expect better from our City Council in coming forward
22 with a project of this magnitude.

23 CHAIRPERSON VIERS: Mr. Nunes, with all due
24 respect, if you have some lengthy comments, I might move
25 you to another agenda item, unless you want to --

JN-1
CONT.

JN-2

1 MR. NUNES: Okay. I'm going to go ahead and
2 respond to the Draft Subsequent Environmental Impact
3 Report.

4 CHAIRPERSON VIERS: You are? Okay. If you would
5 do that, and then you're more than welcome to speak again.
6 I'll put you down.

7 MR. NUNES: Sure. I understand that. I've heard
8 comments that got off track, and you allowed those
9 individuals to go ahead and speak about it.

10 CHAIRPERSON VIERS: Thank you very much.

11 MR. NUNES: I was hoping maybe I could leave a
12 little early and get everything in at once. So you caught
13 me. You caught me.

14 In any event, I think the building mass on this
15 project is so significant it requires six multilevel
16 structural parking garages within a mere 44 acres, two of
17 which will be adjacent to the Iron Horse Trail, degrading
18 the valley's visual resources as one looks west towards
19 the hills.

20 Most people consider big box discount stores to be
21 a source of visual blight, however architecturally void
22 parking structures are about as bad as it gets. The
23 original vision of Bishop Ranch was to be a suburban
24 business office park. The suburban concept of the park
25 was planned in such a way to limit the building heights to

JN-2
CONT.

JN-3

1 three stories and give the business park a more open
2 feeling with building setbacks, also preserving the visual
3 resources of much of the area.

4 What is proposed are three seven-story office
5 complexes with a few feet setback from the north side of
6 Bollinger Road, which is totally inconsistent with the
7 suburban park concept that's been out here for a couple
8 decades now.

9 These buildings are going to rise straight up from
10 the sidewalk, which is a few feet setback. It definitely,
11 as you travel both west and east on Bollinger, it's going
12 to have a visual impact as far as blocking some of the
13 visual resources in this valley.

14 And other significant impacts that cannot be
15 mitigated away except by some clever engineering
16 consultants are traffic along Bollinger Road. Further,
17 the ongoing Dougherty Valley development will add
18 significant levels of service cumulative effects that are
19 not properly accounted for in the Draft Subsequent
20 Environmental Impact Report.

21 The other thing than cannot be mitigated away is
22 the 680 freeway. And it is beyond comprehension why
23 knowing that 680 cannot be mitigated -- unless you go
24 ahead and add an additional freeway lane there, and the
25 backup undoubtedly is going to occur on Bollinger as you

JN-3

JN-4

JN-5

1 go towards 680 -- that a project of this intensity would
2 be proposed along the Bollinger corridor, particularly
3 with Dougherty Valley not being built out.

4 Also little consideration was given to what type of
5 retail would logically locate here. The developer and
6 City reference upscale shopping as the likely tenants of
7 the two proposed large scale retail stores.

8 However the Urban Decay analysis in the DSEIR
9 concludes, quote: Consequently a number of existing
10 retail tenants, especially those that compete directly
11 with the as-yet unknown tenants in the City Center Project
12 will face competitive pressures.

13 In another area of the report it mentions that
14 smaller retailers are likely to be most vulnerable and
15 that most neighborhood-serving commercial shopping centers
16 in San Ramon are anchored by grocery stores, inferring
17 that grocery stores are at risk based on the type of
18 retailers that are going to locate here in the Center.

19 However the fact is nobody knows what retail may be
20 interested in locating to the proposed project. It's just
21 a bunch of guesswork.

22 I know we heard in the early eighties or early
23 nineties when it was rezoned to retail out there, that
24 they were trying to attract -- or Sunset Development was
25 attempting to attract an upscale retailer. And Nordstroms

JN-5
CONT.

JN-6

1 and also Saks Fifth Avenue were kicked around; and we
2 ended up with discount retail there, which was a Target
3 store.

4 Accordingly, Wal-Mart is eager to come to this
5 location. They have an upscale model to prove it. If the
6 demographics don't work out for upscale retailer, we would
7 be inviting Wal-Mart Super Center.

8 These massive stores contain full-service grocery
9 components within the four walls of the discount center;
10 and they could undermine neighborhood-serving commercial
11 centers anchored by grocery stores, like the Nob Hill
12 Center.

13 Large anchor tenants are much more difficult to be
14 able to fill the void for, unlike smaller retails in a
15 shopping center anchored by a grocery store. And that
16 does not take into consideration the Urban Decay component
17 that was put together by the consultant. So I would also
18 ask that that be looked at more thoroughly. Thank you.

19 CHAIRPERSON VIERS: Thank you, Mr. Nunes. And do
20 you wish to speak again to the City Center?

21 MR. NUNES: Yes, thank you.

22 CHAIRPERSON VIERS: You do? Got some more?

23 All right.

24 Roz, are you here this evening? There she is.

25 MS. ROGOFF: Yes, I'm always here.

JN-6
CONT.

NA

54 RR-1

1 Hi. I'm Roz Rogoff, 9913 Mangos Drive. And I want
2 to join the chorus here. I'd like an extension, too. I
3 mean, it took me a week to just download the -- I mean,
4 that document is just, you know, incredible, so I haven't
5 gotten very far.

6 And I have a few pictures here and some sections
7 from the first part of Section 3, which is on land use.
8 And I brought up the last time I was here that I didn't
9 like where the City Hall is located and I wanted it moved.

10 And you've got those three big office buildings,
11 the seven-story buildings that everybody is upset about
12 right next to the Iron Horse Trail. And that just really
13 seems wrong. That's like going to cast this great shadow
14 over the Iron Horse Trail.

15 Not only that. It's across from Central Park or
16 catty-corner to Central Park. And if you swap the
17 buildings or if you move those into the center, you move
18 the City Hall over to that -- I'm looking at the picture.
19 It's lot 1A. The City Hall is on lot 1B.

20 If it was moved to 1A, in the, I guess that's the
21 southeast -- I have no sense of direction -- southeast
22 corner, which is next to the Marketplace. I even drove
23 around there trying to figure out if there was a way that
24 Montgomery Street could be extended, but you'd have to
25 tear down the Residence Inn, so that's not a very good

RR-1
CONT.

RR-2

55

1 solution.

2 But the other problem that I noticed here, and I
3 talked this over with Scott Perkins, is there's no back
4 way into where the City Hall is. The only way you can get
5 to it is by Bollinger. So there's no other alternatives.
6 There's that access road, that Bishop Ranch 1E that goes
7 back to Chevron, but if you move the City Hall over, you
8 could probably take out part of that access road and move
9 it, I guess west.

10 Anyway, I just think there's a lot of room here to
11 change things around. I don't like where things are,
12 especially on the south side of Bollinger. I think that
13 whole area could be redesigned and moved around.

14 And I think one of the reasons why Mehran -- he
15 told -- there was a small group of us after this was first
16 presented and I brought up the eight-story buildings in
17 the first meeting and said you're going to get trouble
18 from eight-story buildings. And you're getting trouble.

19 And Mehran said that he had the office space. It's
20 the square footage and the amount of office space that he
21 needs and that he has kind of accrued, that he's supposed
22 to be able to get.

23 But I don't see why they have to be put into those
24 three buildings. Because he could put them in other
25 buildings other places if he took some of the three-story

RR-2
CONT.

1 buildings that he has and made them five-story. So other
2 things could be changed and rezoned so that you don't have
3 to have eight-story office buildings there and still Alex
4 Mehran can get the amount of office space that he needs in
5 order to make his business, you know, make it practical.

6 And so I've got a commentary on the location of the
7 City Hall that I'm going to be writing up tonight. And
8 it's probably going ruffle some feathers.

9 But I really hope you can extend the EIR review
10 period. I'll just ask for 60 days. I'm not fussy. But
11 people do need more time. This kind of came -- it was
12 sprung on us. It's all in a piece. And I think people
13 need time to really go through this and have more chance
14 to make their positions known on it.

15 And I'll speak on the other thing, too.

16 CHAIRPERSON VIERS: Thank you, Roz. Okay. I'll
17 put you down.

18 MS. ROGOFF: What?

19 CHAIRPERSON VIERS: I'll put you down as a return
20 speaker on the City Center.

21 Okay. I'm unclear on some of these cards, so we're
22 still on the Draft EIR.

23 Carol Lopez is up next.

24 MS. LOPEZ: City Center, please.

25 CHAIRPERSON VIERS: That's what I thought. Okay.

RR-2
CONT.

RR-3

NA

57

1 Rick SanVicente. City Center.

2 David Ernest.

3 MR. ERNEST: Members of the Planning Commission,
4 City Staff, and residents of San Ramon. I have looked at
5 the EIR report and while I think it is adequate, there are
6 two areas that I think consultant should spend some more
7 time on.

8 One is the traffic mitigation section. I think it
9 was written by a consultant and not by somebody who has to
10 understand it when they read it. With all due respects to
11 the consultant, it is, I think, in need of clarification
12 as to the impact and the mitigation portion of how they
13 plan to deal with the impact of the traffic changes, shall
14 we say, that are going to be caused by this project.

15 So I would ask that they go back and take another
16 look at how they are presenting this information to us,
17 because it might be more understandable and people might
18 accept it better if it was written differently.

19 And the other area that I'm concerned about that
20 they didn't quite adequately address is the issue of
21 Central Park interface. I would hope that they would
22 consolidate that impact into a separate section so it's
23 highlighted and visible so we can understand what they
24 have looked at, the impact of the visual, the shading, the
25 visual contact between this project and city and Central

NA
CONT.

DE-1

DE-2

58

1 Park, as well as the physical access issues.

2 And it's addressed in different places, but I would
3 like to see it highlighted, because those two areas I
4 believe are important and should deserve concentrated
5 attention. Thank you.

6 CHAIRPERSON VIERS: All right. Thank you.

7 Carolyn Dagnon.

8 CHAIRPERSON KERGER: Next one.

9 CHAIRPERSON VIERS: Craig Harper?

10 AUDIENCE MEMBER: Next one.

11 CHAIRPERSON VIERS: Next one? Jim Gibbon.

12 MR. GIBBON: My name is Jim Gibbon, and I live at
13 410 Greg Place in San Ramon. And I'd like to talk about
14 two things. One is the Statement of Overriding Benefit to
15 the City of overriding all of the significant unavoidable
16 impacts.

17 That's significant in the sense that you really
18 have to really want something and see the benefit of it.
19 The statement has to be a real viable reason why the City
20 is going to make money on this, why the extra traffic that
21 is going to occur is beneficial to the City. Not just the
22 retail taxes, but how is the traffic going to benefit this
23 city, the extra traffic.

24 We've done an analysis of the traffic at the
25 freeway when built out, when this project is built out,

DE-2
CONT.

NA

JG-1

59

1 when Dougherty Valley is built out and it's 100,000 trips
2 a day. Right now the traffic is at 24,000 trips a day on
3 one of the off ramps. And it's an F. And I think you
4 understand what F means. F means you can't get there.

5 And you're going to add another 75,000 trips a day
6 in 20 years. This project is going to add 30,000.
7 Actually 40,000, but you've mitigated that by putting in
8 bike trails that we just took out of Bollinger going up
9 the hill.

10 Now I have a very simple solution. First thing you
11 do is get rid of the eight stories and put a cap on the
12 height of this project. You'll be surprised what happens
13 to the traffic. Probably half of those parking structures
14 will disappear.

15 Second thing you do is you get rid of the Civic
16 Center where it is and put it over where the multifamily
17 units are and put those over on the other side. This
18 project needs to be redesigned. It cannot be redesigned
19 by three-minute stints looking at the Environmental Impact
20 Report. It cannot be designed by one night of
21 three-minute conversations.

22 It has to be thought about. You have to have
23 public input. That means a workshop. That means that we
24 really get into the nitty-gritty of who makes the money on
25 this project and how the City is going to benefit by

JG-1
CONT.

JG-2

60

1 giving away what I estimate is \$80 million worth of land.
2 Giving it away with no statement of how we're going to
3 recover it or why it's going to be given away or who's
4 going to benefit from it.

5 Speaking of that, we own 20 acres in this parcel.
6 The last seven acres we bought for a million dollars an
7 acre. That means that the land, as it was, was worth \$20
8 million on both sides. And that was 10 years ago.

9 Now -- oh, and by the way. How did we get that
10 land? We bought it. And how did we buy it? We
11 transferred all the density off of it and put it on the
12 property north and the property south.

13 And now he's claiming he's got another 300,000
14 square feet that he can add in another place. You know
15 where that came from? From the seven-and-a-half acres.
16 Now you take that 300,000 square feet that he, that Alex
17 claims that he has a right to, and then you add a 1.37, a
18 1.35 FAR on top of that, that's where you get your over
19 two FAR, F-A-R, which is Floor Area Ratio, which means for
20 every square feet of land, and this is gross land, you get
21 to put almost two square foot of building up.

22 And that doesn't -- on top of that, it doesn't
23 include the garage structures. Those are free. You can
24 probably put an eight-story garage structure on there and
25 not even have a public hearing on it.

JG-2
CONT.

61

1 Anyway, the point is, is that the land is worth
2 five times as much as it was when we bought it for a
3 million dollars an acre. That means that the land as it
4 stands with your rezoning that you're doing, is worth
5 \$80 million as it stands, without anything on it. I'd
6 like to know where in the hell that money is going and
7 why in the hell are we giving it to Alex Mehran and
8 Sunset Development.

9 I think that's probably a statement of overriding
10 benefit. I suspect that somebody is benefitting here
11 financially, and it's not the City. The city is going to
12 get 100,000 trips a day. That's what we're going to get.

13 I suggest that this needs to be redesigned. It
14 needs public input. It needs citizen input and not
15 three-minute stints of you sitting there listening to us
16 and not even responding.

17 Whether it's in writing or other, you're going to
18 allow the EIR people to respond and we know what they'll
19 respond. They'll respond what the staff normally has them
20 respond and say what you brought up is insignificant.
21 Insignificant unavoidable impacts.

22 Thank you. I'll talk later.

23 CHAIRPERSON VIERS: You almost made it to the end.

24 We're moving along nicely. I appreciate everybody
25 getting along and being succinct in their comments.

JG-2
CONT.

NA

1 Next up Paul Desmarais. On deck Jan Desmarais.

2 MR. DESMARAIS: Hello, Planning Commission and
3 staff. I appreciate your letting me speak. I'll try to
4 keep this as short of as possible.

5 Specifically one of things that comes to mind in
6 the General Plan -- in the Impact Report that's referenced
7 and I kind of disagree with is I'm told over and over and
8 over and over and over and over again that the General
9 Plan 2020 is the bible of this whole facility.

10 And in the EIR, I'm seeing conflicting reports
11 about the City Center. And in reading the planning -- or
12 the 2020, Section 4 dot 2 under Bishop Ranch, it says:

13 A City Center for San Ramon in the form of
14 primarily a civic and cultural facilities, along with the
15 smaller restaurant, cafe and retail establishments. An
16 outdoor public plaza is envisioned on a 11-acre parcel on
17 the northeast corner of the intersection of Bollinger
18 Canyon and Camino Ramon adjacent to the Iron Horse Trail,
19 Central Park, and community center.

20 In addition to 7.5 acre parcel located across the
21 street that was dedicated to the city as a result of the
22 Bishop Ranch I approvals will be incorporated into the
23 City Center resulting in a virtual cohesive development
24 spanning Bollinger Canyon Road.

25 So I really disagree with what was in the EIR about

1 it conforming. I don't see anywhere where the existing
2 plan conforms at all to this statement.

3 Moving on, couple other things that I want to bring
4 to task. Number one, I don't know if there was a scope of
5 work that was given to the City for the EIR Environmental
6 Commission, but I'd like to see that if there was one. I
7 think that should be made general public, and I think that
8 would be nice to know what directions the City gave the
9 EIR to perform this. I think that would be something good
10 that I'd like to see. The other thing --

11 COMMISSIONER KERGER: I'm sorry, Mr. Desmarais, you
12 wanted to know about the scope of work for performance?

13 MR. DESMARAIS: Yes. Usually when you give out a
14 performance document, you give somebody -- you give them
15 some direction. You give them a scope of work to work
16 with.

17 COMMISSIONER KERGER: The consultants.

18 MR. DESMARAIS: Yeah.

19 COMMISSIONER KERGER: Okay.

20 MR. DESMARAIS: So I'd like to see something like
21 that, as to what their direction was and what they are
22 being advised to do.

23 The other things that I had looked at is there's
24 the shadow and shade impact that -- I think it's from
25 10:00 to 2:00, which I think needs to be expanded to all

PD-1
CONT.

PD-2

PD-3

64

1 day. I think it also needs to be looked at, you know,
2 complete summer hours, because 10:00 to 2:00 the sun is
3 pretty much dead set overhead. And I don't think you're
4 really going to get much of a shadow at noon. So I think
5 that needs to be taken into consideration.

6 Also the Iron Horse Trail is a park, and I don't
7 think that was taken into consideration, the shading as
8 well. So I think that needs to be looked at and that also
9 needs to be taken into consideration.

10 When we look at -- one of the other things that I'd
11 asked for when they were initially looking at this -- and
12 I haven't been able to actually read the entire draft, and
13 I also would like to ask for an extension for a minimum of
14 90 days and hopefully 120 days for us to look at this.

15 I'd asked for this in previous meetings and when we
16 were doing the zoning, and everyone was changing all the
17 zoning plans. And if we'd had a little more time, we
18 might have been able to come to some resolution much
19 earlier than we did. And we could have saved the City and
20 the taxpayers a lot of money if we just wait and take our
21 time and look at this.

22 It's going to impact the City for the rest of the
23 City's life. So I think it's very important that the
24 citizens have an opportunity to look at it, as well as
25 you. I think you need as much time as we do to look at it

PD-3
CONT.

PD-4

PD-5

65

1 and really absorb it. And so I'd appreciate an extension.

2 The traffic also, I don't, I don't know if the
3 loading docks -- which is what we will see on Bollinger
4 Canyon Road from the side of the building. We will see
5 the tall backside of one of the buildings or on the other
6 side of the retail, we'll be seeing the loading docks.

7 And how much the loading docks will impair traffic
8 while they're trying to get big trucks in and out of the
9 loading docks and trying to manipulate the back corridor
10 there. So I think that needs to be made part of the
11 study, and I don't think that's going to help traffic at
12 all either.

13 The freeway, it also talks about the freeway and
14 the on ramp. I think that the new on ramp that they're
15 talking about proposing on Norris Canyon is -- first of
16 all, I'm opposed to it. And then I think it's absolutely
17 ridiculous to put a center access for that road.

18 I mean, you're going to have UPS trucks trying to
19 jump onto the fast lane. You're going to have mail trucks
20 trying to jump on the fast lane. That's just utterly
21 ridiculous, and I think that it divides the city.

22 Right now the only two -- the only real access
23 point from the east to the west side of town is over
24 Norris Canyon during real strong commute hours, because
25 people are tied up on the freeway. I would propose that

1 we leave Norris Canyon alone.

2 We need a way to get across. We need a way to get
3 to the hospital for the people over there. We've got to
4 leave an access point, and I totally am against that. I
5 think that needs to be looked at again.

6 And then there's the statement about the financial
7 part. I'm not sure 100 percent how this comes into play
8 except for the fact that if we don't know what the
9 financials are, because we don't know what's going in
10 there and we don't understand what we're agreeing to
11 because nothing is in stone; there's no anchor stores.

12 We don't really know what's going on. How can we
13 actually get a legitimate understanding of what the impact
14 is going to be in the city on that corner if we don't know
15 what we're putting in there.

16 It's one thing to put in, you know, a small retail
17 store or a small -- I don't know, some kind of small
18 outlet; but then if you're putting in a large major, you
19 just don't know what draw is going to be until you
20 understand what the impact of the anchor stores are going
21 to be on that section.

22 So I really think that if we can't make a financial
23 decision, we can't get financial information on what's
24 going on, how can we make a legitimate decision on whether
25 or not this should go forward with the EIR?

PD-7
CONT.

PD-8

67

1 So how do you know what the traffic -- how do you
2 know what the impact and the environmental are going to
3 be if you don't know what's going to be in there.

4 And I think I also agree with the gentleman that
5 asked for this to be in the king's language, the king's
6 English language. I would really appreciate that. I have
7 a hard enough time with it as it is, and it takes me hours
8 of Googling to figure out what's going on. And I once
9 again would appreciate some more English terminology that
10 I might be able to understand.

11 And I think that that's it for now, and I will
12 defer until later.

13 CHAIRPERSON VIERS: You want to speak again on the
14 City Center?

15 MR. DESMARAIS: Please. Thank you very much.

16 CHAIRPERSON VIERS: Thank you.

17 Next up, Jan Desmarais.

18 MS. DESMARAIS: Jan Desmarais. I live at 114
19 Medinah Place. Thank you for allowing me to speak this
20 evening to the Planning Commissioners and also to city
21 staff.

22 On the EIR, the Environmental Impact Report, I was
23 really shocked when I called and spoke to Lauren and asked
24 a few questions and we had a really nice, long
25 conversation. It's a 700-page document. It's \$75 if you

PD-8
CONT.

PD-9

NA

JD-1

68

1 want a copy. Or if you try printing it out on your own
2 machine, you might need to go to Costco just to get the
3 refill pack on your ink cartridges.

4 So as you can see, we're overwhelmed. We need your
5 help. We're appealing to you. Give us the opportunity to
6 look at this thing a little longer. Consider all the
7 speakers this evening. We really do have minds. We are
8 not mindless people. We're very busy people. We raise
9 families and we work for a living. So we do need more
10 than 45 days. So we're asking for an extension. Again
11 I'd like to support that.

12 Also quickly, the five major concepts on the EIR
13 that I have problems with, if you could just raise the
14 slide. I don't know if it's possible to bring up the
15 slide that said Unavoidable Negative Impacts. It went by
16 real quick.

17 And it would be great if we could have an
18 interactive discussion with the audience so when people
19 saw a slide and they had a question, it wouldn't be just
20 overlooked and gone to the next slide. They would
21 actually have a chance to say hey, what about freeway
22 operations.

23 If 680 is rated currently as an F, which fails
24 everything for impacts, and it's unavoidable, why would we
25 want to pass a plan that would impact it even more and

JD-1
CONT.

JD-2

1 create a huge liability for the city: An unsafe freeway,
2 as well as the impacts to Bollinger Canyon and all of the
3 other access roads that would go around Central Park and
4 also down Bollinger on the side roads that would surround
5 this new City Center.

6 Our Central Park here is beautiful. It's a key,
7 one of the best parts of this city. It's key to this
8 city. We have our fireworks here. Hundreds and thousands
9 of people come. We have events here for Easter and
10 Christmas and everything. We have a huge recreational
11 program here.

12 Why would we want to slap this thing right next to
13 our most key part of the city and doubling the amounts of
14 impacts to the extent that you can't move. You can't even
15 get your kid to see Santa Claus because it's too crowded.
16 So I guess we're not going to do that this year. Where
17 will the fireworks be? It's right next to a downtown
18 hotel retail 220,000 square foot retail center.

19 And then I kind of have a problem, too, with the
20 size of the Civic Center. You have two million square
21 feet of a plan and you're only allowing 110,000 feet for
22 the Civic Center, which includes city offices and a
23 library and a transit center. Hello?

24 How big is the library right now? It needs
25 expansion. Why would you only allow 110,000 square feet

JD-2
CONT.

1 for all three of those things? City offices, library,
2 transit center, and police department -- I believe I
3 forgot that one -- and give the rest of the retail to give
4 the developer carte blanche on height and density and then
5 say okay, we'll give them two million square feet to make
6 money.

7 So we need to look at what's more important. Again
8 I support the people who are here to support the families
9 and the residents of this community to make this better
10 than it is. Not to turn it back. We don't want to go
11 backwards. We want to go forward.

12 Safety. I know safety vehicles, if there's an
13 accident on Bollinger Canyon Road, there's no division.
14 Now that they eliminated the two bike lanes going up and
15 down Bollinger Canyon, there's three lanes on each side.

16 There's nothing separating those cars besides two
17 to five inches, going 50 miles an hour sometimes down that
18 hill. Major accidents at the bottom of the hill. People
19 seriously injured. We've had it before. We're going to
20 see it again. And I think we need to look at the safety
21 issues and how that impacts the citizens of the city.

22 And also safety vehicles. How are they going to
23 get through the traffic from 680 or get to 680 for a major
24 accident that was just caused because Norris Canyon Road
25 is now an on and off ramp and there's no way for people to

JD-2
CONT.

JD-3

71

1 get on and off. And so you've got to look at the safety
2 issues.

3 I think that's about it. I'll probably want to
4 follow up on the other discussion as well.

5 CHAIRPERSON VIERS: Okay.

6 MS. DESMARAIS: Thank you.

7 CHAIRPERSON VIERS: Thank you.

8 We have three cards left. Glen May. No? Oh,
9 there you are.

10 MR. MAY: Good evening. I'm Glen May. I live at
11 139 Woodview Terrace Drive --

12 CHAIRPERSON VIERS: Could you raise that mic up?

13 MR. MAY: Sure can.

14 CHAIRPERSON VIERS: Thank you, Mr. May.

15 MR. MAY: -- in the Vista San Ramon area.

16 First I'd like to request an extension to the DSEIR
17 to 90 days or longer. It is a large document. And I have
18 other three things that I'd like to have clarified or at
19 least readdressed on the DSEIR.

20 The first is the Transportation Safety Study, or
21 the Transportation Study. And those areas I'd like to
22 look at a clarification on exactly when the transportation
23 surveys were done. From the dates that I saw, it appeared
24 to be either a Friday or a nonschool day. And I would
25 like those studies to clarify whether they were done on

JD-3
CONT.

NA

GM-1

GM-2

72

1 school days midweek. And that's when the studies should
2 have been done.

3 Second impact that I have a concern with and would
4 like for clarification on is from what I've read, which
5 was a very small amount so far because of the size of the
6 document, it appears that since the decision was already
7 that the LOS on the highway is rated as an F, there was no
8 more discussion on that.

9 And I think we could add additional discussion on
10 additional impacts just to the highway itself. I'd like
11 to see some more of that, even if it's an F, what's going
12 to happen once we add the HOV lane onto the highway, how
13 does that address the other three lanes and the other
14 traffic backed up on Bollinger.

GM-3

15 I didn't see enough of that within what I read.
16 And I'd like more of that. Also more discussion on the
17 Norris Canyon addition for the on and off ramps from the
18 HOV lane.

19 The other impact I'd like clarification on the
20 noise impacts associated with the EIR. Specifically I
21 didn't see any discussions on varying wind conditions and
22 noise based on the noise for the surrounding
23 neighborhoods. It appeared that what was studied was just
24 the noise with a basic five mile per hour wind, and I know
25 we get a lot more wind than that. So I'd like to get some

GM-4

1 more clarification if that was addressed. And it may be
2 there, but I didn't get a chance to read all of it.

3 And the other thing on noise is truck deliveries at
4 night to the retail complex. I don't believe that was
5 included. So I'd like to know a little bit more about
6 that. Get clarification on truck deliveries to the retail
7 components of the City Center.

8 And then in Emission Studies, air pollutants, since
9 we're moving the Transit Center, if the Transit Center is
10 moved to the location proposed, I didn't see any
11 discussion so far on just the impact of the concentration
12 of air pollutants associated with that.

13 Again, the concentration of air pollutants
14 associated with movement of that Transit Center, because
15 there is a transit center now that I know that's off
16 Camino Ramon, but now you're moving it down to Bollinger
17 where you have a lot more concentration of traffic.

18 Those are my comments. Thank you.

19 CHAIRPERSON VIERS: Thank you.

20 Okay. We have next up, I don't know if this is a
21 speaker card or let me look here. Sriram Guremvathy, did
22 you wish to speak or read the comments? Saw him in the
23 back earlier. He might have left. I'll read the
24 comments. If he's here, he's more than welcome to come
25 up. And I could be pronouncing your name wrong. First

GM-4
CONT.

GM-5

GM-6

SG-1

74

1 name is Sriram. 799 Winterside Circle. No takers. Okay.

2 He would like to understand the impact of
3 residential units on schools. Will the schools be
4 overcrowded or split. Is this going to negatively impact
5 our schools?

6 Okay. Is Leslie still here, Mague?

7 MS. MAGUE: Uh-huh.

8 CHAIRPERSON VIERS: Did you want to speak to the
9 City Center or to the EIR?

10 MS. MAGUE: The City Center.

11 COMMISSIONER KERGER: The other one.

12 CHAIRPERSON VIERS: The other one? Okay.

13 That's the end of the speaker cards for the
14 Environmental Impact Report. Did you --

15 COMMISSIONER KERGER: Phil Henry.

16 CHAIRPERSON VIERS: Okay. Yeah, I saw some others
17 in here. Okay. Phil Henry. And, sir, what was your
18 name?

19 MR. WHEELWRIGHT: Kevin Wheelwright.

20 CHAIRPERSON VIERS: Okay. You'll be up next then.
21 Thank you.

22 MR. HENRY: Chairman Viers, Commissioners, staff,
23 my name is Phil Henry, resident of San Ramon since 1953.

24 I have just a couple of comments concerning the EIR.

25 First of all, looking way down there, section,

SG-1
CONT.

NA

PH-1

75

1 Executive Summary Section 4 dot one 4, Utility Systems.
2 I thought that down here it says: The proposed project
3 would demand substantial amounts of electricity and
4 natural gas.

5 And then some of the mitigation things weren't any
6 better than my house: Windows, skylights, things like
7 that. I really think this project ought to take a little
8 bit of a lead and consider requiring solar or photo
9 photovoltaic panels for some percentage of the proposed
10 electrical demand, whether it's on the City Center
11 building itself or whether it's the commercial or
12 something like that.

13 But I think it's probably a good thing to do in
14 light of we had brownouts in Southern California
15 yesterday. PG&E is not building any more nuclear plants.
16 So I'd like to see that added, if that's possible.

17 Secondly, the question comes to my mind that I
18 didn't see addressed in the document anywhere, the impact
19 of removing the dirt parking lot we have now that's going
20 to be a good part of the plaza that's used during various
21 activities at the Central Park, like Wind Festival and
22 that sort of thing.

23 I don't know if somewhere in that document there
24 was a provision where Sunset Development would allow the
25 City to use some of these six parking structures. I

PH-1

PH-2

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1 didn't see anything like that.

2 And lastly, in the document somewhere there's a
3 statement about a feasibility study for a pedestrian
4 overcrossing for the Iron Horse Trail. Unfortunately in
5 projects like this, sometimes you do a study but the study
6 doesn't quite get done by the time something else gets
7 approved, and maybe it's too late to take that action.

8 I would recommend that the pedestrian overcrossing
9 requirement be put in the document. It could always be
10 taken out later if it's not feasible. Especially if those
11 two large parking structures to the south of Bollinger end
12 up being the parking overflow for big city events, there
13 would be a tremendous amount of traffic trying to get
14 across Bollinger. And it's going to be, I don't know,
15 eight lanes or something like that.

PH-3

16 So those are my comments; however I'm going to
17 stick in right now, I think the project overall is really
18 a fine one. And I hope that the City of San Ramon gets
19 the Civic Center that it justly deserves. Thank you.

20 CHAIRPERSON VIERS: Thank you, Mr. Henry.

21 Okay. Could you repeat your name again so I can
22 find your speaker card? I apologize.

23 MR. WHEELWRIGHT: Yes. Kevin Wheelwright.

24 CHAIRPERSON VIERS: Okay. Thank you.

25 MR. WHEELWRIGHT: My name is Kevin Wheelwright. I

KW-1

1 live on Dunbarton Circle and have done so for the last 20
2 years or so, immediately south of the project.

3 In my view the inadequacy of the EIR is that it
4 doesn't take into consideration alternatives other than an
5 all-or-nothing approach. The alternatives that are listed
6 are no project, no plaza district, no office buildings,
7 city hall, or just build a civic center.

8 It seems to me that the obvious alternative would
9 be to scale back the project and instead of eight-story
10 buildings have five-story buildings. That reduces the
11 traffic impact, it reduces the parking requirements, it
12 reduces the noise, and it's more of a compromise approach
13 rather than a take-it-or-leave-it approach, which I think
14 would be more effective in terms of accomplishing a mutual
15 goal.

16 The other speakers have mentioned the placement of
17 the buildings, and I share that concern and I think it can
18 be best expressed in terms of the impact of the visual
19 impact of this project. Going west on Bollinger coming
20 down off the hill, you're looking at 100-foot wall that
21 goes a full city block in length. That's a dramatic
22 visual impact.

23 If you switch, flip-flop the position of the
24 building which is now designated as ZZ with the City
25 Center or the Civic City Hall Building. And I took out

KW-1

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1 the scissors and cut and pasted a couple of the diagrams,
2 and I've submitted copies with my speaker card.

3 I think there's room enough to do that, to
4 flip-flop those two buildings. That would make it a less
5 dramatic visual impact. The City Hall would be the first
6 building you come to. The Rotunda could provide a nice
7 advertisement or presentation for the downtown area and
8 for the City itself.

9 It would also help to marry or create an interface
10 between the existing Community Center and Central Park and
11 the City Hall. And I think it would improve the visual
12 impact.

13 The other thing we could do is to move the other
14 building which is currently designated YY south -- I'm
15 sorry west, to make it parallel to building XX so it makes
16 a nice little conglomeration of buildings. And then the
17 Transit Center should stay where it is. That puts the
18 Transit Center closest to the buildings.

19 Transit Center would be for the commuters. Transit
20 Center really isn't designed for use with the City Hall,
21 because you're not going to have busloads of people coming
22 to a city council meeting, but you will have busloads
23 coming to the buildings once they are built.

24 Also by taking into consideration a reduction in
25 the scope of the project, in terms of mitigation, that

KW-1
CONT.

1 reduces the parking requirements and then you can reduce
2 those multilevel parking structures from four to three
3 stories, which will again improve the visual aspect of the
4 project.

5 That last point that I -- well, couple of other
6 points. Some folks have mentioned the lack of interface
7 between the Central Park and the project. And it's
8 dramatic to me that you have a nice Center Street that
9 goes from the Sunset Drive east towards Central Park, but
10 it dead heads into what is now the residential building
11 and it doesn't go through to Bishop.

12 And if you look at the ground level visual of that
13 residential building, the east side is all parking. So
14 there's virtually no interface between the Iron Horse
15 Trail and Central Park and the Community Center and the
16 retail of the downtown Plaza District.

17 What I think should occur or what should be
18 addressed is an extension of Center Street through that
19 building to Bishop so that there is some access to the
20 downtown area from the Central Park area and from the
21 Community Center and also include some ground-level retail
22 on the east side of that building so that you can have
23 sidewalk cafes, ice cream stores, something that would
24 bring people into the downtown area from the Central Park
25 area.

KW-1
CONT.

KW-2

1 We all know that a big part of life in San Ramon is
2 hanging out at soccer games and baseball games. And you
3 may as well make it inviting for people to go from there
4 to the downtown area and vice versa. Right now, that's
5 difficult to do.

6 I guess the last point that I'd like to make is the
7 concept of urban blight or urban decay. And I think the
8 EIR does a poor job of describing what is the draw or the
9 attraction of what's been described as an art house
10 cinema.

11 I'm a movie fan, and I like to go to movies just
12 like anybody else. But small movie theaters have been
13 dying dinosaurs. They are unsuccessful in Moraga and
14 Orinda. Even Blackhawk Plaza movie theaters are
15 struggling.

16 I don't see anything in the EIR that addresses why
17 they think this will be successful, what types of movies
18 they think they can present, and what kind of an operator
19 is going to be willing to take on that small a venue when
20 the trend of the industry is just the opposite, to go to
21 the multiscreen theaters like in Dublin and in Walnut
22 Creek.

23 And if it isn't successful, then what you're doing
24 is building a white elephant that's going to be vacant,
25 that's going to create problems in terms of future uses

KW-2
CONT.

KW-3

1 because it doesn't translate well into retail or
2 residential.

3 So I think that the EIR needs to more adequately
4 address the market for that kind of a theater and why they
5 think it would be successful.

6 Thank you.

7 CHAIRPERSON VIERS: All right. Thank you.

8 Did I leave anybody out on the EIR discussion? One
9 more person.

10 MR. SANBURN: I filled out a card. My name is
11 Cliff Sanburn. I probably just didn't fill it out
12 properly.

13 CHAIRPERSON VIERS: I'll find you. There you go.
14 Thank you.

15 MR. SANBURN: Okay. Thanks for letting me speak.
16 I will try to discuss the environmental impact part of it.
17 And pretty much all the issues have been addressed by
18 previous speakers, and I'd like to compliment all them on
19 how thorough they've looked into this and how well they've
20 spoken on it.

21 So maybe I'll just speak on how this impacts my
22 environment, because I do live in Vista San Ramon. The
23 size and scope of the project is so massive, it's just,
24 can't believe there would be any way to mitigate traffic,
25 mitigate the noise factor or the ambient lights and stuff

KW-3
CONT.

NA

CS-1

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1 that's going to happen with this project operating at
2 later hours. It's very vague as to how late, you know,
3 some of these buildings may be open, or businesses; and
4 someone previously addressed the fact that deliveries and
5 cleanup work may go on overnight.

6 And so without a little better clarification, I
7 don't know how you could thoroughly evaluate it without at
8 least giving 120 days for further discussion. And I would
9 request that as well.

10 And the last thing I could say, I guess, would be
11 we've discussed about how this would benefit the City.
12 Well, as far as I'm concerned the City is nothing but the
13 citizens. And I haven't heard too much positive input so
14 far from the citizens, so I think their opinion needs to
15 be considered a little more thoroughly. And I would
16 appreciate that extra time to discuss it.

17 CHAIRPERSON VIERS: Thank you.

18 Okay. Any other speaker cards or comments on the
19 Draft EIR? Mr. Gibbon, you want up again?

20 MR. GIBBON: Yeah. I just want to see if we can
21 figure out an answer to the question of the extension,
22 because the EIR would not address that ever. The question
23 is what is your opinion about giving us an extension?
24 You're going to close the hearing right now. I'd like to
25 see you discuss it.

CS-1
CONT.

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1 CHAIRPERSON VIERS: We'll discuss it. Thank you.

2 Okay. If that's all the speakers we have, I'm
3 going to close public comments at this point.

4 Do we have any comments from the Commissioners on
5 the Draft EIR that need to be clarified as part of the
6 record?

7 COMMISSIONER SACHS: I'd like to make a comment, if
8 I may.

9 CHAIRPERSON VIERS: Okay.

10 COMMISSIONER SACHS: And it's not about the EIR,
11 but just kind of a personal comment that struck me. And
12 to the audience, I appreciate the comments both pro and
13 con on any aspect of this.

14 I would just ask on a personal note that you leave
15 our work schedules out of the debate. I personally do
16 work and I have three children: Five years old, 18 months
17 old, and eight weeks old. I'm a very busy person, as is
18 my wife, and as are the Commissioners. They have their
19 own stories and so forth. And it just detracts from what
20 you're trying to say when you throw that out there.

21 So I would just ask that those personal comments
22 please be left to the side. We are citizens like
23 yourselves, and we do have very busy lives as well. Thank
24 you.

25 CHAIRPERSON VIERS: Yes. Reading an EIR is great

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CONT.

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1 fun.

2 VICE CHAIRPERSON PATRINO: Good use of our spare
3 time.

4 CHAIRPERSON VIERS: Any other comments? Let's
5 stick with the EIR first.

6 COMMISSIONER KERGER: Just generally on the EIR,
7 I'm always glad to have Jim, the twins, Blickenstaff and
8 Gibbons because they make me think. And they always bring
9 up -- well I might not always agree with you, and
10 sometimes on Blickenstaff lately I do, so that always
11 worries me, but it does make me think. And that's what
12 this process is about.

13 And I think Jan Damairas asked what is our role.
14 Well, our role here is to sit and listen to you during
15 this process. It's not for us to come up here and debate
16 issues with you. But I want every single one in this
17 audience to know that your comments, while I take them
18 regionally and globally and look at them, and sometimes it
19 works and sometimes it doesn't.

20 When people are talking about extensions, I'm
21 wondering exactly what you want. Do you want time for
22 written extensions? I think that's what I'm hearing.
23 Because I am not willing to extend another public hearing,
24 but I would be willing to negotiate a written extension.

25 It seems to me that there are some people in the

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CONT.

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1 community that need additional time. For most of us who
2 do this kind of like for a quasi living, you all know that
3 there's a process and there are timelines. And people
4 depend on those timelines. So I get real concerned when
5 timelines aren't met.

6 And I think 120, you know, I think we need to be
7 reasonable. I'm willing to look at the issue. I know
8 it's not going to be a popular one. May not be a popular
9 one amongst my Commissioners, I don't know. But I'm
10 hearing a lot of concern.

11 And I'm hearing that some of the people in this
12 audience think that it's a done deal. Nothing is ever a
13 done deal. If you think this is a done deal, you're
14 sorely mistaken. I certainly don't sell my soul for a
15 building on a corner. And that, to me, is what a done
16 deal is.

17 And when somebody stands up and says that the
18 community thinks this is an unpopular issue, well it gets
19 unpopular when people are out there giving misinformation
20 and stirring up. And the only way that you can get the
21 correct information, as I see it, is by looking at this
22 document and asking the right questions. And that's what
23 I think an extension is, to give you adequate time to
24 write how you feel.

25 And if you look at the paper that was handed out

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CONT.

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1 tonight, when we talked about the EIR, it says your role,
2 the people who have opposition or have problems with the
3 EIR, if a person believes that the project would have a
4 significant effect not discussed by the EIR, they should
5 identify the effect, explain why the effect would occur,
6 and explain why the effect would be significant. Persons
7 providing comments should explain the basis for the
8 comments and whenever possible submit data relevant
9 supporting documents.

10 That's your role. So if you need time to do that,
11 written comments, I would be willing to discuss it. But I
12 am not willing to continue another public hearing.

13 Because all that happens is that there is dialogue that
14 needn't happen. You have the project before you. We are
15 listening to what you're saying. And believe me, I write
16 things down. I write every single person. So I am
17 listening to you.

18 AUDIENCE MEMBER: I think that's what we're asking
19 for is written comments, written extension.

20 COMMISSIONER KERGER: Okay. Again I say it's
21 probably going to be very unpopular, you know, but I don't
22 -- that's where I'm at, Gentlemen. I mean, that's where
23 I'm definitely at.

24 CHAIRPERSON VIERS: Okay. Let me just back up a
25 second.

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CONT.

1 COMMISSIONER O'LOANE: I have a question that I
2 asked last time that hasn't been answered, so I'm publicly
3 going to go on record.

4 I want to know what the impact is when I drive from
5 Bollinger exit eastbound at 5:30 in the evening, which I
6 do, how long does it take now and how long is it going to
7 take when this is fully built out.

8 This is cumulative. My understanding of this, this
9 is a cumulative thing. These people aren't so stupid that
10 they don't ignore the fact that there's a Dougherty Valley
11 Project. C'mon. Everybody in this room is smarter than
12 that. All right? I think we all understand that. Okay?
13 So I want to know how long it's going to take.

14 And I think that's what folks are talking --
15 Mr. Desmarais, I think, asked for the king's English. The
16 American English would be fine. But people don't
17 understand what LOS means.

18 I'm in the hospital business. LOS means length of
19 stay to me, which is essentially what we're talking about,
20 right? It curiously translates, doesn't it? And we all
21 want a low length of stay when it comes to how long it
22 takes us to get down Bollinger generally.

23 But I want to know how long that takes and what
24 does that translate into, because I think that's what
25 folks are asking. And that's what I'm asking. So that's

1 what I want to know. And I want to know what the impact
2 of that is.

3 One thing that's curious to me in this as well, and
4 I don't know if it's part of the project or the
5 Environmental Impact Report is why did we need two
6 left-turn lanes when there's one left-turn lane now to get
7 into Chevron Park? I don't understand that. I mean
8 there's no more -- all of a sudden there's two left turn
9 lanes there and I have no idea what the point of that is.
10 So I don't understand that. I'd like some clarification
11 on that.

12 So that's a couple of things. And I think it's
13 completely appropriate and I don't think this is a
14 popularity contest, Donna.

15 COMMISSIONER KERGER: No.

16 COMMISSIONER O'LOANE: It's a question of getting
17 to the facts. And the fact of the matter is this is very
18 complicated. This is the most complicated project that
19 will ever happen in this city.

20 And timelines, you know, timelines are timelines
21 for people to study things. And I think it's completely
22 appropriate to have this take a little longer. This is
23 incredibly complicated stuff. And I'm glad I didn't have
24 to download it myself. I'm spoiled in that regard, but I
25 think it is appropriate. So I this agree with you.

PO-1
CONT.

PO-2

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1 CHAIRPERSON VIERS: Bob?

2 VICE CHAIRPERSON PATRINO: I took this document and
3 I ripped the spine out of the thing and I rearranged it.
4 I mean, I understand how bad -- I mean, look at this
5 thing. I mean, holy cow. My right arm has grown three
6 inches since I've been carrying it around in my bag to my
7 job.

8 I do work, of course. And then at home, I sit and
9 look at it at home. So, I mean, we do this all the time.
10 And I hadn't prepared to comment on this because it said
11 we weren't going to do that in our staff paper. So
12 eventually I would comment on everything everybody said,
13 even Jim Gibbon.

14 COMMISSIONER KERGER: I didn't comment on theirs.

15 VICE CHAIRPERSON PATRINO: But, I mean, to think
16 that this is a done deal is very misleading; and in fact
17 in my opinion it's injurious to this discussion to
18 insinuate that this is a done deal.

19 Now does anybody remember the Crow Canyon specific
20 plan? People were purporting that that was a done deal
21 when it came out. And that was the most contentious
22 deliberation that this Planning Commission -- well, not in
23 its current state, but in a prior state ever had.

24 I mean, we were actually emotionally angry with
25 each other over that. And that was purported to be a done

NA

1 deal, if you listened to the speculators in the audience.

2 And I, too, would like to examine the opportunity
3 to do an extension, but do it with staff's input in a
4 logical manner against the overall goals of the project.
5 Now I don't want to do -- I am not going to buy into this
6 analysis - paralysis by analysis concept that is forwarded
7 every time something controversial comes around, we're
8 doing it too fast. Okay? Every time there's an
9 opposition to something, we're always doing it too fast.

10 This plan -- the concept of the City Center has
11 been in the works for at least a decade. It has been
12 bandied about. I've been to countless, numerous
13 workshops. We played with foam balls; we moved things
14 around.

15 The so-called preferred plan never made it, because
16 it wasn't preferred enough, I suppose. The concept of
17 city-funding-bond-measures funding mechanisms fell flat on
18 its face, because although the people were very interested
19 in this concept, they weren't interested enough to pay for
20 it. Okay?

21 But, hey, I'm concerned about this. I haven't had
22 a chance to tell you my concerns yet, because I didn't
23 think it was our time. It wasn't our turn yet. From the
24 very get-go when I was on the Parks Commission, we
25 discussed this. It was many moons ago.

NA
CONT.

1 We were very adamant about linkages to
2 Central Park, and I don't mean car linkages. I mean
3 people linkages. And that's not necessarily a physical
4 thing. It's also a visual thing. It's a programatic
5 thing, okay? This concept removes any linkages to
6 Central Park to the City Civic portion. Okay?

7 (Commissioner Kerger spoke with Commissioner
8 O'Loane off the record.)

9 COMMISSIONER O'LOANE: Everybody else got to say
10 what they thought. Bob is going to talk, too, because
11 we're not done until Bob talks.

12 Extension. Staff, do you want to say anything
13 about extension?

14 COMMISSIONER SACHS: I am fine with extending this
15 in a reasonable manner. I would just make the observation
16 that the public has come well prepared with their
17 pertinent analysis of this document that is indeed very
18 lengthy.

19 They have raised questions that for me I had looked
20 at and we will get into the debate structure with staff
21 and the give-and-take and conditions of approval, all that
22 type of thing that goes on in these processes.

23 But I'm fine with an extension, as long as it's for
24 a reasonable amount of time, because -- and as most of
25 you know who have come to many of these, you start to hear

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CONT.

1 the same arguments and it becomes counterproductive to
2 overextend.

3 And so I would be fine with that as long as it's
4 for a reasonable time.

5 COMMISSIONER O'LOANE: And also as long as it's
6 going to make the product better.

7 COMMISSIONER SACHS: That's right.

8 COMMISSIONER O'LOANE: Okay? Because --

9 COMMISSIONER SACHS: Let me add one more thing.

10 COMMISSIONER O'LOANE: Go ahead.

11 COMMISSIONER SACHS: And I think this is important
12 as we get into it, and there's been discussion about the
13 financials of this, and I'm not going to talk about the
14 financials because they're not in here. They're not -- we
15 are land use, this Planning Commission.

16 There are individuals and city staff. Marc Fontes,
17 Economic Development Director. There are other people
18 where you can talk to them about the financials. But it's
19 been widely reported.

20 I mean, how can you guesstimate what revenues are
21 and that kind of thing. And that's not our job to analyze
22 that. It's not our job to analyze prospective tenants.
23 It's out of our purview. It's not in our decision-making
24 processes here.

25 So for those who are coming to this expecting the

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CONT.

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1 Planning Commission to give input as to the financial
2 ratios of this and the tenant selection, you know, sorry
3 to disappoint. It's not going to happen from this body.

4 And I think it's important for you to hear. Not
5 that we would be ducking it. It's not our responsibility.
6 It's not in our purview. It's not in our job description
7 as citizen appointees to this commission.

8 CHAIRPERSON VIERS: Okay.

9 VICE CHAIRPERSON PATRINO: Back to the extension
10 matter.

11 CHAIRPERSON VIERS: Back to the Draft EIR.

12 One additional comment I would include would be to
13 explain the priority development area as associated with
14 ABAG, A-B-A-G acronym, focusing our vision and any
15 financial ramifications of that would be helpful to the
16 citizens.

17 The other comments I had were covered by most of
18 the people this evening, so I don't repeat them. Before
19 we get into the extension, I would like to close this
20 agenda item out and we can discuss the extension. So I
21 need a motion from one of commissioners.

22 VICE CHAIRPERSON PATRINO: Point of order. Do we
23 need to keep this item open to discuss an extension?

24 COMMISSIONER KERGER: Not the public hearing, we
25 don't.

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CONT.

DV-1

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1 MS. CHAMBERLAIN: The Commission is closing the
2 public hearing to oral testimony tonight. They need to
3 close the public hearing and then they can discuss the
4 time they wish to receive written comments.

5 VICE CHAIRPERSON PATRINO: So we're not going to
6 move off the agenda item just yet.

7 CLOSURE OF PUBLIC HEARING

8 COMMISSIONER KERGER: So we're going to close
9 public hearing.

10 VICE CHAIRPERSON PATRINO: We're going to close the
11 public hearing.

12 CHAIRPERSON VIERS: I have closed the public
13 hearing.

14 MR. GIBBON: Before you close, could I state one
15 thing?

16 COMMISSIONER KERGER: He's already closed it, Jim.

17 MR. GIBBON: You've had the benefit of this for two
18 weeks. We have also. We have some experts that we want
19 to hire to actually look at, not the content, but the
20 structure of the EIR, the information gathering
21 mechanisms. And those take real experts. Not us.

22 And we need -- they need at least 30 days to 45
23 days, because they are professors and they are state
24 legislators and things like that. And closing the EIR
25 prematurely on the 26th of September doesn't give us an

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CONT.

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1 opportunity to hire those people. They're about three or
2 four thousand dollars a piece. And that's why I'm asking
3 for --

4 CHAIRPERSON VIERS: Okay.

5 COMMISSIONER SACHS: They're members of the public.
6 They would be treated as members of the public, whether
7 you hire them or not.

8 MR. GIBBON: No, there's a different classification
9 for experts.

10 COMMISSIONER SACHS: Is there some delineation from
11 staff, because my opinion would be that these are members
12 of the public, who if they wanted to come up and speak to
13 this issue, it's certainly open to them. If you want to
14 pay them to do so, that's certainly within your right as a
15 citizen; but it has no bearing on us as individuals.

16 Is that -- legal counsel, is that correct?

17 MR. GIBBON: No. Isn't there a special
18 classification for experts?

19 MR. ATHAN: Mr. Chairman, no, there is actually, as
20 pointed out, the 45 days ends September 26th. That period
21 could be up to 60 days. What the law says, it has to be
22 no less than 30; no more than 60. So you could extend
23 that 26 days, which is 45 days, another 15 days. That
24 would be no problem. The law says you can extend it even
25 further if you have unusual circumstances. As they

1 pointed out, they Googled it and found out that some did
2 extend it.

3 Without knowing the facts, I don't know what the
4 unusual circumstances were; but that's a factual
5 determination that you have to make. But you would be
6 within the law to allow up to 60 days for the public
7 review period.

8 And don't forget that we have one more session
9 before the public review is ended. So the 30 days, adding
10 15 to the -- today's the 4th. That's 22 days add to the
11 15, that comes out 37 days, I think. So it's up to the
12 Planning Commission to make a decision on it.

13 COMMISSIONER KERGER: So we could extend it the
14 additional 15 days.

15 CHAIRPERSON VIERS: Which would net them 37.

16 COMMISSIONER O'LOANE: So with that then, we have a
17 motion to extend written commentary to 15 days beyond the
18 26th of September, meaning October 11th?

19 MR. ATHAN: Or actually the public review would be
20 60 days.

21 MS. CHAMBERLAIN: October 11th.

22 (Audience member indicated she couldn't hear the
23 discussion.)

24 MR. ATHAN: I'm sorry. The public review period
25 would be 60 days.

1 COMMISSIONER KERGER: That's written comments only.
2 I want that perfectly understood. Those are written
3 comments.

4 CHAIRPERSON VIERS: Correct.

5 MR. ATHAN: However, this is a decision you're
6 making. Like I say, the law says it will be between 30
7 and 60.

8 CHAIRPERSON VIERS: Do I need a motion?

9 COMMISSIONER KERGER: Yes.

10 CHAIRPERSON VIERS: All right. Do I have one?

11 COMMISSIONER KERGER: Yes.

12 CHAIRPERSON VIERS: What's the motion?

13 COMMISSIONER KERGER: Okay. I move to accept all
14 written and oral comments regarding the City Center
15 Subsequent EIR received to date and direct staff and the
16 city consultant to prepare their Response to Comment
17 Documents and close the public hearing regarding the said
18 Draft EIR and accept written comments until 5:00 p.m. --
19 is that on October --

20 MS. CHAMBERLAIN: 11th.

21 COMMISSIONER KERGER: -- 11th, 2007.

22 COMMISSIONER SACHS: I'll second the motion.

23 CHAIRPERSON VIERS: Okay. We have a first and
24 second. Could we have a role call, please.

25 COMMISSIONER O'LOANE: Could I ask just a point of

1 clarification since we are in the discussion mode. Is the
2 object -- is the written versus oral an option of ours or
3 is that just standard procedure, there's no hearing point
4 between here and there?

5 COMMISSIONER KERGER: No. We've already gotten
6 their oral. We've closed the public hearing. That's what
7 the first part of the motion is.

8 COMMISSIONER O'LOANE: Okay.

9 COMMISSIONER KERGER: To accept their oral
10 testimony and any written testimony up until today. And
11 that now the time for written comments is an additional
12 15 days.

13 COMMISSIONER O'LOANE: Okay.

14 CHAIRPERSON VIERS: Okay. Could we have a roll
15 call vote, please, Secretary?

16 (Thereupon a roll call vote was taken and all
17 Members of the Planning Commission voted in the
18 affirmative.)

19 CHAIRPERSON VIERS: Okay. We're going to take a
20 five-minute break and let the reporter stretch her fingers
21 and then we're going to resume right away, because we
22 still have, with the double speakers tonight, we have 30
23 people that want to speak. If we give them all five
24 minutes we're going to be here two more hours. We'll see
25 you in five minutes. Thank you.

1 (Thereupon a recess was taken.)

2 CHAIRPERSON VIERS: We will reopen the planning
3 commission meeting for September 4th.

4 First of all, I want to thank everybody. A lot of
5 people left and I didn't have the opportunity. That was
6 one of the best public dialogues we have seen in the city
7 in a long time. Opposing views, but presented very
8 professionally. And I want to thank everyone for the way
9 they handled themselves this evening and for being very
10 succinct with their comments.

11 AGENDA ITEM 8.1

12 CHAIRPERSON VIERS: The next agenda item is the
13 City Center. And on your agenda, it's Agenda Item 8.1
14 City Center Mixed Use District, and we want to hear from
15 staff.

16 MR. BARR: Thank you, Chair Viers, Commissioners.
17 I have a brief presentation for you, after which we can
18 continue the public hearing.

19 Just to recap, we had a public hearing on
20 August 21st to consider the concept of the City Center
21 Mixed Use Project. Staff presented a detailed overview of
22 the project to the Planning Commission and we opened up a
23 public hearing for public comments.

24 The public hearing was continued that evening to
25 allow additional opportunity for new comments and

1 additional speakers, to provide additional speakers the
2 opportunity to come forward.

3 In addition we did an additional public hearing
4 noticing to a 2,000-foot radius of interested parties, as
5 well as anyone who signed up at an interest list. Over
6 the course of the public hearing, there were several
7 themes that developed, and I'm just going to summarize
8 briefly and add a little bit of comment from staff on
9 those.

10 The major themes included project economics, public
11 participation or lack thereof, Civic Center versus City
12 Center Mixed Use Concept, obviously traffic concerns,
13 building heights and setbacks, density and Floor Area
14 Ratios, and then lastly, quality of life.

15 I think Commissioner Sachs summed it up very well
16 regarding project economics. The specific project
17 economics associated with the planning entitlements aren't
18 part of what we're reviewing at this time. What we can
19 consider is conformance with the policy documents,
20 including the Economic Development Strategic Plan and the
21 General Plan Economic Policies.

22 The environmental document went into some detail
23 talking about those particular policy documents, but
24 what's important to remember is that any type of financial
25 agreement or development agreement that will move forward

1 will be in a public format and a public process. There
2 will be an opportunity to comment on that in the future.

3 Something else that came out of the discussion of
4 economics was a speculation that the proposed project
5 could open the door for a big box discount retailer to
6 remain nameless at this point. The Urban Decay section
7 did have a discussion on the market conditions and
8 analysis that anticipated a lifestyle center.

9 The program, the design, the nature of this
10 particular project, the demographics, the physical
11 orientation of the project would not support the physical
12 infrastructure for a typical big box retailer. So with
13 that I'll leave you with those thoughts for that.

14 In terms of the lack of public participation,
15 City Center has been envisioned as part of the City's
16 General Plan 2020. The voters basically put forward their
17 desire for this particular type of project. Maybe not the
18 exact details, but yet a City Center concept. And so
19 again, that's been reflected throughout this process.

20 In addition to that, there have been numerous
21 opportunities and efforts on the part of the City to
22 provide information, most notably through the City
23 Website, staffing of booths at public events, numerous
24 presentations before civic groups, and as well as meetings
25 with several public agencies.

1 So the City has exceeded the typical requirements
2 in soliciting public comments and noticing the public
3 hearings as well the availability of the environmental
4 documents. So the notion that this has been predetermined
5 is simply not correct; and that through the history of
6 this project, you could see how it's evolved over time.

7 There was commentary to the effect that this Civic
8 Center versus a City Mixed Use Project. There was a plan
9 that was floated a few years back. It was the City Civic
10 Center, and it's been held up on several occasions as an
11 example of what this project should be. At the time there
12 were several components of that that have since moved
13 elsewhere.

14 The Children's Discovery Museum has moved into
15 Dublin, a site in Dublin. And the Performing Arts Center
16 and Aquatic Center have been developed through a
17 relationship with Dougherty Valley High School. The city
18 hall facilities, such as library, well the city hall and
19 the library that were envisioned in that earlier plan have
20 been brought forward into this concept, and then a transit
21 center has been added to meet the civic needs of the
22 community.

23 With regards to traffic impacts, as Grant mentioned
24 in his presentation, the environmental document contains a
25 very detailed analysis of traffic impact mitigation

1 measures. It's been commented that the information
2 utilizes old traffic studies, which just isn't the case.
3 There were recent counts taken based on the annual
4 monitoring program on Bollinger Canyon and other
5 intersections. And so the document is current in its
6 analysis.

7 Something else that was kind of missed in the
8 larger picture is, you know, we talk about overall trips
9 associated with this project. You know, 30,000 trips is
10 being held up. While that is an approximate number for
11 the entire project, it anticipates all uses throughout the
12 entire day.

13 What is more an indicator of traffic impacts is
14 basically the peak analysis. The a.m. and p.m. peak
15 trips. And so it's when you look at it in terms of when
16 the critical peak times are, the percentage of impact
17 associated with this project is less than 10 percent of
18 the overall daily trips.

19 Now there's talk about the freeway mitigation and
20 how we quantify that. Based on the Caltrans' standards,
21 basically there is an unavoidable impact in terms of
22 freeway congestion. However there are programs that
23 aren't quantified that are being put forward as part of
24 this project.

25 Transportation demand programs, carpooling

1 programs, and these are types of things that just can't
2 find their way into traffic counts, but yet they are being
3 considered in terms of the impacts to freeway trips. They
4 should be considered, I should say. You look at a mixed
5 use project and the ability to minimize trips out of the
6 region, that can't help but have beneficial impacts on the
7 freeway system.

8 There's been a lot of comments regarding the
9 building heights and setbacks provided throughout the
10 testimony tonight and last week. Ultimately the design of
11 the project is a proposal submitted to the City by the
12 applicant.

13 We review that application against a required set
14 of development standards and accepted design principles.
15 In terms of the City Center Mixed Use Zone, there's no
16 maximum building heights associated. We use Floor Area
17 Ratio to regulate the building mass and height. The City
18 looks at compatibility with surrounding land uses in the
19 context for which the project is set.

20 We brought this through to the City's Architectural
21 Review Board, and they had no negative comments regarding
22 the architecture or building heights for this particular
23 project.

24 There's been some questions about floor areas and
25 density. The maximum permitted density in the City Center

1 Mixed Use Zone is up to 1.35, and basically that is
2 allowed with the inclusion of public amenities such as
3 city hall, transit services, affordable housing, public
4 spaces.

5 The project meets the established requirements in
6 the General Plan and Zoning Code. There were no
7 modifications proposed to Floor Area Ratio. There's been
8 speculation that the standards changed over time. Well,
9 many standards change as the policy goals for the City
10 evolve over time. So it's something that has happened
11 unilaterally within the General Plan to reflect the times
12 in which we're living.

13 There was also a general comment that the project
14 is too intense and should be scaled back. I would submit
15 that the Draft EIR did look at several alternatives,
16 including to reduce density alternatives and one including
17 the previous City Center concept. Those were compared
18 against the proposed project for relative impacts. So
19 it's a good measuring stick in terms of how you look at
20 what project impacts could result from any project.

21 And then lastly, quality of life. It's probably
22 one of the most difficult things to define, because it
23 means different things to different people. A number of
24 people, you know, object to this project on the basis of
25 quality of life: Development pattern, encourages

1 development, traffic, etc. There's just as many people
2 that think that the amenities and the sense of place that
3 this project brings will be a tremendous benefit and
4 increase quality of life for the residents of San Ramon.

5 So it's a very difficult thing to measure, and I
6 think there are always going to be differing opinions on
7 how best to improve the quality of life within the city.

8 So in conclusion I think the DSEIR addressed and
9 provides detailed analysis for many of the concerns raised
10 in the public hearing last week and in the EIR public
11 hearing tonight. The process is designed to provide an
12 opportunity for the public to view their opinions and to
13 inform the decision makers, as we've just witnessed
14 through this dialogue we've had tonight.

15 So at this point I just want to remind the public
16 that no deliberations on the project are anticipated as
17 part of this Planning Commission meeting. As you heard
18 earlier, the comment period for the DSEIR has been
19 extended to October 11th. And so it's staff's
20 recommendation that we open the continued public hearing,
21 receive public comment, continue the public hearing until
22 October 2nd, 2007 to allow additional comments on the
23 project itself.

24 With that I would turn it back to the Commission.
25 Thank you.

1 CHAIRPERSON VIERS: Okay. Thank you very much,
2 Lauren. Great job as usual.

3 This is the second public hearing on this
4 City Center project. Again, no action will be taken
5 tonight. The Planning Commission is here to continue to
6 receive testimony.

7 Again we have some 30 speaker cards. So let's try
8 to keep it to about three minutes if we can. Like to
9 point out that the comments from the August 21st meeting
10 are part of the record. They are part of the hard copy
11 record and they've been recorded.

12 So if you've spoken before, we would appreciate it
13 if you don't repeat yourself, if you've already given us
14 testimony. We're kind of here to hear new stuff this
15 evening. We ask that you provide new information for the
16 Commission's consideration. We do this with all the major
17 projects.

18 If speakers tonight have expressed your opinion,
19 you may simply say that you agree with the previous
20 speaker. It will help keep the time down. We're not
21 trying to cut anybody off. We're just trying to be
22 efficient. And then at the conclusion, again we will
23 review the dates for our future meetings.

24 PUBLIC COMMENT ON AGENDA ITEM 8.1

25 CHAIRPERSON VIERS: And with that I'm going to open
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1 public comment. And what I want to do is allow some
2 people that haven't spoken up to this point to speak, as a
3 courtesy. And if you've already spoken, I'm going to kind
4 of shuffle you down to the bottom of the tickets, if
5 that's all right with you.

6 We have three people that have family issues. I'm
7 going to call those three people up first.

8 First up would be Craig Harper and on deck
9 John Koerber and Derek Smith will be number three.

10 MR. HARPER: Hi. Thank you, Chairman Viers and
11 staff. My name is Craig Harper with the Harper team at
12 Keller Williams. And as a realtor in the area, I both
13 live and work in San Ramon. And I just want to say that I
14 am pro the City Center project and planned growth in the
15 area.

16 In our conversations with clients who have been
17 looking to either relocate and have recently relocated to
18 the area or are looking to relocate into the area, the
19 City Center has become a very positive talking point in
20 our discussions with those people. And it's one reason
21 for differentiating why to move to San Ramon versus some
22 of the other cities in the area.

23 So while I recognize some of the concerns of the
24 other speakers and some very valid viewpoints and
25 perspectives, and I would encourage looking at those

1 issues and hopefully resolving those and then approving
2 the City Center project. Thank you.

3 CHAIRPERSON VIERS: Thank you, Mr. Harper.

4 Okay. Next up, John Koerber.

5 MR. KOERBER: Right. John Koerber. Just to tell
6 you guys I walked from here. My house is like two blocks
7 from here, so...

8 Thanks again for hearing all of our points and
9 comments. I'll try to be as brief as possible.

10 A lot of the discussion on quality of living. And
11 I think that was one of the things that really drew our
12 family here, was just the idea of coming to a place that
13 kind of shuts down after 6:00 o'clock or 7:00 o'clock when
14 everyone from Bishop Ranch, you know, heads back to their
15 houses and it's very quiet and nice. And we like that.

16 We also like to go out. There are a lot of places
17 to go out. We can go to Pleasanton, Walnut Creek,
18 Danville. There's still, I think, a lot of local places
19 that are available to us.

20 And when we first heard about the idea of the City
21 Center we thought this is a great, great thing. And I
22 still think it's a good idea of a project. I don't know
23 if it's what we're hearing today and what I've seen over
24 the last few years is the exact right fit based on all
25 the, you know, things we're learning with the

1 environmental impact and the traffic.

2 But I know it's been very difficult from your
3 standpoint as a commission to come up with a plan and
4 invest yourselves in that and have to make big decisions.
5 How big does it have to be; how small should it be, you
6 know, depending on what you're learning through these
7 environmental impacts and things.

8 But just do your best to keep an open mind. I know
9 you guys do, and you all live here as well. Just wanting
10 to connect on that point.

11 And I think about the benefits. I think there are
12 some good benefits. I've been through the citizen's
13 police academy here in the city. I met the mayor and a
14 lot of the officers. I think bringing the police
15 department in the town is great. Bring in more city
16 offices and infrastructure there is great. Expanding our
17 library.

18 Those things, I'm, you know, right behind. I think
19 that's a great aspect of this. Those I wouldn't want to
20 see moved out of this in any way. How that would fit in
21 without some of the other aspects to pay for it, I don't
22 know. And that might be part of the challenge as to where
23 this has kind of gotten so big.

24 One of the other things that kind of concerns me,
25 we go around and we shop a lot. We go up to Blackhawk and

1 we see the shops come and go. We've seen how difficult
2 it's been for them to hold corner stores like the
3 Gottschalks and things that have come and gone there.
4 Walnut Creek, you know, they've got this brand-new,
5 beautiful Andronico's up there and then it's closed.

6 So, you know, we see a lot of stuff coming and
7 going, and I'm concerned about bringing so much retail
8 space into here where there's so much retail space still
9 kind of having trouble in Pleasanton and Walnut Creek and
10 all the other areas around here really taking hold, and
11 that kind of gets back into the decay issue. So consider
12 that as well.

13 Traffic, I still think is probably the number one
14 issue on all of this is the traffic. I don't know what F
15 means on the 680 review. Is there a lower rating than F
16 or is that like grades, A through F? So I don't know how
17 this stuff is going to be handled. I have noticed a
18 slight improvement on Bollinger with the addition of the
19 extra lane, but Windemere has still got a ways to go, and
20 it's not going to get any better, so...

21 I think I'll end it at that. A lot of small items
22 here, but thank you a lot.

23 CHAIRPERSON VIERS: Good points. Thank you, John.

24 Next up is Derek Smith.

25 MR. SMITH: My name is Derek Smith. I'm a college

1 student at the San Ramon Valley campus of DVC and I live
2 at 139 Medinan Place.

3 I had a whole thing written down about all the
4 topics that everyone else covered tonight with the traffic
5 and with, you know, the Wal-Mart scare and all that. But
6 I think that a question that needs to be asked is how is
7 this going to affect the, I guess the social or maybe not
8 the social, but I guess everything else that we're not
9 thinking of.

10 First of all, who's going to live in an outdoor
11 mall. Who's going to pay to live there. You know, how is
12 that going to affect the people that come into this city.
13 You know, is that going to affect the way that we live; is
14 that going to affect how long the stores stay open; how is
15 that all going to affect what happens outside of the City
16 Center.

17 You know, you have tons of residents living within
18 a mile radius, you know, who can hear things. You know, I
19 worked at the Marketplace Starbucks, and we would play
20 music outside. And we to this day still get complaints
21 from, you know, residents that live across the street, you
22 know, things like that.

23 How is that going to affect the residents and the
24 people who live here. And I guess there's just a lot more
25 that still needs to be thought of.

1 Obviously I'm still going to mention the traffic
2 because it's a big deal and it's -- it's a big deal right
3 now, obviously. There's an F. But then if you want to
4 get down Bollinger at 5:00 o'clock at night, it takes you
5 half an hour sometimes. And I do it on a daily basis as
6 well.

7 I also, I know it's really late to say this, but
8 I'm a theater major and I was really excited for the
9 project at first because it was going to be a civic center
10 and stuff. I was happy with the compromise.

11 But I still think that maybe this isn't the best
12 idea. Maybe there is other ways that we can approach
13 getting in something like this, but something not as
14 extreme and something not as, I guess, huge.

15 I think, for some reason I just think that knocking
16 down as many buildings as we need to to do this project
17 wastes so much energy and so much time and there could be
18 such a more productive way to do it instead of trying to
19 make all the buildings look the same and making them look
20 pretty.

21 You know, there's a different way to do it. And I
22 just think with all of the -- I don't, I don't know what
23 it was called. All of the negative things, the six things
24 that they listed, they just need -- they're big things,
25 and they really need to be thought of.

1 Also I just also want to point out that the
2 financial information that was requested, it says in the
3 staff report that it wasn't able to be given out because
4 the design total square footage conditions of approval and
5 mitigation measures adopted -- blah, blah, blah -- it
6 would -- that basically none of that was considered yet.
7 It's not final. So what you're showing us right now is
8 possibly completely different than what's going to be
9 there. So I just think that that should be considered.
10 That's all. Thank you.

11 CHAIRPERSON VIERS: Thank you, Derick.

12 Next up is Terry Hillyer, Woodland Court. And on
13 deck, Bruce Kern.

14 MS. HILLYER: I didn't want to speak.

15 CHAIRPERSON VIERS: You want me to read your
16 comment into the record?

17 MS. HILLYER: Sure.

18 CHAIRPERSON VIERS: Okay.

19 Reiterate the need for effective mitigation of the
20 impact on Bollinger Canyon traffic, especially at commute
21 times. Pile driving will have a major impact on nearby
22 neighborhoods. Please conduct all pile driving at one
23 time rather than do pile driving for one structure at a
24 time.

25 Continued on back.

1 Comment three continued: Normal pile driving
2 for a project of this size would normally last for two
3 years or so. This will present an undue noise burden on
4 Vista San Ramon. Increasing the number of pile drivers so
5 that the pile driver noise will not exceed six months
6 seems to be a reasonable compromise.

7 Okay. Thank you for your comments. Duly noted.
8 Bruce?

9 MR. KERN: Yes. Okay. Thank you very much.

10 And good evening. My name is Bruce Kern and I'm
11 the Executive Director of the East Bay Economic
12 Development Alliance. We work with all the cities and we
13 work here with San Ramon to bring both jobs and investment
14 into the city.

15 I'm also here as a member of the work force, jobs
16 work force, housing coalition really promoting investment
17 and need for increased housing and diversity of housing
18 stock, so important to our economic vitality here for the
19 Tri-Valley and for the greater East Bay community.

20 I have the pleasure of being a member of the
21 San Ramon's Economic Development Strategy Committee and
22 working with staff and meeting some members here in the
23 office, trying to put together a number of opportunities
24 or missed opportunities. And clearly this City Center is
25 the hole in the donut. It's so important. It's a

1 critical decision that you're making.

2 It's very important as to conformity with the
3 Economic Development Plan, particularly around the
4 lifestyle. We did extensive research looking at the
5 demographics, the changing demographics of the city and
6 this is a critical component of not only meeting the
7 residents' needs, as we found out through the many
8 hearings that we had, but also critical to the financial
9 and vitality of the city as well.

10 I want to share with you that the project really
11 incorporates many of the best practices of urban planning,
12 smart growth. I sit on many of the regional agencies, and
13 I have to compliment the City and the team for really
14 putting together a plan that addresses the transit
15 friendly, open space, the architectural design features,
16 as well as the integration of public facilities.

17 And as I know was cited earlier, we can always try
18 to do that integration better, and I think you will get it
19 right. I think the outcome -- but clearly you have an
20 incredible opportunity in front of you to do something
21 that's extremely important here in the Tri-Valley.

22 I want to speak and conclude just with the point
23 that we are here and I am here this evening to express our
24 support for the residential 487 units planned for this
25 project, with the 25 percent for low and moderate housing

1 affordability, not only meets the City's needs and we have
2 really appreciated the City making that commitment, but
3 really meets an incredible need for workforce housing that
4 we have out in our community.

5 I have to say that also it really positions the
6 City to be competitive; and it is competitive in securing
7 state and regional grants, whether it's the proposition 1C
8 housing funding that was approved by voters, this is
9 competitive. You're going to be competing with other
10 cities. This is an extremely great opportunity for the
11 City to enhance its direct investment during this period
12 of time, because your planning coincides with that.

13 And as it relates to transportation, as you know
14 very well, the debate in Sacramento and the region is to
15 link investment and transportation dollars to smart
16 growth, and you have a model here.

17 So I want to thank you for the opportunity to be
18 here tonight and listen to all the great testimony. It
19 clearly helps us as we work with the City of San Ramon to
20 really promote its economic vitality and livability.
21 Thank you very much.

22 CHAIRPERSON VIERS: Thank you for your comments.

23 Next up is Carolyn Degnan and on deck
24 Rick SanVicente.

25 Did Carolyn leave?

1 COMMISSIONER KERGER: I think she left.

2 (Thereupon Members of the Planning Commission
3 conferred off the record.)

4 CHAIRPERSON VIERS: I'll read her letter into the
5 record with the others at the end. Okay?

6 COMMISSIONER KERGER: Okay.

7 MR. SANVICENTE: Chairman Viers, Commissioners, and
8 staff, and I just want to reiterate what Harriet said
9 earlier, I want to thank you guys. I know you guys work
10 60, 70 hours a week. You have family, kids, and
11 everything else and you get to read all these big, old,
12 fat reports every day, so how nice.

13 There were a lot of great ideas that were expressed
14 here today, and I'm sure you guys are all going to
15 consider them and think about some of the good things that
16 may or may not be flexible within the plan.

17 Notwithstanding critical mass, which I think a lot
18 of people don't understand, has to happen with a project
19 of this size in order to make these things retail
20 attractive and for the thing, everything to pencil out,
21 there is a critical mass that is necessary to make a
22 project like this happen.

23 And based on some of the plans that we saw, I
24 remember being in here years ago, we were looking at
25 everybody wanted an aquatic center, civic center, they

1 wanted all these wonderful things. And at the time we're
2 making all this money from the dot com era and we thought
3 we could all pay for it. Even then it would have required
4 a parcel tax that is a white elephant. So what we're
5 looking at now is something hopefully that's self-funding
6 and hopefully profitable for us.

7 As a member of EDAC and a resident of San Ramon, I
8 am familiar with the City Center Project and I support it.
9 Considering that it's been drawn with the General Plan and
10 when we went through the Economic Development Strategic
11 Plan, one of the things that we did with that is to
12 identify the retail leakages that are within the City of
13 San Ramon. And that was the part of the Strategic Plan,
14 is to look at where are our weaknesses and what can we do
15 to plug those weaknesses and make them into strengths.

16 For instance, without encumbering the residents of
17 San Ramon with parcel taxes and other expenses, we now
18 have many of the elements previously expressed in those
19 older, unaffordable white elephant plans that we no longer
20 follow through on.

21 San Ramon now has an aquatic center. We have a
22 center of performing arts at Dougherty High. We have a
23 children's museum planned in Dublin, and the City Center
24 will give us our new city hall. Additionally the City
25 Center expressly addresses the retail leakage identified

1 in the Strategic Plan.

2 For example, we identify significant retail leakage
3 in apparel and restaurants. As part of this City Center,
4 in addition to City Hall, it is proposed over 200,000
5 square feet to be in restaurants and restaurant usage.
6 To me that means a downtown.

7 I don't have to go to Danville. I don't have to go
8 to Pleasanton. I don't have to go to another town to show
9 my parents when they come into town where I live. We can
10 now do it here locally.

11 This is my downtown. This is our downtown.
12 There's wonderful restaurants of all sizes, hopefully, and
13 all menu prices. Not just high-end eateries. Family
14 eateries as well. We'll even have a farmer's market, ice
15 skating in the wintertime, and the wonderful events on a
16 football-field size plaza. Open plaza.

17 This is part of place making. Creating a
18 destination that San Ramon residents can be proud of
19 without costing the residents taxes. Self-funding. I
20 think that's critical.

21 Even the traffic, I think, is going to eventually
22 be fairly well mitigated. How much closer could the
23 City Center possibly be to the freeway than this? You
24 can't get any closer to the freeway and still have
25 something like this. And with the improved planned

1 freeway access at Bollinger and Norris Canyon, which I
2 understand is going to be improved access, it's not going
3 to be detracting any way of allowing us to get east to
4 west of San Ramon, even on Norris Canyon. It will make
5 things better.

6 In other words, City Center to me is simply smart
7 planning. And it can be better with some of the ideas
8 we're going to talk about. But I think it's still a good
9 plan, something all families in San Ramon will be proud
10 of. And years from now, we'll all be very glad that we
11 built this because this will be our downtown. Thank you.

12 CHAIRPERSON VIERS: Thank you.

13 Next up is Carol Lopez and on deck Pauline --

14 COMMISSIONER KERGER: Carol Lopez had to leave.

15 CHAIRPERSON VIERS: She had to leave.

16 COMMISSIONER KERGER: Yes.

17 CHAIRPERSON VIERS: Okay.

18 Pauline Nolte and Joyce Gunn on deck.

19 MS. NOLTE: Pauline Nolte. 458 Santander Drive,
20 San Ramon.

21 I speak in support of this project. I wear two
22 hats. The first comment would be as the President of the
23 San Ramon Library Foundation. As people know, I'm the
24 squeaky wheel. You may know what my passion personally
25 is. Of course, what I want is the larger library; but I

1 hope in my lifetime, while we're young, while we can enjoy
2 it.

3 It's been 10 years in planning. It is apparent we
4 cannot afford to build the Civic Center by ourselves. So
5 this partnership is one way to go. Maybe the only way to
6 go. And people might ask, many people might ask, why the
7 larger library. Reasons are too many to list tonight, but
8 Joyce Gunn, who's going to follow me, will give you some
9 reasons.

10 But I invite you to visit the library, maybe around
11 3:00 p.m. One personal reason why I want a larger library
12 is so that I can enjoy visiting the library without having
13 to trip over some patrons. Literally trip over them, and
14 their book bags or their skateboards.

15 But, of course, now I'm going to speak as a
16 resident of San Ramon. I do have concerns about the
17 project, as many people have. Traffic, yes, I am; but I
18 am already concerned with the current traffic.

19 But what I see as the problem is not the number of
20 cars, but the way people drive. That's a little piece of
21 my mind, how people drive. I do see if people drive smart
22 and intelligently and more caring, we wouldn't have the
23 little roadblocks that we have.

24 One comment in the report is that there would be
25 30,000 cars because of this new project. But I'm very

1 sure that it's not all at once, but certainly it seems
2 like it at 5:00 p.m. to most people, I'm sure.

3 I wanted to comment on maybe there are different
4 types of traffic. The commute traffic, definitely. The
5 midday shopping and the errands for parents before school
6 is out. But what I see is maybe the evening, the
7 opportunity for evening dining, movies and shopping by the
8 employees of the Bishop Ranch may take a few cars off
9 Bollinger and off the freeway if they were to stay here
10 and spend their money here and will enjoy the benefit of
11 their tax dollars. I am willing to put up with a little
12 bit more traffic, a little more than what we have now, for
13 the benefit that this project will bring.

14 Certainly change is inevitable. A lot of people
15 said that the original intent or the wish of the first
16 settlers of San Ramon -- I mean the modern settlers -- is
17 to be just a bedroom community. But there was years ago
18 the vision of Sunset Development to make this a business
19 community as well. So the new population may want to live
20 where the jobs are and where the shops are and not drive
21 up and down the freeway to go shopping or to their jobs.

22 So the jobs are here with many Bishop Ranch
23 buildings, so let's bring on the shops and certainly the
24 movie house. My quality of life will improve if I don't
25 have to drive up to Pleasant Hill or Lafayette or, heaven

1 forbid, to Berkeley and Oakland to see some foreign
2 movies. I really look forward to having it closer to
3 home. And I'm worried about the Pleasant Hill one being
4 taken away from us, too.

5 There was mentioned that there was not enough
6 community input. And I have been here since the beginning
7 10 years ago, and I just want to comment that there just
8 isn't one single plan that will be acceptable by
9 everybody. So there will be people who will not be happy
10 with this.

11 So I don't think Sunset Development or the City
12 would allow this project to fail. Their reputation and a
13 lot of money, of course, is at stake. And I want to
14 mention that the current City Council was elected
15 hopefully by residents who still support them, and I trust
16 them.

17 I trust the City Council and the Planning
18 Commission and the city staff to do the right thing. And
19 I just trust them to listen to our valid concerns and
20 comments and take any steps they can to do this right.

21 So here's my two cents' worth. Talking about the
22 Library. Be sure to look ahead and plan for expansion or
23 addition, because I and Joyce understand that we're
24 getting maybe 36,000 square feet in the City Hall/Library
25 facility. Joyce wouldn't want me to say that, but I'll

1 take what you can give right now.

2 But I do ask that you look ahead, and plan ahead
3 for any -- for the needed expansion and addition that we
4 definitely will need.

5 I agree with the previous speaker that the City
6 Hall and the Library should be closer to Central Park,
7 given it's kitty-corner from the Central Park. At least
8 it gives us a sense of a Civic Center, you know, it's
9 closer, rather than having all sort of too-tall building
10 right up to the Iron Horse Trail. So maybe a lower
11 profile would make some people happy as they walk along
12 the Iron Horse Trail.

13 Another concern of mine is the mass of the
14 buildings. I would really like a little bit more open
15 space. What I don't see there is maybe a park like area,
16 some grass, some strolling areas and benches. Maybe a
17 nice place to stroll when we buy the expensive coffee and
18 the ice cream, we can walk or the workers can walk as they
19 enjoy the area. Right now I see a mass of buildings.

20 So to close, I like the way Sunset has set their
21 current buildings. They set them, you know, back, away
22 from the streets. I can see some buildings here that are
23 really close to the streets. So I hope that you would
24 consider them continuing their tradition of setting back
25 the buildings and giving a little bit more space rather

1 than the canyons that we might see in this current
2 proposal.

3 So thank you for listening.

4 CHAIRPERSON VIERS: Thank you, Ms. Nolte. And
5 thank you for your work on the library foundation.

6 MS. NOLTE: Thank you.

7 CHAIRPERSON VIERS: Next up is the Joyce Gunn, and
8 on deck Camille Thompson.

9 MS. GUNN: Good evening. I'm Joyce Gunn. My
10 address is 120 Heron Drive in Pittsburg, but I'm the
11 former branch manager of the San Ramon Library from 1991
12 to June of 2006, and that's why I'm here.

13 It's been a long evening. In this highly educated
14 and widely diverse community of San Ramon, the residents,
15 the city officials, and the library staff have always had
16 an exciting vision for local library services and they've
17 always seen the library as the center of community
18 activity.

19 In the mid 1980s, a group of residents started
20 lobbying the city and county for a library and fundraising
21 for it. They raised money to purchase the books for the
22 opening day of the library, and they worked with the city
23 to find space and create a building. The city worked with
24 Contra Costa to create the first San Ramon library.

25 The library opened April 15th, 1989, designed to

1 serve a population of about 25,000 with the technology of
2 1989. One year later, after seeing how much the library
3 was being used, City Council formed a library task force
4 to report on, and I quote, how to provide superior library
5 services in San Ramon, end quote.

6 Their 1992 recommendations included more open
7 hours, a volunteer coordinator to expand the use of
8 volunteers, and funds for more library books because many
9 of the shelves were often empty due to the high demand.

10 As a result of this report, San Ramon became the
11 first city in Contra Costa County to pay for additional
12 open library hours. This was a significant change in how
13 library services throughout the county are provided, and
14 San Ramon took the lead.

15 The Library Task Force soon became the permanent,
16 council-appointed Library Advisory Committee, which
17 continues to this day advising the Parks Commission and
18 City Council on library needs and accomplishments.

19 On July 25th, 1983 San Ramon once again became a
20 leader in providing superior library services. San Ramon
21 library became the first library in Contra Costa to be
22 open to the public on Sundays, and these hours continue to
23 this day to be paid for by funds approved by the San Ramon
24 City Council.

25 In April 1996, the City Council approved the

1 Library Advisory Committee recommendation to hire a
2 20-hour Library Volunteer Coordinator, which later evolved
3 into the Parks and Community Services Volunteer
4 Coordinator, and to provide \$12,500 for each of the next
5 five years to buy more books and other materials for the
6 public to check out to fill up those shelves.

7 In November of '96, due to the vision of San Ramon
8 Library Foundation and library staff, San Ramon Library
9 hosted the first of two Smithsonian jazz exhibits at their
10 only California site. They also began the jazz
11 collection, which loans materials to people across the
12 United States, and started the popular jazz concert series
13 which starts its 12th series this month.

14 In '97 and '98 -- now that's 10 years ago -- the
15 Library Advisory Committee made recommendations which
16 included, and I quote, a new larger, up-to-date library in
17 a central location to meet the expanding needs of our
18 community. And they also recommended a library in the
19 Dougherty Valley area to be a joint project with the
20 community college.

21 As you know, the Dougherty station library is
22 completed, open; the community college helps fund
23 additional hours and staff. And the use of that library
24 is phenomenal. The Library Advisory Committee was asked
25 to create a Library Services Master Plan, and in February

1 2001 this plan was accepted by City Council, including the
2 recommendation for a new, larger, up-to-date library.

3 In the long-ago, original document that was created
4 by a city council appointed task force to create a vision
5 for the City Center -- and I know there are at least a
6 couple people here tonight who worked on that -- the
7 library was seen as the focal point of the project.

8 It is exciting to finally see progress on this
9 much-needed facility. San Ramon library has been busy
10 from the first day it opened. Much busier than anyone
11 ever imagined it would be. Branch Manager Anna Coach
12 talked to me before I came over tonight. And she couldn't
13 make the meeting tonight.

14 She recently told me that the two San Ramon
15 libraries are now checking out more items every month than
16 the Central Contra Costa County library in Pleasant Hill,
17 which serves all of Contra Costa County. The door counts
18 of how many people come into the buildings have always
19 been the highest in the county.

20 With the significant growth of our population over
21 recent years, it has become impossible to provide superior
22 library services which are so important to this community.

23 The library has simply run out of enough chairs for
24 people to sit on and enough table space to use their
25 wireless laptops, enough shelves for materials to meet

1 their needs, enough computer workstations, enough space
2 for the variety of programs that should be provided and
3 the size of audiences that attend them.

4 The list could go on and on. In fact a recent park
5 survey of residents showed that the library ranks near or
6 at the top of residents' lists of needs in this community.

7 Library staff has spent years accumulating input
8 from local residents, businesses, city officials, and
9 employees, the school district and students of all ages
10 about what superior library service means to them. All of
11 this research is included in the Prop 14 application the
12 City created.

13 I recommend that you use this information to create
14 a community focus, state of the art City Center Library,
15 where superior library service can once again be provided
16 to everyone. Create first a library of adequate size for
17 the next 20 years. This probably means at least 40,000 to
18 50,000 square feet based on standard codes that are used
19 in planning libraries, or maybe a capability to expand
20 later.

21 And second, create a library with the specialized
22 spaces requested by and needed by this community,
23 including space for children, teens, study and quiet
24 space, local history space, an international area,
25 business space, jazz area for its collection, proper

1 storage and possibly informal performances, and a library
2 foundation store and space, because as some of you may
3 know, the library foundation has already pledged a
4 substantial amount of money to the City Center Library
5 project and they provide the funds for all of the library
6 programs for children, teens and adults, as well as
7 purchasing material.

8 In closing, I encourage you to find an architect
9 with creative, varied, and up-to-date libraries in his
10 or her resume to design the library portion of the
11 City Center. A library is a very specialized building and
12 one that must meet many unique usage, technology, and
13 storage needs.

14 Create an exciting, adaptable, inviting, and modern
15 City Center Library which meets the current and future
16 needs of the community and has the capability to fulfill
17 San Ramon's vision of superior library service for
18 everyone. Thank you.

19 CHAIRPERSON VIERS: Thank you. And thank you for
20 your service to the city for so many years. Didn't know
21 you had moved out of the area.

22 MS. GUNN: I always lived there. I just had the
23 commute.

24 CHAIRPERSON VIERS: Okay.

25 MS. THOMPSON: Excuse me. Are you ready?

1 CHAIRPERSON VIERS: There you are. Camille?

2 MS. THOMPSON: Here I am.

3 CHAIRPERSON VIERS: I'm sorry. And next up is
4 Kris Viers.

5 MS. THOMPSON: Camille Thompson, and I live at
6 25 Corey Court.

7 I'm speaking in support of the proposed City Center
8 design. I moved to San Ramon from Pleasanton 13 years
9 ago. I've been a volunteer at Forest Home Farms for a
10 number of years. I'm proud to make San Ramon my home, but
11 I've always felt that the one thing missing here is a
12 community gathering place.

13 The proposed City Center design not only addresses
14 this, it fulfills it beautifully. It truly gives San
15 Ramon a heart. And I can't wait to take my grandson
16 skating at the ice rink. Thank you.

17 CHAIRPERSON VIERS: Thank you.

18 Okay. Next up is Kris Viers and on deck
19 Joyce Gregory.

20 MS. VIERS: She was a lot shorter than I am.

21 Thank you, Chair Viers, Members of the Commission,
22 and city staff. My name is Kris Viers. I am a San Ramon
23 resident for more than 25 years. And I feel like this
24 wonderful lady stole my speech, because that's exactly
25 what I was going to say, so thank you.

1 You know, we've lived here for a long time and ever
2 since we've lived here, we have loved being a part of this
3 community and have felt that there was always something a
4 little bit missing. And, you know, the heart of a
5 community wasn't there because there wasn't a downtown.

6 There wasn't a place to go for some really fun
7 dining and some shopping, and so we have to go to
8 Pleasanton and Danville and Walnut Creek for that. So
9 when our out-of-town guests came, that's where we would
10 take them because we didn't have a place like that here.
11 And that was sorely missing for us.

12 There's also the economic thing. I always do
13 everything I can to shop San Ramon. I'll almost run out
14 of gas because I want to support the people that have
15 businesses here in San Ramon. And, you know, so when it
16 comes to shopping at a place like a Nordstrom, you have to
17 go out of the area to do that. And I would love to be
18 able to do that right here in my own community.

19 I was fortunate or unfortunate for a while to work
20 down in San Jose, and our office building was directly
21 south of Santana Row as they were being built. So I
22 watched that go up brick by brick. And I had the distinct
23 pleasure of being one of the first people to have midday
24 dining there and shopping.

25 And I thought that is so wonderful. I wish --I

1 kind of coveted the fact that they had such a cool place
2 like Santana Row and we didn't. I felt like the
3 communities around us were surpassing us in everything but
4 getting a lot more housing, which we needed.

5 We have this wonderful Bishop Ranch area that
6 provides businesses and we needed the housing for those,
7 but we didn't have anyplace for those people to shop. We
8 had to get on the freeway and go to Pleasanton, Danville,
9 or Walnut Creek.

10 We need that here. And you know what? Now we have
11 this fabulous opportunity to do something that is almost
12 unheard of with the private sector joining in with the
13 City to provide this wonderful opportunity that give us a
14 five-star hotel; it gives us housing; it gives us the
15 dining and the shopping experience and the City Center
16 with a new police department; a new city hall; a new
17 library, that sounds like it needs to be a little bit
18 bigger; it gives us all those things and, you know what?
19 We don't have to stick our hands in our pockets and pull
20 it out in the form of tax dollars, because it is going to
21 be self-supporting.

22 So I am here, if you hadn't guessed, speaking in
23 favor of the City Center project. And I know there are
24 going to be some traffic issues. We've seen -- I mean, it
25 used to take me less than 10 minutes to drive out to

1 Blackhawk to work and now it takes a whole heck of a lot
2 longer.

3 The City has done a phenomenal job in addressing
4 the growth that we've experienced over the last 25 years.
5 And I know, I have confidence in the City, that that's
6 going to be addressed and it's going to work.

7 And so I am just asking for your favorable vote for
8 this project. Thank you.

9 CHAIRPERSON VIERS: Thank you. Debate at 11:00.

10 Joyce Gregory is up and then Mary Hanson is on
11 deck.

12 MS. GREGORY: Hello? Testing, testing.

13 I have my notes, because I have to have them. And
14 I'll talk fast, because I've practiced at home. I don't
15 take more than five minutes at the most.

16 CHAIRPERSON VIERS: We won't let you.

17 MS. GREGORY: Anyway, first of all I want to say I
18 was astonished about two months ago when I got this flier
19 about this project. It obviously has been at work for
20 more than months. It has been at work for years, I think.

21 I understand from looking at my computer and
22 getting on the Internet that there have been presentations
23 made someplace between February and July all about this
24 before the thing was -- and I thought they would be public
25 presentations.

1 And if they were, I think we should have been
2 notified because, you know, not everybody can read the
3 paper -- they read the paper when they come home at night.
4 Okay? Oh, the meeting is tonight. Oh, that's right, at
5 7:30, 8:00 o'clock.

6 Of course, I'm just like everybody else. I'm
7 worried about you widening -- they want to widen Bollinger
8 right where the project is, and then it's all going to
9 narrow down to this bottleneck at the freeway. Reminds me
10 very much of the Bay Bridge. You know? The side streets
11 are going to be impacted.

12 And the parking garages are going to remain parking
13 garages, as far as I'm concerned. The people are going to
14 park there because they can't get into the lane to get
15 into the street, because all the streets are going to go
16 to the freeway and lead to Bollinger.

17 And you're going to have Camino Ramon is going to
18 be blocked. You're going to have Sunset is going to be
19 blocked. And you're going to have people coming out of
20 the shopping center on Bollinger and they're going to try
21 to go towards the freeway, and there's no way that these
22 extra lanes are going to be able to accommodate all these
23 cars and get into a three-lane road over the freeway.

24 I figure between 4:00 and 6:00 p.m. they are going
25 to have about 2,000 extra cars coming out of there. And

1 it's a plus for the people getting off the buses, too.

2 If you have a transit system and they're going to
3 Walnut Creek or someplace to work and they get out and get
4 home at 4:30, 5:30, and they get in their cars, they're
5 going to add to the traffic, too. Even if they have taken
6 the bus, they're going to add to the traffic on Bollinger.

7 I know when I'm coming down Bollinger and it's the
8 wrong time of day or I come down Alcosta, I go all the way
9 to Norris Canyon, go down left to San Ramon Boulevard,
10 turn left and get onto Bollinger on the other side of the
11 freeway, because I live off Bollinger. And that's the
12 only way I can get home sometimes without being about a
13 half an hour late. My husband wants his dinner on time.
14 Okay?

15 All right. Now I understand that people want
16 dining and stuff. We have a lot of places that do have
17 dining. And I understand that that's important to some
18 people.

19 As far as the upscale department stores go, well
20 years ago Target was supposed to come in and they did, but
21 Mervyn's never did show up and they were supposed to be on
22 the other part of that parking lot.

23 And we have all this small parking, which is quite
24 a lot -- I'll say 80 percent almost is dining. We have
25 dining here. People just aren't coming to it.

1 And it's inconsistent with the Clean Air Act that
2 you have -- that this project goes on. You need -- first
3 of all nobody has even mentioned solar paneling. But any
4 time you build something now, San Ramon should require
5 that solar paneling is a large part of the project.

6 The Sunset has an option to buy the property, the
7 empty lot, I believe, according to what I read on the
8 Internet. They can buy that property back. So I know --
9 I always think that you should give an alternative.

10 When you say "I don't like this," I should give
11 another reason, something else we could do. All right. I
12 don't see any reason why you can't -- if that lot is
13 probably worth a lot of money, you sell half of it. You
14 put your Civic Center, your Police Station, and your
15 Library on one half and the other half specifying that the
16 developer can only put in housing above stores, and you
17 can all the restaurants you want. You can have your
18 little center, but you wouldn't have to impact the whole
19 neighborhood.

20 The people that want all this stuff, I don't know
21 if they live close to it. I realize that they probably,
22 if they go to Walnut Creek or anyplace else, they've got
23 traffic jams when they get there. So they're not worried
24 about traffic jams here. I live close to it; a lot of
25 other people do, and the quality of the air is going to be

1 terrible.

2 Okay. All right. Last thing. When I came to
3 San Ramon 16 years ago, I thought this is a city that's
4 got class. They've got everything planned out. They've
5 got their business park so that it's subtle. You don't
6 notice it. It's not gigantic buildings in the middle of
7 nowhere.

8 You have a beautiful park, and now you're going to
9 put these horrendous buildings, these tall things up here
10 blocking views, being like downtown San Francisco with the
11 traffic of downtown San Francisco. And I just think it's
12 really bad.

13 Now I believe in the integrity of the Planning
14 Commission, that you're going to think about this and
15 really do what you feel is right. Not for the City's
16 coffers, not for the developer, not for the people who are
17 outside the city and want to come in here and spend money;
18 but for the citizens of San Ramon.

19 And I feel that, you know, I don't want my own
20 little valley of pollution, you know, and that's what's
21 going to happen. You're going to have this little valley
22 and it's going to be full of pollution, everything.

23 Thank you. Oh, by the way, my daughter said --
24 she's been a mayor and a city council person in another
25 city similar to this size -- and she said if there's any

1 smart lady here that wants to try to make it to the city
2 council, she will be glad to mentor you. Okay?

3 CHAIRPERSON VIERS: Thank you, Ms. Gregory.

4 Next up is Mary Hanson and on deck Diana Rangel.

5 MS. HANSON: Chairman Viers and Planning
6 Commissioners, thank you for not only hearing my comments
7 tonight but for listening to the probably dozens of people
8 that have been parading up here to air their views. I
9 just really appreciate all the hard work you guys do and
10 reading through, you know, wheelbarrows full of papers.
11 So just wanted to pass that on.

12 With that said, no big surprise I'm here up to
13 speak in favor of the project. Little bit differently
14 maybe than would be my normal style. So starting with
15 the positive, I think from an economic development
16 standpoint, that Rick SanVicente and Bruce Kerns both did
17 an excellent job of speaking for that, so I won't repeat
18 their comments, other than to say ditto, that, you know,
19 they talked about what the City really needs.

20 What I would like to do is do kind of a rebuttal to
21 some of the naysayers and some of the critics on a couple
22 of different areas. So if I get a little out of form
23 here, I may be reading from notes.

24 First of all, the Wal-Mart thing, the rumors about
25 that. That is so ridiculous and preposterous. And it

1 just, it runs through my mind that if the critics have to
2 stoop that low to create that kind of a rumor, that maybe
3 they're, you know -- if they can't find more valid
4 criticisms or ways to try to kill it, then that puts some
5 doubt in my mind.

6 Next topic is the negative impact on the Iron Horse
7 Trail. I am actually blessed to live in the south area of
8 town. My house backs up to the trail in a part that's
9 very pretty. But I'm a frequent user of the trail, and
10 frankly parts of it in our city and in other cities can be
11 pretty butt ugly.

12 That's, you know, you're looking at dilapidated
13 fencing and overgrown weeds and junky back yards. So
14 actually having something that is vibrant and alive that
15 you can detour to, to me would be a plus.

16 Shade from the tall building would be a plus, if
17 you've ever been out on the trail at 2:00 o'clock on a
18 hot, sunny afternoon, going from place A to place B.

19 Having a detour on the trail is nice. If you're in
20 Danville, you can kind of wander off to the farmer's
21 market on a Saturday morning. We'll have that same sort
22 of thing. And that's -- I see those as positive aspects
23 and not as something that is ruining a park area, but
24 rather is complementing it.

25 Next topic, and you guys can cut me off if I go too
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1 long here, but the high density issue, I don't think
2 there's any doubt in anybody's mind that this is a high
3 density project. What I find to be curious is the
4 assumption that high density is a bad thing.

5 High density is not. With land being as scarce as
6 it is and as valuable as it is, as people have mentioned
7 tonight, it makes sense to cluster things, to bring them
8 together rather than to create the suburban sprawl that
9 you see in so many places, including San Jose and
10 Sacramento, and Los Angeles.

11 That's not smart growth. What we're talking about
12 here is smart. Bring it together, create the critical
13 mass. Give it some energy and preserve our open space and
14 our beautiful hills and our places that you can go hiking
15 and do all those things. So I would speak in favor of a
16 high density, if you will, project.

17 The next criticism that has been bandied about is
18 not enough public participation. And maybe I'm getting a
19 little grumpy about this. But the last time we had
20 significant amounts of public creation of a project, it
21 was a \$200 million almost white elephant. So that didn't
22 work. We have something here that will work.

23 I hear in a lot of the comments sort of a general
24 objection to growth, and growth is always a mixed
25 blessing. You know, it's great when you're the person

1 who's arriving, but when the next person or party wants to
2 come, it's not so good.

3 The thing is if we don't grow -- we being San Ramon
4 -- that's not going to stop the rest of the world around
5 us. That's not going to stop the Dublins and the
6 Danvilles and the whoever else in the world from
7 continuing to grow.

8 And what will happen is everybody around us will
9 grow and they will benefit and we'll get the left over
10 dregs, including the traffic. Only instead of stopping
11 here, it will still just be passing through.

12 So to me, growth is inevitable, good or bad. We
13 might as well control it. We might as well do it smart.
14 We might as well create something that is of benefit to
15 the community.

16 Next item is concerns about what the City is giving
17 up. There seems to be a perception that we're somehow
18 selling out to the developer, selling out to Sunset. I
19 think what we need to keep in mind is that is not the
20 case.

21 Yes, the City is giving up some land which is
22 probably pretty valuable on the ticket break or for the
23 whole parcel. But what we're getting is civic buildings,
24 basically at no cost. And we're not incurring incredible
25 costs that we would have under some other proposals. And

1 that doesn't even factor in tax revenues and things going
2 down the pipe. So again, this is not a city giveaway.

3 And then the last objection, which I think all of
4 us have some mixed feelings about is traffic. Traffic is
5 a pain. It's gotten worse. But on the other hand this
6 particular project is going to create traffic patterns
7 that are sort of countercyclical. In other words, we've
8 got the business park, the 8:00 a.m. and the 5:00 p.m.
9 crowd when you can't get down Bollinger.

10 If we put in retail and housing, those are -- yeah,
11 there's going to be car trips. I've heard the number
12 30,000 bantered about; but whatever that is, it's not
13 going to be at the same times of day.

14 The alternative that it could be worse is that you
15 put another business building or two in there and guess
16 what? You create more 8:00 o'clock a.m. problems and more
17 5:00 p.m. problems.

18 And again, back to the, you know, the traffic, it's
19 going to be there. Do you want it coming to us or do
20 we want it just passing through San Ramon?

21 Lastly, and this is kind of on a personal level. I
22 work in Walnut Creek. I also, probably because I'm
23 single, I hang out there a lot with friends. You know,
24 both during the day and also on the weekends.

25 And, you know, Walnut Creek, it's crowded. It's

1 congested. But on the other hand, you spend three or four
2 minutes in your car in congestion to go someplace or even
3 better, sometimes you can walk.

4 And so equate that back to San Ramon. I would
5 rather spend -- first of all I'd like to be able to do
6 stuff in my hometown and, you know, have maybe my friends
7 come here. But also to spend three or four minutes in the
8 car, yeah, okay, got to slog through a few lights, but
9 still is a better alternative than getting in the car and
10 driving the 20 minutes up to Walnut Creek.

11 Not only from a personal level, but from just kind
12 of a macro level. You know, how much gas are we using;
13 what's the impact on the environment, etc. So I see it as
14 being a big plus, having all the amenities that we've
15 talked about and all the benefits just right here in our
16 own back yard.

17 So a definite big plus for this project and I would
18 encourage you to, obviously you have to consider all of
19 the evidence, but I would definitely encourage you to
20 approve it and move us forward. Thank you.

21 CHAIRPERSON VIERS: Thank you, Ms. Hanson.

22 Diana Rangel and up on deck John Dickenson.

23 COMMISSIONER KERGER: Diana Rangel left. She's not
24 here.

25 CHAIRPERSON VIERS: She checked the box that she is
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1 against the project.

2 John Dickenson and on deck Pat Boom.

3 MR. DICKENSON: Good evening, Planning Commission,
4 city staff, and members of the public. My name is
5 John Dickenson, and I'm an eight-year resident of
6 San Ramon and a four-year member of the
7 Economic Development Advisory Committee.

8 San Ramon has so much going for it. It has an
9 excellent infrastructure. It has an excellent array of
10 parks. It has a top ranked school system and teachers.
11 It has great employment opportunities. And especially
12 with the new Dougherty Valley, it is developing incredible
13 diversity.

14 The City of San Ramon has an incredible array of
15 attributes, but it is missing one key thing. And someone
16 already said this, but we didn't coordinate on this. It
17 is missing a heart. A living, breathing, vibrant area for
18 townsfolk to gather, to eat, to shop, to conduct public
19 business, to go to a movie, to meet their neighbors, to
20 meet neighbors that they've never seen before, or just
21 simply to hang out.

22 Throughout history, public gathering places have
23 been the glue that have kept communities together. The
24 importance of a physical space cannot be underestimated as
25 a contributor to a true community.

1 Three-and-a-half years ago, after sitting through a
2 year of meetings on a civic center, after researching the
3 General Plan and city development in general, and after
4 talking to EDAK and city staff and many different
5 residents, I drafted a presentation entitled "The True
6 Downtown for San Ramon," which was subsequently endorsed
7 by the Economic Development Advisory Committee, the
8 Housing Advisory Committee and many others.

9 In this presentation I drew from a range of things;
10 a range of groups that had spoken on the subject, many of
11 which have already been mentioned here today. For
12 instance, from the General Plan.

13 I quote: A vibrant retail area confers a sense of
14 place that strengthens community image and encourages
15 residents to shop, dine, and pursue leisure activities
16 locally.

17 I quote from the Greenbelt Alliance: San Ramon
18 should create a walkable downtown at its planned civic
19 center site with a mix of shops, housing, entertainment,
20 and public building.

21 And there are numerous other aspects, differing
22 groups that had commented on the same exact thing many
23 years ago over these last 10 years in this pursuit of a
24 heart for San Ramon.

25 In the presentation, I/we said a true downtown

1 needed the following attributes: It needed mixed use
2 civic, retail, entertainment, and housing components. It
3 needed to include housing over retail, preferably three to
4 five stories. It needed to be pedestrian friendly, day
5 and night. It needed to incorporate a true town square.
6 It needed buildings oriented to smaller streets and plazas
7 within the site. And it needed a mix of housing for
8 different incomes.

9 This plan that has been presented incorporates
10 every single one of these attributes. This plan provides
11 that so sorely needed heart that San Ramon does not have
12 at this time. I believe that we in San Ramon have a
13 tremendous opportunity to create a true downtown for the
14 economic benefit of the city and the civic good of us, the
15 citizens of San Ramon. Let us take this opportunity and
16 build the plan. Thank you.

17 CHAIRPERSON VIERS: Thank you, Mr. Dickenson.

18 Next up is Patricia Boom and on deck
19 Mary Lou Oliver.

20 MS. CHAMBERLAIN: To the Chair, if I might.

21 CHAIRPERSON VIERS: Um-hmm.

22 MS. CHAMBERLAIN: You need to have a motion to
23 continue for another half hour, because it's past 11:00
24 o'clock.

25 CHAIRPERSON VIERS: Is it that time?

1 COMMISSIONER KERGER: Yes, it's 11:00. I was just
2 going to tell you.

3 CHAIRPERSON VIERS: Okay.

4 COMMISSIONER KERGER: I move that we extend our
5 meeting for another half an hour. It's now 11:00 o'clock
6 and according to our procedures, we can't go beyond 11:00
7 until we have a consensus.

8 CHAIRPERSON VIERS: All right. Do I have a second?

9 COMMISSIONER SACHS: I'll second that.

10 CHAIRPERSON VIERS: All right. All in favor?

11 (Members of the Planning Commission answered in the
12 affirmative.)

13 CHAIRPERSON VIERS: Any opposed?

14 Okay. We extend the meeting 30 minutes. And if
15 you'll watch the clock.

16 COMMISSIONER O'LOANE: If we could extend it
17 with some observation of the three- to five-minute rule,
18 Mr. Chair.

19 CHAIRPERSON VIERS: All right.

20 MS. BOOM: Thank you very much for extending the
21 meeting. I'm Pat Boom. I live at 2567 Shadow Mountain
22 Drive in San Ramon. I am a 35-year resident of San Ramon.

23 Before I continue anything, I submitted a letter to
24 Debbie Chamberlain from Jean Oman (phonetic). She was
25 unable to be here this evening and she wanted her letter

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1 read into the record.

2 CHAIRPERSON VIERS: Okay.

3 MS. BOOM: So I want to ensure that this is done
4 before the evening is finished.

5 Uniquely enough, I am actually speaking just for
6 myself. I do not represent anyone else. After living
7 here 35 years, with all that I've heard about some of the
8 negative comments about this city, why am I still living
9 here after 35 years?

10 Well, I'm living here because I love this city.
11 It is probably the best planned city I think I have ever
12 seen. We do a tremendous amount of traveling in this
13 country. We do a lot of driving traveling, and I've gone
14 through cities who don't care. And it shows. This city
15 cares, the residents care, the community, the staff, the
16 city councils, and the commission care about this city.
17 And it shows.

18 Obviously being here 35 years, I have been involved
19 in numerous discussions on several city centers in several
20 different locations. Obviously not only involved, but sat
21 in as a resident on numerous public hearings. There were
22 share its, there were forums, there were discussions,
23 there were public hearings, there were comments made by
24 the public, there was discussion going on on a
25 City Center, has been, for at least 15 to 20 years.

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1 And all of that discussion I hope has been included
2 for this City Center. And I think it has, because it
3 shows in its design. As you can tell, I'm supportive of
4 this project. I've waited a long time for the soul of San
5 Ramon to be created so that people can enjoy it and share
6 it with others.

7 Obviously we all have concerns. My one concern is
8 the traffic be adequately addressed. I think we all have
9 that concern. I'm not going to get into the details of
10 which street, which area. I just want the traffic
11 adequately addressed.

12 The Plaza Center is so special. I can see so many
13 people coming down and sitting there and enjoying it. And
14 having evening hours, which is not something this city has
15 much of. It closes down. I want it to stay open at
16 night. I want to be able to use the services here in this
17 community.

18 When I moved in here 35 years ago, I could not buy
19 bread and milk in my own city. I had to go to Danville
20 for bread and milk. Well, there's a lot more services now
21 provided in this community and I'd like to be able to
22 continue having that. I want to shop San Ramon. I want
23 to provide my tax monies. I want my money to come back to
24 benefit this community.

25 I've talked with many people, especially at the

1 farmer's market at Forest Home Farms. I'm with the
2 San Ramon Historic Foundation, and we are there every
3 Saturday. And a lot of people ask questions about the
4 downtown.

5 Well, I wanted to get their opinion and I wanted to
6 do it very carefully because I did not want to share my
7 opinion with them. I wanted them to tell me what they
8 thought about this particular project. Every one, which
9 still amazes me, has been in support of this project.
10 That in and of itself was unique because there's always
11 someone that says well, no, I don't like this or I don't
12 that.

13 I don't know how many people have said to me that
14 they are so pleased with this project, they want to move
15 into the apartments in this project; they want to live
16 there; they want to shop there; they want to bring their
17 families there; they want to eat there.

18 There was one concern and the concern was why
19 hasn't this been built sooner. They want it now. They
20 want to use it now, and so do I. I hope you support the
21 project. Thank you.

22 CHAIRPERSON VIERS: Thank you, Ms. Boom.

23 Next up is Mary Lou Oliver, and on deck Linda Best.

24 MS. OLIVER: Good evening. My name is

25 Mary Lou Oliver. I am a 37-year resident of San Ramon.

1 I've been around for a while. I've been involved in
2 things for a while.

3 And one thing that I am extremely disappointed
4 about this evening is that the positive comments on this
5 City Center Project have all seemed to come after the
6 majority of the public have gone home.

7 26 years ago, a group of 14 people got together and
8 thought that this city needed better planning. And from
9 that came the Incorporation Study Committee and from there
10 came the first City of San Ramon.

11 Those 14 people footed the bill for the feasibility
12 study because the county wouldn't do it at the time. This
13 is the result. We have an absolutely beautiful city.
14 I've heard comments it's missing a soul, it's missing a
15 heart. We have the opportunity to do that now.

16 Most of my comments I just crossed off as other
17 people made them. Mr. Barr took care of about a page and
18 a half. Mr. SanVicente another page. Ms. Hanson even
19 more. And so on. I agree with everything that they have
20 all said.

21 And I've also agreed with their concerns, and I
22 think we all share the same concerns. I wish Caltrans
23 would cooperate with cities, with their traffic light. I
24 think a great deal of the problem on Bollinger Canyon Road
25 would be handled if the traffic light over the freeway

1 could be coordinated with ours, and it's very unfortunate
2 that that does not happen.

3 I have been personally involved in four City Center
4 plans. The first one was an ill-fated effort very early
5 in the development of San Ramon, and the location was bad.
6 The second plan had a great deal of merit, but was
7 torpedoed. The developers were sent packing at great
8 expense to the City.

9 A new development plan that's been referred to, and
10 I think very well, as a white elephant was developed,
11 again at great cost to the City, with no means of paying
12 for it. And I am sure that if the public had been asked
13 to foot the bill, the answer would have been no.

14 Now is finally an opportunity to do a fiscally
15 responsible project. I have some serious concerns about
16 some of the elements of the plan itself at its concept,
17 but the time for that will come in the future.

18 I agree with those who feel that the Civic Center
19 may not be in exactly the right place and that the impact
20 might be a little bit less with the tall buildings if they
21 were slightly differently located. But I'm not an
22 architect or a planner and so I won't propose any
23 alternatives myself, but I will certainly listen to other
24 alternatives as they are presented.

25 You have quite an obligation ahead of you. Good

1 luck. Thank you.

2 CHAIRPERSON VIERS: Thank you, Ms. Oliver.

3 Next up is Linda Best and on deck Leslie Mague.

4 MS. BEST: Thank you, Mr. Chairman and Members of
5 the Commission. My name is Linda Best, and I'm here on
6 behalf of the Contra Costa Council and the Contra Costa
7 Economic Partnership.

8 And we really would like to congratulate the City
9 and Sunset Development Company for incorporating such a
10 strong residential component into the overall civic center
11 plan.

12 By way of background, our two organizations promote
13 economic vitality in the county and quality of life. And
14 certainly this project before you this evening is really a
15 shining example of good economic development.

16 We also address public policy issues that affect
17 economic development and economic vitality. And one of
18 those issues is housing. It's very clear that this is a
19 major challenge for us, and we hear from employers all the
20 time that their most important challenge or most difficult
21 challenge is attracting and retaining qualified employees,
22 largely because there just simply is not enough supply of
23 housing that's affordable to the workforce as a whole.

24 And by the way, that includes not just private
25 companies, but it includes the providers of critical

1 public services, such as health care providers and
2 educational institutions.

3 So in looking at the plan before you tonight, we're
4 really please to see this residential component. And
5 what's especially praiseworthy is that the plan is
6 committing to 487 high-density units that will be located
7 in the mixed-use setting, meaning they will be close to
8 jobs and certainly will go far to mitigate some of the
9 traffic impacts that the plan will produce.

10 And secondly, the plan is comitting to a percentage
11 of units that will be below market units, deed restricted
12 that will be more affordable to the lower income workers
13 in the city.

14 An lastly, we really commend the establishment of
15 the Transit Center, which will help provide transit
16 services to neighboring communities and to BART as well.

17 These are all very good examples of good planning
18 and smart growth. And so for those reasons we encourage
19 you to be sure that this element of the plan remains in
20 the plan and the way it's described. We think it will
21 help make that plan a very balanced one.

22 Thank you.

23 CHAIRPERSON VIERS: Thank you, Ms. Best.

24 Leslie. Then on deck Kathy Pleva.

25 MS. MAGUE: Pleva.

1 Hi. My name is Leslie Mague, and good evening,
2 City Council and planning staff.

3 I live at 128 Claremont Crest Court. This is not
4 in my back yard, so I'm glad to be here today to talk
5 about the downtown City Center.

6 I have a five-year degree that I earned from the
7 Northwest Pacific Plan in attending planning meetings.
8 And I've learned much, and hopefully some of my learnings
9 can be shared tonight.

10 I'm glad the audience has cleared a little bit
11 because mainly my reason here tonight is to talk to the
12 City Council. So I'm hoping that just one on one, I kind
13 of feel like --

14 COMMISSIONER KERGER: This is the Planning
15 Commission.

16 MS. MAGUE: I mean Planning Commission. Hello.
17 Planning Commission. And I failed. I got an F in my
18 education.

19 But the City of San Ramon does need a heart, but we
20 don't need to give it a heart attack. This is way too
21 big, too big, too big. I agree with the librarians who
22 came up here today and said instead of 36,000 square feet
23 they want 50. Give them 100,000 square feet for the
24 library. They need a library.

25 We have huge families in this area with a lot of

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1 kids. We need places for them to go and learn and be the
2 best educated group in Contra Costa County.

3 This meeting, to me, has been like deja vu. A lot
4 of what the residents have been saying and doing and what
5 you're hearing and listening, I hope you really hear and
6 act.

7 A very wise man about a year ago said to me that
8 the City Council's job is to represent citizens of
9 San Ramon, provide them detailed information, both
10 positive and negative on the project. And that wise man
11 is still sitting here, Mr. Athan.

12 When I spoke to him about my concerns when I first
13 started attending the Planning Commission meetings -- and
14 this is important because there's been a great job in
15 selling and marketing the downtown City Center. But I ask
16 the Planning Commission to please respond to the residents
17 with as much interest. Please act, not just listen.
18 Please act, not just listen.

19 I grew up in Walnut Creek. 17 years in Walnut
20 Creek. I've lived 14 years in San Ramon. If you paid me
21 to go to Walnut Creek during lunch hour or after 10:00, I
22 would never go. There's no way I can find parking. My
23 husband works in Walnut Creek. He has a parking spot.
24 He won't get in his car during lunch or even at 2:00 for
25 fear that he might have a lot of traffic to contend with.

1 I ask you to listen to this, because it's real.
2 It's not based on numbers. It's based on real stuff that
3 you've heard tonight from residents.

4 Ultimately each of you make the decisions and those
5 decisions from this project will impact the residents.
6 We need you to act and reduce the scale of this project.
7 One of the biggest concerns from the last project planning
8 meeting that I attended for four years was that we started
9 asking for it to be scaled back, never once did that
10 number change. Things got moved around, but never once
11 did that scale change. And that was really disappointing.
12 And we had good input, too.

13 I share with you traffic being a huge issue, and
14 many people tonight have discussed that. But I have to go
15 at 5:15 to take my son to one of the beautiful 18 parks in
16 Windemere for soccer. I didn't pick his time. It takes
17 me 45 minutes to get to the new Tiffany Roberts stadium
18 and 45 minutes to get back.

19 I scratched my head the other day and said how am I
20 going to get there quicker. If I take 680 and get on 580,
21 get off at Dougherty, I might be closer. But I had to go
22 to Dublin possibly first to get to San Ramon and I live in
23 San Ramon.

24 So I was kind of concerned when I thought about
25 what other back ways are there? When that was the only

1 option, I got scared. And I think it's fear and
2 skepticism from what we've seen in the past and from the
3 countless hours that you guys have to sit here and make up
4 decisions and discuss the process. We really just want
5 you to read this, act upon it. Sure, a great heart of the
6 city would be fine. It can be smaller and still pump with
7 life.

8 Timelines. I think Donna said tonight something
9 about timelines. Timelines can be extended. This is
10 forever. This is a big step. This is the heart of
11 San Ramon. This is forever. Please prove to us with
12 significant modifications on the size and scope by acting
13 on the residents' responses tonight, both positive and
14 negative.

15 And I don't think it's even really positive and
16 negative. It's just our feelings. I ask you to take the
17 responsibility and own this project not for the sake of
18 profit alone, but for the sake of the future of San Ramon
19 and its residents' quality of life.

20 And quality of life means living in a place where
21 you want to raise your family and that family wants to
22 raise their family safely. Would you not want to be
23 Dublin; would you not want to be Concord; would you not
24 want to be Walnut Creek? I don't know about you guys, but
25 I shop in San Ramon. Target and Safeway have a lot of my

1 money. And I don't go to Walnut Creek to shop unless you
2 make me go, because it's too scary.

3 We elected each of you to represent the citizens of
4 San Ramon or you were appointed I should say. And I hope
5 that your beliefs on why you're in this position remain
6 the same and true, not based on what people tell you to
7 do, but what you in your heart feel is the right thing to
8 do.

9 And I ask this openly and honestly from you because
10 I know that you're good people and you work long hours,
11 but we really need to listen and we need to listen and use
12 facts. But sometimes facts aren't in numbers that are
13 crunched in an EIR. It's in facts about how long it takes
14 me to get someplace or anybody else in this room; or where
15 I'm going to spend my money. I spend it here and so do
16 others. We can do just as good by making this smaller and
17 smarter. Thank you.

18 CHAIRPERSON VIERS: Okay, Leslie. Thank you.

19 Kathy Pleva.

20 MS. PLEVA: Good evening. 126 Woodcrest. And my
21 husband and I moved to San Ramon around six years ago
22 because it was a quiet and slow-paced city. Now it just
23 seems like it's growth, growth, growth.

24 I went to school with Leslie at the Northwest
25 Pacific Plan and learned a lot, and that is in our back

1 yard and that scares me. And now we're talking about this
2 project, too, bringing more traffic, more air pollution,
3 water shortages, crime.

4 Crime seems to be jumping up in San Ramon. And
5 litter. Litter is a pet peeve of mine. And every time I
6 go up Crow Canyon to go home, there's litter all along the
7 streets. And I just feel like something of this magnitude
8 is just going to drive all that up: Crime; air pollution;
9 traffic, of course; and litter.

10 So please take into consideration everybody that's
11 talked tonight. And I'm kind of new at this. It seems
12 like -- do the cards get mixed up? Because it seems like
13 all the pros got to speak already and now the cons are
14 coming. No pun intended.

15 So I don't know if they get mixed up or how it
16 goes, but any ways, thank you.

17 CHAIRPERSON VIERS: Thank you.

18 Okay. At this juncture I've got the cards from the
19 people that spoke for the EIR. That's why you got the
20 little mix up going there. These people have already
21 spoken. Now they get to come up and speak again. That's
22 why I gave the courtesy to the people that hadn't spoken
23 to come up first. And just seemed like the majority of
24 them were pro at the beginning. Anyway, there was no
25 order to the cards.

1 Next up is Mr. Blickenstaff and on deck is
2 Thomas Albert.

3 COMMISSIONER SACHS: Mr. Chair, if I might.

4 CHAIRPERSON VIERS: Is it time?

5 COMMISSIONER SACHS: We are running up against
6 either voting for another extension or adjourning the
7 meeting.

8 COMMISSIONER KERGER: No. Technically we can go to
9 midnight. It's no other new business after 11:00 o'clock.
10 This is the last item, and we can stay till midnight. I
11 don't want to stay till midnight, but we can stay.

12 COMMISSIONER SACHS: Do we need to make a motion to
13 extend that out? Because we motioned until 11:30.

14 COMMISSIONER KERGER: Yeah, we --

15 COMMISSIONER SACHS: I'll just do it so we can be
16 legal about it.

17 COMMISSIONER KERGER: Okay.

18 COMMISSIONER SACHS: I move to extend the Planning
19 Commission meeting until 12:00 a.m.

20 COMMISSIONER KERGER: I'll second it.

21 CHAIRPERSON VIERS: Okay. All in favor.

22 (Members of the Planning Commission voted in the
23 affirmative.)

24 CHAIRPERSON VIERS: Okay. I have, for those of you
25 that have already spoken, I have two, four, six, eight --

1 I have nine cards.

2 COMMISSIONER KERGER: And these are people that
3 have already spoken.

4 CHAIRPERSON VIERS: And we've taken some prior, so
5 three nines are 18. I think we can do it. Go ahead,
6 Mr. Blickenstaff.

7 MR. BLICKENSTAFF: Thank you. I'm going to do some
8 speed talking here now. Well, the good news is I told
9 almost everything in my first speech; and now I'm down to
10 about two minutes' worth, so I'm sure that will please a
11 number of people.

12 CHAIRPERSON VIERS: Right.

13 MR. BLICKENSTAFF: In terms of the project itself,
14 we're coming to a point I call a fundamental crossroads
15 for San Ramon and that's where you get this discomfort in
16 the community growing, because to give some civic
17 buildings -- and I'm not even sure if we own them outright
18 or are leasing them -- our tradeoff is to trade off the
19 future of San Ramon in terms of what it's been and now
20 what it's going to be.

21 It's been represented by a lot of setbacks to
22 beautiful buildings like Chevron and even AT&T with some
23 waterscapes and some green setbacks, greenscapes,
24 intermingled with business buildings. Very attractive
25 mingling of commercial business and green space in the

1 projects that we've had in the past.

2 And now you're coming with a tradeoff of saying
3 we're going to get some benefits for a Civic Center in
4 terms of a police station, a civic building and so forth.
5 But we're going to have to do 100-foot buildings that are
6 much closer to the sidewalks and the streets.

7 So we're changing the look of the City and
8 understanding with this growth, we're changing the future
9 of the City. Because once you've set the standard for
10 100-foot building here, that will be the standard in five
11 years, 10 years, 20, if you're lucky. Usually as you've
12 seen in the past, progression just goes up even higher.

13 If you want to change the future of San Ramon in
14 such a fundamental way, that is a profound concept and is
15 troubling to me, because most people that live here and
16 moved here were comfortable with the City as it was
17 growing with the greenscapes and the views of the hills
18 that weren't blocked out by 100-foot buildings.

19 And now you're saying no, no, no. To make it
20 financially work, we have to kind of start looking just a
21 little more like Walnut Creek or Concord. And that's
22 where the unease comes from, because I don't think we have
23 to start going that direction. That's the predominant
24 direction of any city, is to go that way.

25 But if we think San Ramon is special, do we have to
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1 do that, too? Do we have to follow the path of a Concord
2 and a Walnut Creek? In terms of oh, we financially just
3 have to do it; and oh, by the way, now we've got gridlock
4 and it's scary and there's crime and it's not the fun
5 place to be anymore.

6 Something went wrong there. And I thought
7 San Ramon took that lesson and said we're going to be
8 different. But now you're coming back and saying no, the
9 commercial forces and the business forces are now such
10 that maybe we should start to go that same way, with
11 changing the views and bringing the buildings up closer to
12 the streets and making them higher. Every time we have a
13 project for a building now it's another two stories
14 higher.

15 And I don't think it has to be that way, so I'm
16 proposing that this is not a done deal. I'll give you the
17 benefit of the doubt on that, because certain people on
18 the City Council act like they'd just as soon vote for it
19 yes tomorrow rather than wait for this process.

20 So I think that cheerleading by certain people that
21 have already made their decision is wrong. I think that
22 certain people should analyze the final EIR, look at the
23 grand view here of some competent information before
24 cheerleading a project just out of the gate.

25 That's where this "done deal" comes in, from that

1 kind of rhetoric from certain people in roles of
2 leadership. So let's really say it's not a done deal.
3 Let's start looking at making the civic buildings work
4 with the community center and the community park and start
5 blending those in.

6 And let's look at it as an orientation of that with
7 some recreational space that works to bring more people
8 into the Central Park. We've given up any recreational
9 space or open space in this project. It's built to the
10 Nth degree here except for a quad for a hotel or whatever.
11 But that's not my heart of the city. Quad for a hotel is
12 not my idea of heart for the city. I'd rather have a real
13 heart than an artificial one, if you want to do play on
14 words.

15 So anyway, my two minutes is up, so what's I think.

16 CHAIRPERSON VIERS: Thank you. You're a man of
17 your word.

18 Next up is Mr. Albert and on deck John Nunes.

19 MR. ALBERT: I agree with the idea of a larger
20 library and a pedestrian friendly area in the city.
21 Personally I don't feel any need for any additional growth
22 or development, but I've heard a lot of people today voice
23 their heartfelt desires for more development and for a
24 downtown.

25 And so I guess something is going to happen along

1 those ways, but I'm very much persuaded by the argument to
2 scale down. And I'm particularly an advocate of scaling
3 it down so that it becomes, quote, consistent with the
4 Clean Air Plan.

5 I'm surprised that it's even legal for choices to
6 be made that are inconsistent with the Clean Air Plan,
7 because I believe that would have consequences for
8 people's well-being.

9 Now the idea of having a place where, someone
10 mentioned you could buy expensive coffee and ice cream,
11 and thereby increase your high blood pressure and the risk
12 of heart attack -- and heart disease is the number one
13 killer in the United States.

14 I would suggest that since there was some mention
15 of a possibility of having a farmer's market and since the
16 City and the County have a predicament with the Windmill
17 Farms produce -- by the way, I ride my bike to work every
18 day and I've been eating at Windmill Farms for 14 years
19 and I've never been healthier, so I don't believe that
20 Windmill Farms is a danger to my health.

21 I rather think that Windmill Farms is protecting me
22 from heart disease, high blood pressure, and risk of
23 diabetes. I would suggest that the City consider moving
24 Windmill Farms into the heart of its new plan and that as
25 a number of people have mentioned, there should be solar

1 paneling.

2 I think there could be wind energy as part of the
3 project. Some of these structures could have windmills on
4 them. One of the nice things about San Ramon -- I live in
5 Danville, but I work in San Ramon -- is it's a little
6 cooler here. It's a little cooler here because there's
7 wind coming in; there's a breeze.

8 And that would be a shining example, and this city
9 would be a city on the hill for the rest of the nation if
10 it was a pioneer in solar energy and wind energy. So I
11 would suggest that you consider that.

12 By the way, in front of the Windmill Farms is a
13 sign that the City put up that says "Spare the air." And
14 I think spare the air should be the motto of this city and
15 should be the motto of this center.

16 I also believe that Windmill Farms is a step
17 forward in that direction, because they buy more produce
18 locally than the big supermarket is likely to do.

19 Now Phil O'Loane said something to me that was --
20 said something to us that was quite interesting. He said
21 this is the most important decision we will ever make.

22 Not only is it the most important decision that you
23 face this week, if I understood Phil O'Loane correctly,
24 it's the most important decision that you will all make
25 ever as a body. And I think that it's good if you listen

1 to the folks here and make the right choice.

2 If not, I have learned that -- from your City
3 Attorney by the way -- that with 5,800 signatures I could
4 put on the state, under state law, I could put on the
5 ballot the question of the City Center for vote by the
6 citizens themselves.

7 I would think given that according to the
8 Planning Commission this is the most important decision
9 that the Planning Commission will ever make, that we
10 should all of us consider the possibility of having a
11 general election on this most important question.

12 So I leave that as an option.

13 CHAIRPERSON VIERS: Thank you, Mr. Albert.

14 Mr. Nunes and on deck Roz.

15 MR. NUNES: Good evening, Planning Commission
16 Members again, and also city staff. Again I commend the
17 hard work the Planning Commission has done and also the
18 city staff. It's a very arduous task to go through, I'm
19 sure, over such an important project.

20 I've lived in San Ramon for only about three and a
21 half years. So I guess I consider myself to be somewhat
22 of a novice here in comparison to the longevity of some of
23 the other residents that have gotten up here and spoken.
24 So I haven't been able to follow this process over a
25 number of years. I don't know. That might be a good

1 thing.

2 However, what I have to do is really rely on
3 reading the Planning Staff Report and then also talking
4 with few people who've lived in this area for quite a
5 while and also a couple of staff members. And what I
6 gather reading through the planning staff and looking at
7 some of the history here is that it started out with the
8 City Center wanting to or considered to go to the
9 redevelopment area, which was over on the north side of
10 San Ramon originally.

11 And then it's gone through a couple of other
12 processes and concepts here in the City Center. One of
13 which I had noticed was an 18 member task force that was
14 comprised of the community. And they came up with a
15 number of, I guess, ideas as far as what they would have
16 liked to see the City Center be.

17 And what really kind of got my interest was that
18 the convergence of ideas from one council to the next one,
19 considering what they wanted this project to be. For
20 instance, this task force and also the former city council
21 came up with 50,000 square feet of retail uses, and the
22 current planning staff and city council goes to the other
23 extreme at 635,000 square feet of retail.

24 The former council wanted to put in a cultural
25 center, and the current council doesn't -- or planning

1 staff doesn't seem to be in favor of that. One council
2 was in favor of raising the current council and planning
3 staff in favor of raising apparently four city blocks of
4 office buildings. The former one didn't.

5 One had the Civic Center adjacent or contiguous to
6 the Central Park, which seems like -

7 COMMISSIONER KERGER: Mr. Nunes, could I ask you a
8 question?

9 MR. NUNES: Sure.

10 COMMISSIONER KERGER: You only have two minutes,
11 and to repeat history to me is irrelevant at this time.
12 What I'd like to know is what are your feelings right now
13 about this project?

14 MR. NUNES: I think, you know, considering that the
15 other project was somewhat downscaled, considering what
16 this one is, this one is a lot more intense, I don't think
17 the other one had a proper funding mechanism to be able to
18 support the things that the residents and apparently the
19 former city council wanted.

20 I think this one kind of goes to the other extreme,
21 where it's completely funded by a developer. And the
22 Civic Center itself is, you know, total public use. So I
23 think in some fashion that the public should help support
24 it.

25 And I think if they did that, then the project

1 could be scaled down to a reasonable level, still
2 incorporating all the concepts that are currently on the
3 table right now, that the Planning Staff and the City
4 Council have come up with. And I think that would be a
5 reasonable way to go ahead and approach this.

6 Particularly, put the Civic Center I think where it
7 belongs, which would be contiguous to the Central Park.

8 Thank you.

9 CHAIRPERSON VIERS: Okay. Thank you, Mr. Nunes.
10 Roz and then Mr. Gibbon.

11 MS. ROGOFF: Okay. Well, my feeling is that the
12 north side of the development is probably just right the
13 way it is. And I think -- I was at one of those meetings
14 that EDAC had where they had the consultant come in and
15 present what could be self-sustaining retail.

16 And there was no -- the problem was that San Ramon
17 didn't have anyplace to put all that retail. We couldn't
18 squeeze it in in all the different places that we needed
19 to to get the, what was it, something like 670,000 square
20 feet of retail, or whatever, which is what is planned for
21 here.

22 And then the people who are saying well, the
23 upscale department stores didn't work in Blackhawk. Well
24 Blackhawk isn't accessible to everybody. Who's going to
25 go to Blackhawk to shop at Saks Fifth Avenue? I mean,

1 that's ridiculous.

2 But why should they assume that big department
3 stores and the upscale shopping wouldn't be perfect over
4 here. I remember, I was driving in a car with
5 Valerie Barnes to a CTV meeting in Livermore, and it was
6 right after they opened the Hacienda Crossings. And we
7 were driving past it and I looked at that and I said,
8 "Boy, is that an ugly shopping center."

9 And Valerie, if anybody remembers, was on the
10 Dublin city council and they approved that. And she said,
11 "Yes, but it pays for east Dublin." All of the facilities
12 that they have in east Dublin -- the parks and the other
13 things that they have there are being paid for by
14 Hacienda Crossings.

15 And you know what, I go and shop there too. It is
16 convenient and it's got a lot of things and it's the right
17 kind of place -- I shouldn't say this; it sounds kind of
18 cheesy -- but it's the right kind of place for Dublin.

19 And this is the right kind of place for San Ramon.
20 It just has -- I think it will really be a nice place. My
21 concern has always been on the south side of the street
22 and the big office buildings and where the City Center,
23 the civic offices are located.

24 And I see that Mary Hanson laughed, but she'd get
25 just -- she'd get enough shade from a three-story building

1 as she would from an eight-story building and be a little
2 bit nicer.

3 And I was thinking, you know, and is Pauline -- is
4 Pauline there? Yes, she is. Hi, Pauline.

5 Pauline said something about having like a little
6 park area. If you move that building over to where that
7 great big office building is, the city building, it's
8 right next to the Iron Horse Trail. And we know that
9 there's going to be this long stoplight where people are
10 waiting two minutes, three minutes before they can cross
11 the street.

12 Wouldn't it be nice to have like a little park and
13 gathering place right in front of the Library and the
14 City Hall where people could stop and get some water or
15 refreshment or something while they're waiting to cross
16 the street, and maybe run into the Library and get a book
17 or something. And it would be just so much nicer, and
18 it's right across from Central Park for the people on
19 their bikes going -- you, wouldn't you like that? You
20 can ride your bike. I mean, that would be nice.

21 So there are a lot of things I think that can be
22 done that would make the ambience of this a little nicer.
23 But as far as -- but I think it needs to be this massive
24 in order to sustain itself. You can't have it too small.
25 Maybe that was what was wrong with Blackhawk. Maybe it

1 just wasn't big enough or it wasn't accessible enough, and
2 I think that this is.

3 CHAIRPERSON VIERS: Thank you, Roz.

4 Okay. Mr. Gibbon, there's two cards here. I will
5 only honor one.

6 COMMISSIONER O'LOANE: He want six minutes.

7 MR. GIBBON: I already talked once.

8 COMMISSIONER KERGER: Who's got the stopwatch?

9 CHAIRPERSON VIERS: Okay. We gotta keep a watch on
10 this guy. Promise us three minutes, because we have the
11 Desmaraises and some others. One other person.

12 MR. GIBBON: Okay. I'm going to give you a short
13 history. I've lived here for 30 years. And 1994-95, I
14 even ran for city council. And then I went into
15 hibernation. Did my own business for 10 years until
16 something caught my eye that was something wrong.

17 And it was a decision that was being made by the
18 City Council because I didn't get wise of it until it got
19 to the city council, and that was the Los Trampas Ridge.

20 How you can butcher a ridge like -- well, it
21 reminds me of San Diego, which they just chop and level
22 everything off and not care about it and then justify it
23 as part of the future of San Ramon. I said to myself,
24 there's something wrong with that.

25 Anyway, Mary Lou Oliver said, "I'm not an

1 architect." Well, I am an architect, and I know what the
2 effect of this project will be to the city and to this
3 street. And I know that people don't like to park in
4 parking structures to go shopping. They need open space.
5 They need to know that there's somebody there.

6 I know that this town has been fighting for the
7 last 30 years. Party, party places like the Blue Mondavi;
8 the place that's down next to the library. Every one of
9 them have lost their liquor licenses. You remember that?
10 And we're proposing an extension of hours, full liquor
11 sales in a small area at night.

12 You think we would learn not to give our kids
13 opportunities to go party, because every time you turn
14 around -- you talk to the police department. It's nice
15 that the police department is going to be across the
16 street, because they're going to need it.

17 Us older folks are not going to be down there at
18 night. It's going to be a singles crowd. It's going to
19 be wild time in the city, and there's going to be police
20 on that street holding kids back. And I hope you have a
21 big jail.

22 My professional opinion about this project is that
23 there's an easy way of reducing it without reducing it,
24 and that is get rid of the eight-story buildings. We have
25 five-story buildings, and they seem to work. We've given

1 a lot for those five-story buildings. We've given a lot
2 of FAR for those five-story buildings.

3 Now we're giving more. You realize that the 20
4 acres that we own, we're the ones that jacked up the price
5 of it, the value of it. And we're going to end up paying
6 for it. No matter what you say about this is going to be
7 economically balanced, it's going to cost us \$80 million
8 worth of land already.

9 We're much better off leaving it as a ballpark,
10 putting ballparks on the 20 acres. I don't think that's
11 going to happen and I don't suggest that's going to
12 happen. But there's one sure way of slowing this project
13 down, and that is to go to five-story buildings.

14 And to that end, I'm going to take his advice and I
15 think that we'll just go ahead and have a race here and
16 see who can get 5,000 signatures how fast. I think we'll
17 do it for the five-story buildings and I think that we'll
18 do it for the location of the City Center and I think that
19 we'll do it for -- there was something else that I'd like
20 to do it for.

21 You know, once you do it, one you start -- oh, I
22 know. We'll have a ballot measure on whether we should
23 have approved this City Center as its built. That's three
24 initiative we can go out and I guarantee you I can get you
25 5,000 votes -- I mean signatures.

1 COMMISSIONER KERGER: I think your two minutes are
2 up, John.

3 MR. GIBBON: Right, but let me suggest to you that
4 there is another method of doing this.

5 COMMISSIONER KERGER: No, I'm serious.

6 MR. GIBBON: There is another method of doing this;
7 and this is by considering it, and considering the density
8 that you're proposing here.

9 Thank you.

10 CHAIRPERSON VIERS: Okay. Thank you.

11 Janis or Paul, either one.

12 MS. DESMARAIS: I'm as tired as you are and I want
13 to get out of here; and I know we're getting cranky, so
14 let's hang in there.

15 COMMISSIONER KERGER: We're getting very tired.

16 MS. DESMARAIS: Okay. I've worked for the City of
17 Pleasanton for over 10 years. And in our police
18 department and our library and our city offices, 110,000
19 square feet that you've allowed for this project for our
20 civic center is way, way, way too small.

21 Seriously. You guys need to compare. Look at
22 Pleasanton's PD department. Look at the library. Look at
23 Danville's library. Look at what our neighboring cities
24 have done. Let's not go backwards. Let's do a great job.

25 A plan is never a perfect plan. Listen to the

1 people. There are incredible ideas out here. It is not a
2 done deal. It is a good plan, but let's make it a great
3 plan. The room that has been slated for the Civic Center
4 is too small. We got the short end of the stick. We want
5 a bigger piece to make it fair.

6 The teeter-totter is balanced down, way out of
7 balance. This thing makes no sense. For the Civic
8 Center, for the people's public land to be traded for
9 three-and-a-half acres out of a total of 44 acres? Get
10 real people. We expect a little more for this, our short
11 end of the stick. We want more. We want a better deal.
12 Cut a better deal and look at the whole plan.

13 Three-and-a-half acres, 110,000 square feet, will not last
14 more than a year, if a year.

15 Have any studies been done? Have you compared with
16 other cities? Have you looked of the sizes of their PD
17 departments and how many officers they have for the number
18 of citizens in that city? Our citizens in this city have
19 doubled, will triple. You have to have so many officers
20 per the number of citizens. In that situation you need to
21 provide enough space for a police department to run
22 adequately to be effective.

23 We don't want to be behind the times. We want to
24 set the trend. You've done that in the past. Continue to
25 do that in the future. Look at the best that we can

1 offer, go for the best.

2 And I don't think this is the best. I don't think
3 presenting a plan and everybody who wants a heart and a
4 downtown and all the special interest groups that have
5 talked tonight, that's all great and wonderful, but
6 they're also being paid.

7 Look at what you're getting. You're getting the
8 short end of the stick on this deal. Do what's right.
9 Because once this decision is made, it's made. It's done.
10 Be smart. Be smarter than what is laid out on the table
11 and look at the best interests for the people of the city
12 so that your name can go down in history as making some
13 really good decisions.

14 110,000 square feet is so tiny. Quality not
15 quantity. And I just want to read from the General Plan,
16 because I know in the past you've told us over and over
17 that this is the bible; this is what the citizens voted
18 and approved. Well, this is what the citizens actually --
19 if I can find it. Oh, great.

20 If you read the General Plan and it talks about
21 under Section 4.1, 4.2, it describes a civic center that
22 has public meeting, civic use purposes, small retail, next
23 to Central Park. It's the exact plan that the people
24 voted and approved.

25 That doesn't reflect this plan, but it reflects the
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1 plan that didn't pass that was basically trashed because
2 of the expense. So if the voters approved the General
3 Plan and the description in the General Plan that they
4 approved is nothing like this, then how is this
5 justifiable? Because it reflects nothing that is in the
6 General Plan.

7 So I suggest and I urge each of you to read those
8 sections in the General Plan and get back to us on how
9 this definition of what the voters approved, how that
10 equates.

11 Thank you.

12 CHAIRPERSON VIERS: Thank you.

13 Paul, it's a tough act to follow.

14 MR. DESMARAIS: Hi, my name is Paul Desmarais.
15 Thank you once again for allowing us to speak. I know
16 it's late; I know you guys are doing your job here. And
17 boy, I commend you for that. Tough job.

18 I just want to kind of reiterate a lot of things.
19 One of the great things about not only San Ramon, but
20 being in the United States, is the fact that we do have
21 freedom of speech. And people can get up here and say
22 what they want to say, what they need to say, what they
23 feel they need to say. And I think that's great.

24 I mean, I think it's kind of sad, people call --
25 categorize people, that if you don't think what they say

1 it's not right or it's all general opinion, it's all pros
2 and cons. And that's your job is to figure out the pros
3 and the cons of the product, of what's going to happen
4 here and what's going to happen to this city. So my hat's
5 off to you guys. You got a tough job.

6 I'd appreciate you guys getting an extension out
7 here for us to paw through this thing and hopefully give
8 you guys some more pros and cons to look at to really
9 understand what's going on here.

10 Personally, right off the bat, I'm not for the
11 location. I think that there's some great things going on
12 in this particular Civic Center. I think they've got some
13 great ideas. They've done a lot of great things.

14 I don't see a lot of "civic" in the Civic Center.
15 In particular, if you look at the way the thing is
16 developed, we have all the backs of the buildings from the
17 street access. All the quads are locked up by the
18 buildings. We've got the back of the buildings on the
19 Iron Horse Trail.

20 You go down Main Street, you run into a complex,
21 you can't get to the park. The heart and soul for me of
22 this city is the park. That's where we go when we have
23 the wind fair. That's where we go to watch, you know, the
24 baseball, the softball, the soccer. That's -- the tennis
25 courts.

1 That to me is the heart and soul of this city.
2 That's what's great about this city. A very youthful,
3 young, vibrant city. I think it's great, and I love it
4 the way it is. I think clogging it up and congesting the
5 heart and soul of the city, what I consider the heart and
6 soul of the city, is wrong. To do this much damage to it.

7 You guys last year went through a painstakingly
8 long zoning ordinance approval process. And granted we
9 probably added some heartache to that, too. But what I
10 learned from that is that there's lots and lots of things
11 that you guys have to look at, and lots of things you have
12 to deal with.

13 I don't think that just because the City Civic
14 Center gets special compensation to grow, you have to take
15 advantage of that. I think the City Center is not
16 growing. What the civic people are getting is not
17 growing.

18 What's growing on this piece of property is
19 buildings. And I just don't think that's right. I think
20 the way this thing has been traded off for the property
21 and the buildings and the way it's being presented, it's
22 not civic. It's not a civic presentation.

23 They designed it the way they designed it. They
24 designed the quads so that they're on the inside of the
25 buildings. When you come to the inside of the court, you

1 look out. I was at the Architecture Review Committee.
2 They specifically stated that's the way they did it.

3 If you look at the back side of the buildings on
4 Bollinger Canyon Road going down the road there, that
5 whole side of the building is all the service entrances.
6 Once again you're looking at the back side of a building.

7 Maybe it's nice. Maybe there's a tree here and
8 there. It's the back side of the building. The only way
9 to get to the front side is to go to Main Street, which
10 people have asked during that same review, even the
11 Architecture Committee asked, can we close Main Street
12 down so that it's a public access, a walking access or
13 riding access. They said no. That's not the way it's
14 designed. No streets, no go.

15 So all of the community interest that's being
16 generated here, that what people are so passionate about
17 this downtown about, having a downtown, they're being
18 segregated and isolated and stuffed into a little building
19 and it's not open.

20 If you really look at the plan and understand how
21 it's developed, it's not an open plan. And I think that
22 there's some more things that need to be done in that
23 aspect of it.

24 Comparative, it's the glass slipper. It's got to
25 fit or it's going to break, and I don't think we can

1 afford that. The other side of this --

2 COMMISSIONER KERGER: It's two minutes.

3 MR. DESMARAIS: Two minutes. Am I done?

4 COMMISSIONER KERGER: Yes.

5 MR. DESMARAIS: Can I have a little bit more? I
6 know you're going to go. Am I the last one?

7 COMMISSIONER KERGER: Yes.

8 MR. DESMARAIS: Okay. Really quick, I think the
9 last part is that I think -- and I get this way, too.
10 Staff report seems to be a little tainted. No offense to
11 you guys. I get a little upset about it. But every time
12 I look at the staff report, any negative thing that comes
13 out about the project is candy-coated. And I know you've
14 heard it and I know you want me to go, and I know you're
15 tired, but I appreciate you listening to me.

16 I just think that congestion, height, you need to
17 look at what the existing city has and what you guys
18 passed and keep it within those boundaries.

19 Thank you very much.

20 CHAIRPERSON VIERS: Okay, Paul.

21 I have one card left. David Ernest.

22 COMMISSIONER SACHS: I have 12:00 o'clock.

23 COMMISSIONER KERGER: David left a long time ago.

24 CHAIRPERSON VIERS: David left.

25 MR. MAY: I have a card as well.

1 COMMISSIONER KERGER: Can you do it in a minute?

2 I'm sorry, but it's getting very, very late.

3 MR. MAY: I understand. I understand.

4 I'm Glen May. My biggest concern about it is the
5 density of the project.

6 COMMISSIONER KERGER: Please say your name.

7 MR. MAY: Glen May.

8 COMMISSIONER KERGER: Okay. Thank you.

9 MR. MAY: My major concern with the project is its
10 density. I'm concerned about the traffic on Bollinger and
11 also on surrounding areas and how that may diverge off.

12 I'm concerned about the location of the Library and
13 access to the Library for pedestrians, bicyclists,
14 particularly children trying to get there; because right
15 now I see a lot of children crossing Bollinger now trying
16 to get to the Library from the park. And in the location
17 it's at, we're going to see more of that, going over more
18 traffic streets.

19 I'm concerned about one of the things that the
20 gentleman over here said, is the plan is not an open plan.

21 So my two points were aesthetics and the size of
22 the retail issues. People have talked about Danville and
23 Pleasanton and Walnut Creek. Well, the locations where
24 those are, the retail is, that's very open. Go walk down
25 there. It's a very open area; long, long distances for a

1 lot of different stores, and they are all small.

2 This is a large -- we have two large retails in
3 this proposal and it's very closed, so it's a different
4 feel. And even though people say they go down there, they
5 go down there for a reason to Pleasanton and Danville and
6 Walnut Creek.

7 And I don't think this is the type of environment
8 that they are used to when they talk about that. It's a
9 different environment because of the density.

10 So that was my minute.

11 CHAIRPERSON VIERS: Thank you.

12 Okay. We need to --

13 COMMISSIONER SACHS: Move for adjournment.

14 CHAIRPERSON VIERS: I've got stuff to read into the
15 record. We can't leave yet. Okay. So we need to extend
16 our hours.

17 VICE CHAIRPERSON PATRINO: I'll move to extend --

18 COMMISSIONER KERGER: 15 minutes.

19 VICE CHAIRPERSON PATRINO: -- 18 minutes.

20 (Members of the Planning Commission conferred off
21 the record.)

22 CHAIRPERSON VIERS: I need a second on the motion.

23 COMMISSIONER KERGER: I move.

24 CHAIRPERSON VIERS: All right. All in favor?

25 (Members of the Planning Commission voted in the

1 affirmative.)

2 CHAIRPERSON VIERS: Opposed?

3 All right. Let's wrap this up.

4 The Commissioners all received copies of everything
5 that's summarized or read into the record, and that's what
6 it's all about, is to get our attention.

7 Susan Garaventa and two, four -- six of her
8 neighbors or friends sent an email, stating in essence
9 that the project will have a disastrous impact on the
10 quality of life in San Ramon. Project has too much square
11 footage.

12 The project does not contain guarantees as to who
13 the retail tenants will be. Some concerns about the
14 theater. Would like to see the Civic Center be built on
15 Bishop Ranch I parcel. Would rather have San Ramon get a
16 new civic center than allow this huge project. Please do
17 not approve this project.

18 Sincerely, Susan and Ted Garaventa; Jeanne E.
19 Potter; Carolyn and Jorgen Vindum; Nancy Curly; Patrick
20 and Gloria Monis.

21 San Ramon Chamber of Commerce. Carolyn Degnan.
22 Supports the City Center project. The overwhelming
23 majority of people she has talked to also support it. And
24 it would be good for the business community.

25 Jean Owen has requested this be read into the

1 record. She wasn't able to make the meeting tonight.
2 21-year resident. Feels automobile access should be
3 eliminated in the plaza area. Like to see the plaza
4 enlarged. And her final comment is if the residents -- I
5 guess the comment was made: Residents are citizens of San
6 Ramon. Do not want this center, and she doesn't want
7 other people speaking for her unless they represent an
8 organization.

9 Next correspondence is from Jason Gong via email.
10 He supports the City Center. I believe it's an excellent
11 and well-thought-out project. Meets the needs of the
12 San Ramon Economic Development Strategic Plan. This is
13 not a project that's been thrown together. And we need --
14 there's great need for a City Center, and does not believe
15 that we'll have a Concord style look to it. I urge the
16 Commission to approve.

17 Amy Blascka with the Tri-Valley, California
18 Convention and Visitors Bureau. Please. Will be an
19 outstanding addition to the community. Great mix of
20 dining, shopping and entertainment and accommodation
21 options will serve Tri-Valley residents as well countless
22 visitors, which is a success.

23 Hermann Welm, via email, had three issues. Number
24 one being Sunset Development has an outstanding -- is an
25 outstanding corporate citizen. And he trusts their

1 judgment in both design and product mix.

2 Number two: Plan needs to be flexible enough that
3 the structures in the City Center need to be tall enough
4 to make the statement "This is our downtown." He wants an
5 urban feel and has no problem with the heights. And it's
6 essential, number three point, that the project be a City
7 Center not a civic center. The latter will be reasonably
8 active during the work week; however evenings and weekends
9 will be lacking in activity.

10 I received a duplicate letter from J. Roberts, with
11 the exception of a paragraph that states: I would like to
12 begin by informing the Commission I have not been
13 receiving notifications of upcoming meetings.

14 And does not include his address. Oh, here it is.
15 I'm sorry. 39 Woodland Court. We can -- staff can check
16 that out. And then he says the fact that my last letter
17 to the Commission was not entered into the record makes
18 this even more frustrating.

19 And for the record, I read his entire letter into
20 the record at the last meeting --

21 COMMISSIONER KERGER: That's right.

22 CHAIRPERSON VIERS: -- and it was included in our
23 staff report. So there's some miscommunication there
24 we'll try and rectify, but he is on record.

25 Then Sheila Pearlman gave me a duplicate letter

1 that I've already read into the record the last time.
2 She's against the project. Traffic and air pollution were
3 her main concerns, and I strongly advocate that the
4 Committee not approve this plan.

5 One more and that's it.

6 COMMISSIONER KERGER: Don't look at me.

7 CHAIRPERSON VIERS: Hang in there.

8 COMMISSIONER KERGER: I'm fine.

9 CHAIRPERSON VIERS: He spoke this evening,
10 Richard SanVicente, but we also received communication,
11 basically outlining the same thing he talked about. I
12 don't think he'll be insulted if I don't read it, since
13 he's already spoken.

14 COMMISSIONER KERGER: He already read it.

15 CHAIRPERSON VIERS: Via email from Rachel Heard.
16 10-year resident. Only thing missing in San Ramon is a
17 downtown. Doesn't believe that anyone is working behind
18 closed doors. It's been very public news, what's going
19 on. Wants a retail center. Elements of the 2000 civic
20 center concept are now included in other areas of the
21 city. Her family would love to go to that area. I think
22 the project is a nice mix, and supports the project.

23 And I'm not sure what this is.

24 COMMISSIONER KERGER: Oh. That's just Kevin. He
25 already --

1 CHAIRPERSON VIERS: Okay. That's all the
2 correspondence that will be written into the record and be
3 part of the next staff report.

4 And now I need -- I don't think I closed the public
5 hearing. Now that I've read these in I can close the
6 public comments.

7 CLOSURE OF PUBLIC HEARING

8 CHAIRPERSON VIERS: And what is the wish of the
9 Commission?

10 COMMISSIONER SACHS: We need to extend, make a
11 motion to continue through the Chair -- Staff, what is the
12 next date for public hearing on the City Center?

13 MS. CHAMBERLAIN: A recommendation is to continue
14 to October 2nd. And it will be at 7:00 p.m. in the
15 Community Center.

16 COMMISSIONER SACHS: I move that we continue the
17 public hearing until October 2nd, 7:00 p.m. at the
18 Community Center in San Ramon.

19 COMMISSIONER KERGER: I second.

20 CHAIRPERSON VIERS: All in favor?

21 (The Members of the Planning Commission voted in
22 the affirmative.)

23 CHAIRPERSON VIERS: None opposed?

24 VICE CHAIRPERSON PATRINO: Could I make a couple of
25 quick comments?

1 CHAIRPERSON VIERS: Yes.

2 VICE CHAIRPERSON PATRINO: First of all, I thank
3 everyone for sticking it out.

4 COMMISSIONER KERGER: No, you can't leave.

5 VICE CHAIRPERSON PATRINO: I thought this was a
6 great meeting. I thought we had a great --

7 COMMISSIONER KERGER: No, you have to stay with us.

8 VICE CHAIRPERSON PATRINO: -- great dialogue.
9 Except, Leslie, we do listen. We do listen, but we have
10 to listen to everyone. We have to take both sides. And a
11 lot of times people think because we don't agree with them
12 that we're not listening, and that's not true.

13 Special interest groups, I didn't see any special
14 interest groups here today. I saw the Environmental
15 Advisory Committee. I saw the Library Advisory Committee.
16 And those are not special interest groups. Those are
17 citizen groups within the city. Although Mr. Blickenstaff
18 was here. Was he representing the Sierra Club? Oh, talk
19 about getting paid special interest groups... That was an
20 aside.

21 COMMISSIONER KERGER: People can't leave.

22 VICE CHAIRPERSON PATRINO: No, they never get paid.
23 And the people have not voted on any of the City Center
24 projects, apart from the General Plan. There was no
25 specific vote on any City Center plan.

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AGENDA ITEM 12

COMMISSIONER KERGER: I move to adjourn.

CHAIRPERSON VIERS: As long as there aren't any study sessions reports, no liaison reports.

(Members of the Planning Commission conferred off the record.)

CHAIRPERSON VIERS: Okay. Move to adjourn.

COMMISSIONER SACHS: I move to adjourn.

CHAIRPERSON VIERS: Do I have a second?

VICE CHAIRPERSON PATRINO: I will.

CHAIRPERSON VIERS: All in favor of adjournment?

(Members of the Planning Commission voted in the affirmative.)

CHAIRPERSON VIERS: Thank you.

(Thereupon the meeting adjourned at 12:10 a.m.)

STATE OF CALIFORNIA]

]

COUNTY OF ALAMEDA]

I hereby certify that the foregoing proceedings in the within-entitled cause took place at the time and place herein stated and were reported by me, Alene D. Weir, a Certified Shorthand Reporter and disinterested person, and were thereafter transcribed into typewriting.

And I further certify that I am not of counsel or attorney for either or any of the parties, nor in any way interested in the outcome of the cause named in said caption.

DATED: SEP 24 2007



Alene D. Weir, C.S.R. No. 7587

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