FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT

FOR THE

PITTSBURG TECHNOLOGY PARK SPECIFIC PLAN

(SCH # 2024030184)

SEPTEMBER 2024

Prepared for:

City of Pittsburg
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Final EIR

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INTRODUCTION

The City of Pittsburg (City) has determined that a Program Environmental Impact Report (PEIR) is required for the proposed Pittsburg Technology Park Specific Plan (Specific Plan; or project) pursuant to the requirements of the California Environmental Quality Act (CEQA). CEQA requires the preparation of an EIR prior to approving any project, which may have a significant impact on the environment. For the purposes of CEQA, the term "Project" refers to the whole of an action, which has the potential for resulting in a direct physical change or a reasonably foreseeable indirect physical change in the environment (CEQA Guidelines Section 15378[a]).

In May 2024, the City of Pittsburg (City) completed a multi-year process and updated the City's General Plan as the blueprint for the future physical development of the City. To guide development at a more granular level than provided in the 2040 General Plan, the Pittsburg Technology Park Specific Plan (proposed Specific Plan; proposed project) provides policy, zoning, development standards and guidelines, along with an implementation framework for the development of a technology park to generate employment opportunities within the City. The proposed Specific Plan acts as an intermediate level of guidance between the 2040 General Plan and individual development proposals within the proposed Specific Plan area (Plan Area).

The proposed Specific Plan incorporates a vision and goals for the Plan Area and sets development standards, zoning, and design guidelines for land use, site and building, public right-of-way, circulation, and mobility for the development of a dynamic employment center. This PEIR examines and addresses the potential environmental effects associated with implementation of the Specific Plan. Program EIRs analyze broad environmental impacts of the Specific Plan, with the acknowledgement that site-specific environmental review will required for future development projects that occur within the Plan Area.

The City circulated a Notice of Preparation (NOP) of an EIR for the proposed project on February 28, 2024, to trustee and responsible agencies, the State Clearinghouse, and the public. A public scoping meeting was held on March 14, 2024, via a web-based video meeting and in-person at 6:00 P.M. Subsequently, the City published a public Notice of Availability (NOA) for the Draft EIR on July 3, 2024, inviting comment from the general public, agencies, organizations, and other interested parties. The NOA was filed with the State Clearinghouse (SCH# 2024030184) and was published in the East County Times pursuant to the public noticing requirements of CEQA. The Draft EIR was available for public review from July 3, 2024, through August 19, 2024.

This Final EIR was prepared to address comments received in response to the Draft EIR. The City has prepared a written response to the Draft EIR comments and made textual changes to the Draft EIR, where warranted. The responses to the comments are provided in this Final EIR in Chapter 2.0, and all changes to the text of the Draft EIR and Recirculated Draft EIR are summarized in Chapter 3.0. Responses to comments received during the comment period for the Draft EIR do not involve any new significant impacts or "significant new information" that would require another recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5.

PROJECT DESCRIPTION

The Specific Plan is based on a concept for development of the area in three phases (Plan Area). Phase I is assumed to be a data center project [or other permitted use(s) allowed by the SP] north of the Contra Costa Canal. The Pittsburg Data Hub (PDH) is one potential project that could be developed in Phase I. Phases II and III cover land south of the canal and allow for the further development of the Plan Area as a dynamic employment center.

The Specific Plan provides multidisciplinary guiding principles for use in planning-related endeavors for future development. The document incorporates a vision and goals for the Plan Area and sets development standards, zoning, and design guidelines for land use, building, public right-of-way, circulation, and mobility. Per the California Government Code (Title 7, Division 1, Chapter 3, Article 8, Sections 65450 et seq.), the Specific Plan acts as a regulatory document that will be adopted by ordinance.

Refer to Chapter 2.0, *Project Description*, of the Draft EIR for a more comprehensive description of the details of the proposed project.

ALTERNATIVES TO THE PROPOSED PROJECT

Section 15126.6 of the CEQA Guidelines requires a PEIR to describe a reasonable range of alternatives to the project or to the location of the project which would reduce or avoid significant impacts, and which could feasibly accomplish the basic objectives of the proposed project. The alternatives analyzed in this EIR include the following:

- **Alternative A: No Project**. The No Project/No Development Alternative is analyzed based on the CEQA Guidelines Section 15126.6(e)(3)(B), which states: "In certain instances, the no project alternative means 'no build' wherein the existing environmental setting is maintained." Under the No Project/No Development Alternative, the proposed Specific Plan would not be implemented, and no new development would occur.

- **Alternative B: No Project/Adopted 2040 General Plan Alternative.** The No Project/Existing General Plan Alternative is based on the CEQA Guidelines section 15126.6(e)(3)(A) which states: "When the project is the revision of an existing land use or regulatory plan, policy or ongoing operation, the "no project" alternative will be the continuation of the existing plan, policy or operation into the future. Typically, this is a situation where other projects initiated under the existing plan will continue while the new plan is developed. Thus, the projected impacts of the proposed plan or alternative plans would be compared to the impacts that would occur under the existing plan." Consistent with CEQA Guidelines, Alternative B would not adopt or implement the development program proposed under the Pittsburg Technology Center Specific Plan. The Plan Area would conform to the 2040 General Plan and Zoning Ordinance.

- **Alternative C: Phase I Data Hub Development Only.** Alternative C would continue to provide a job-creating development in a portion of the Plan Area under separate approvals; however, it would not adopt or implement the proposed Specific Plan.

Alternative C considers development of the Pittsburg Data Hub (PDH) for Phase I of the Plan Area. The PDH is composed of a 347,000 square foot data center, commercial switching yard and PG&E electrical substation, along with ancillary facilities, as described below. It is assumed that the remainder of the Plan Area would not be developed and would be retained as vacant land for the foreseeable future. The PDH project includes an emergency backup generating facility with a generation capacity of up to 92 megawatts (MW) to support the need for the PDH to provide uninterruptible power supply for its tenant's servers. The Pittsburg Back-up Generating Facility (PBGF) would consist of 37, 3 MW diesel-fired backup generators arranged in a generation yard located on the west side of the PDH. A total of 36 generators would be dedicated to replacing the electricity needs of the data center in case of a loss of utility power, and one additional generator would be used to support general office loads along with building and life safety services. An application for a Small Power Plan Exemption (SPPE) was submitted to the California Energy Commission (CEC) on February 28, 2024, for the PBGF (24-SPPE-1). The entirety of the SPPE application, including a detailed analysis of the potential PDH project impacts, is included as Appendix C to this Program Environmental Impact Report (PEIR).

- **Alternative D: Limited Uses Alternative.** Alternative D would revise the list of permitted uses in the Specific Plan to place more emphasis on technology center, research, innovation, and light industrial uses. Specifically, this Alternative would eliminate all office, logistics, and warehouse uses, thereby reducing vehicle miles traveled, truck trips and associated diesel emissions. Alternative D was developed to reduce potential impacts associated with air quality, greenhouse gases, energy, noise, and transportation.

Alternatives are described in detail in Chapter 5.0 of the Draft EIR. As summarized in Table ES-1, Alternative A (the No Project/No Development Alternative) results in the least environmental impacts of all alternatives considered. However, as required by CEQA, when the No Project/No Development Alternative is the environmentally superior alternative, the environmentally superior alternative among the others must be identified.

The Phase I Data Hub Development Only Alternative has been identified as the environmentally superior alternative because it would result in reduced impacts related to aesthetics, air quality, biological resources, GHG emissions and energy, noise, transportation, and utilities. Additionally, this Alternative would meet three of the five project objectives, but not to the same extent under the proposed project.

COMMENTS RECEIVED

The Draft PEIR addresses environmental impacts associated with the proposed project that were known to the City and raised during the Notice of Preparation (NOP) process.

NOP Comments

During the NOP process, the City received comments from the following public agencies, organizations, or individuals:

- Native American Heritage Commission, March 7, 2024.
- Bureau of Environmental Justice, March 18, 2024.
- California Department of Transportation, April 3, 2024.
- Governor's Office of Planning and Research, March 18, 2024.
- Pacific Gas and Electric Company, March 4, 2024.
- Pacific Gas and Electric Company, April 4, 2024.
- Bay Area Rapid Transit District, April 3, 2024.
- East Bay Municipal Utility District, March 27, 2024.
- Delta Stewardship Council, March 11, 2024.
- TRANSPLAN Committee, March 29, 2024.
- Save Mount Diablo, April 4, 2024.
- Arthur Calber, March 1, 2024.

Draft PEIR Comments

During the 45-day review period for the Draft PEIR, the City received comments from the following public agencies, organizations, or individuals regarding the Draft PEIR:

- Amah Mutsun Tribal Band of San Juan Bautista & AMTB Inc., July 4, 2024.
- Pacific Gas and Electric Company, July 5, 2024.
- Pacific Gas and Electric Company, July 19, 2024.
- Nicole A., July 4, 2024.
- Charlie G., July 6, 2024.
- Kanyon Konsulting LLC, Indian Canyon Band of Costanoan Ohlone People, July 11, 2024.
- East Bay Municipal Utility District, July, 24, 2024.
- Caltrans, August 9, 2024
- Nancy, July 25, 2024.
- Gary Ho, Blum, Collins & Ho LLP, August 15, 2024.
- Meredith Stevenson, Center for Biological Diversity, August 19, 2024.
- Nancy Parent, August 19, 2024.

This Final Program Environmental Impact Report (PEIR) was prepared in accordance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines (Section 15132). The City of Pittsburg is the lead agency for the environmental review of the Pittsburg Technology Park Specific Plan (proposed Specific Plan, or proposed project) and has the principal responsibility for approving the project. This Final PEIR assesses the expected environmental impacts resulting from approval and adoption of the Pittsburg Technology Park Specific Plan and responds to comments received on the Draft PEIR.

The proposed Specific Plan is based on a concept for development of the area in three phases (Plan Area). Phase I is assumed to be a data center project [or other permitted use(s) allowed by the SP] north of the Contra Costa Canal. The Pittsburg Data Hub (PDH) is one potential project that could be developed in Phase I. Phases II and III cover land south of the canal and allow for the further development of the Plan Area as a dynamic employment center.

The proposed Specific Plan provides multidisciplinary guiding principles for use in planning-related endeavors for future development. The document incorporates a vision and goals for the Plan Area and sets development standards, zoning, and design guidelines for land use, building, public right-of-way, circulation, and mobility. Per the California Government Code (Title 7, Division 1, Chapter 3, Article 8, Sections 65450 et seq.), the Specific Plan acts as a regulatory document that will be adopted by ordinance.

Refer to Chapter 2.0, *Project Description*, of the Draft PEIR for a more comprehensive description of the details of the proposed project.

1.1 PURPOSE AND INTENDED USES OF THE EIR

CEQA REQUIREMENTS FOR A FINAL EIR

This Final PEIR for the Pittsburg Technology Park Specific Plan has been prepared in accordance with the California Environmental Quality Act (CEQA) and State CEQA Guidelines. State CEQA Guidelines Section 15132 requires that a Final EIR consist of the following:

- the Draft Environmental Impact Report (Draft EIR);
- comments and recommendations received on the Draft EIR, either verbatim or in summary;
- a list of persons, organizations, and public agencies commenting on the Draft EIR;
- the responses of the lead agency to significant environmental concerns raised in the review and consultation process; and
- any other information added by the lead agency.

In accordance with State CEQA Guidelines Section 15132(a), the Draft EIR is incorporated by reference into this Final EIR.

An EIR must disclose the expected environmental impacts, including impacts that cannot be avoided, growth-inducing effects, impacts found not to be significant, and significant cumulative impacts, as well as identify mitigation measures and alternatives to the proposed project that could reduce or avoid its adverse environmental impacts. CEQA requires government agencies to consider and, where feasible, minimize environmental impacts of proposed projects, and obligates them to balance a variety of public objectives, including economic, environmental, and social factors.

PURPOSE AND USE

The City of Pittsburg, as the lead agency, has prepared this Final PEIR to provide the public and responsible and trustee agencies with an objective analysis of the potential environmental impacts resulting from approval and implementation of the proposed Specific Plan. Responsible and trustee agencies that may use the EIR are identified in Chapter 1.0 of the Draft PEIR.

The environmental review process enables interested parties to evaluate the proposed project in terms of its environmental consequences, to examine and recommend methods to eliminate or reduce potential adverse impacts, and to consider a reasonable range of alternatives to the project. While CEQA requires that consideration be given to avoiding adverse environmental effects, the lead agency must balance adverse environmental effects against other public objectives, including the economic and social benefits of a project, in determining whether a project should be approved.

This Final PEIR will be used as the primary environmental document to evaluate all subsequent planning and permitting actions associated with the proposed project. Subsequent actions that may be associated with the proposed project are identified in Chapter 2.0, *Project Description*, of the Draft PEIR.

1.2 ENVIRONMENTAL REVIEW PROCESS

The review and certification process for the EIR has involved, or will involve, the following general procedural steps:

NOTICE OF PREPARATION

The City of Pittsburg circulated a Notice of Preparation (NOP) of a PEIR for the proposed project on February 28, 2024, to trustee and responsible agencies, the State Clearinghouse, and the public. A scoping meeting was held on March 14, 2024, via a web-based video meeting at 11:00 A.M. and in-person on March 14, 2024 at 6:00 P.M. During the 30-day public review period for the NOP, which ended on March 29, 2024, 14 written comment letters were received on the NOP. A summary of the NOP comments is provided later in this chapter. The NOP and all comments received on the NOP are presented in Appendix A.

DRAFT PEIR

The Draft PEIR contains a description of the project, description of the environmental setting, identification of the project's direct and indirect impacts on the environment and mitigation measures for impacts found to be significant, as well as an analysis of project alternatives,

identification of significant irreversible environmental changes, growth-inducing impacts, and cumulative impacts. The Draft PEIR identifies issues determined to have no impact or a less than significant impact and provides detailed analysis of potentially significant and significant impacts. Comments received in response to the NOP were considered in preparing the analysis in this EIR.

NOTICE OF AVAILABILITY

The City circulated the Draft PEIR to the State Clearinghouse, trustee and responsible agencies, and the public on July 3, 2024. A Notice of Completion (NOC) was filed, a Notice of Availability (NOA) was published, and a 45-day public review period was provided between July 3, 2024 through August 19, 2024, to receive public and agency comments on the adequacy of the environmental analysis contained in the Draft EIR. A public scoping meeting was held on March 14, 2024, via a web-based video meeting and in-person at 6:00 P.M.

RESPONSE TO COMMENTS/FINAL EIR

The City received 12 comment letters during the 45-day review period for the Draft PEIR. In accordance with CEQA Guidelines Section 15088, this Final PEIR responds to the written comments received on the Draft PEIR. The Final PEIR also contains minor edits to the Draft PEIR, which are included in Chapter 3.0, Errata. This document and the Draft PEIR, as amended herein, constitutes the Final PEIR.

CERTIFICATION OF THE EIR/PROJECT CONSIDERATION

The City of Pittsburg City Council will review and consider the Final PEIR. If the City finds that the Final PEIR is "adequate and complete," the City Council may certify the Final PEIR in accordance with CEQA. As set forth by CEQA Guidelines Section 15151, the standards of adequacy require a PEIR to provide a sufficient degree of analysis to allow decisions to be made regarding the proposed project that intelligently take account of environmental consequences.

Upon review and consideration of the Final PEIR, the Pittsburg City Council may take action to approve, revise, or deny the project. A decision to approve the Pittsburg Technology Park Specific Plan, for which this EIR identifies significant environmental effects, must be accompanied by written findings in accordance with State CEQA Guidelines Sections 15091 and 15093.

A Mitigation Monitoring and Reporting Program (MMRP) would also be adopted in accordance with Public Resources Code Section 21081.6(a) and CEQA Guidelines Section 15097 for mitigation measures required to reduce or avoid significant effects on the environment. The MMRP would be designed to ensure that these measures are carried out during project implementation, in a manner that is consistent with the PEIR.

1.3 ORGANIZATION OF THE FINAL EIR

This Final EIR has been prepared consistent with Section 15132 of the State CEQA Guidelines, which identifies the content requirements for Final EIRs. This Final EIR is organized in the following manner:

1.0 INTRODUCTION

EXECUTIVE SUMMARY

The Executive Summary briefly summarizes the proposed project, alternatives to the proposed project, and provides a list of comments received during public scoping and review periods.

CHAPTER 1.0 – INTRODUCTION

Chapter 1.0 briefly describes the purpose of the environmental evaluation, identifies the lead agency, summarizes the process associated with preparation and certification of an EIR, and identifies the content requirements and organization of the Final EIR.

CHAPTER 2.0 – COMMENTS ON DRAFT EIR AND RESPONSES

Chapter 2.0 provides a list of commenters, copies of written comments made on the Draft EIR (coded for reference), and responses to those written comments.

CHAPTER 3.0 – ERRATA

Chapter 3.0 consists of minor revisions to the Draft EIR in response to comments on the Draft EIR. The revisions to the Draft EIR do not involve any significant changes to the analysis, mitigation measures, or project alternatives.

2.1 INTRODUCTION

No new significant environmental impacts or issues, beyond those already covered in the Draft Program Environmental Impact Report (DPEIR) for the Pittsburg Technology Park Specific Plan (proposed Specific Plan; proposed project), were raised during the comment period. Responses to comments received during the comment period do not involve any new significant impacts or add "significant new information" that would require recirculation of the DPEIR pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15088.5.

CEQA Guidelines Section 15088.5 states that: *New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement.*

Chapters 2.0 and 3.0 of this Final PEIR include information that has been added to the DPEIR since the close of the public review period in the form of responses to comments and revisions.

2.2 LIST OF COMMENTERS

Table 2-1 lists the comments on the DPEIR that were submitted to the City during the 45-day public review period. The assigned comment letter number, letter date, letter author, and affiliation, if presented in the comment letter or if representing a public agency, are also listed. The City received 12 comment letters during the 45-day review period for the DPEIR.

TABLE 2-1 LIST OF COMMENTERS

RESPONSE LETTER	*INDIVIDUAL OR SIGNATORY*	*AFFILIATION*	*DATE*
A	Irenne Zwierlein	Amah Mutsun Tribal Band of San Juan Bautista & AMTB Inc.	July 4, 2024
B	Plan Review Team Land Management	PG&E Gas and Electric Facilities	July 5, 2024
C	Nicole A.	Nextdoor	July 4. 2024
D	Charlie G.	Nextdoor	July 6, 2024
E	Nichole Rhodes	Kanyon Konsulting LLC, Indian Canyon Band of Costanoan Ohlone People	July 11, 2024
F	Plan Review Team Land Management	PG&E Gas and Electric Facilities	July 19, 2024
G	David Rehnstrom	East Bay Municipal Utility District	July 27, 2024
H	Lunsheng Luo	Caltrans	August 9, 2024
I	Nancy	In-person public meeting	July 25, 2024
J	Gary Ho	Blum, Collins & Ho LLP	August 15, 2024
K	Meredith Stevenson	Center for Biological Diversity	August 19, 2024
L	Nancy Parent	Nancy Parent	August 19, 2024

2.3 COMMENTS AND RESPONSES

REQUIREMENTS FOR RESPONDING TO COMMENTS ON A DRAFT EIR

CEQA Guidelines Section 15088 requires that lead agencies evaluate and respond to all comments on the DPEIR that regard an environmental issue. The written response must address the significant environmental issue raised and be detailed, especially when specific comments or suggestions (e.g., additional mitigation measures) are not accepted. In addition, the written response must be a good faith and reasoned analysis. However, lead agencies only need to respond to significant environmental issues associated with the project and do not need to provide all of the information requested by the commenter, as long as a good faith effort at full disclosure is made in the EIR (CEQA Guidelines Section 15204(a)).

CEQA Guidelines Section 15204 recommends that commenters provide detailed comments that focus on the sufficiency of the Draft EIR in identifying and analyzing the possible environmental impacts of the project and ways to avoid or mitigate the significant effects of the project, and that commenters provide evidence supporting their comments. Pursuant to CEQA Guidelines Section 15064, an effect shall not be considered significant in the absence of substantial evidence.

CEQA Guidelines Section 15088 also recommends that revisions to the DPEIR be noted as a revision in the DPEIR or as a separate section of the Final PEIR. Chapter 3.0 of this Final PEIR identifies all revisions to the Pittsburg Technology Park Specific Plan DPEIR.

RESPONSES TO COMMENT LETTERS

Written comments on the DPEIR are reproduced on the following pages, along with responses to those comments. To assist in referencing comments and responses, the following coding system is used:

- Each comment letter is lettered (i.e., Letter A), each comment within each letter is numbered (i.e., Comment A-1, Comment A-2, etc.), and each response is numbered correspondingly (i.e., Response A-1, Response A-2, etc.).

Where changes to the DPEIR text result from the response to comments, those changes are included in the response and identified with revisions marks (<u>underline</u> for new text, ~~strike out~~ for deleted text).

2.3.1 GLOBAL RESPONSES

Global Response 1 – Project vs. Program EIR

The CEQA Guidelines define multiple types of EIRs including a "Project EIR" and a "Program EIR." A "Project EIR" is defined in Section 15161, as "The most common type of EIR examines the environmental impacts of a specific development project. This type of EIR should focus primarily on the changes in the environment that would result from the development project. The EIR shall examine all phases of the project including planning, construction, and operation."

In contrast to this, the CEQA Guidelines Section 15168, define a "Program EIR" as

"*…an EIR which may be prepared on a series of actions that can be characterized as one large project and are related either: (1) Geographically, (2) A logical parts in the chain of contemplated actions, (3) In connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program, or (4) As individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways*." A Program EIR is intended to be used with later activities. "*Later activities in the program must be examined in the light of the program EIR to determine whether an additional environmental document must be prepared. (1) If a later activity would have effects that were not examined in the program EIR, a new Initial Study would need to be prepared leading to either an EIR or a Negative Declaration. That later analysis may tier from the program EIR as provided in Section 15152. (2) If the agency finds that pursuant to Section 15162, no subsequent EIR would be required, the agency can approve the activity as being within the scope of the project covered by the program EIR, and no new environmental document would be required. Whether a later activity is within the scope of a program EIR is a factual question that the lead agency determines based on substantial evidence in the record. Factors that an agency may consider in making that determination include, but are not limited to, consistency of the later activity with the type of allowable land use, overall planned density and building intensity, geographic area analyzed for environmental impacts, and covered infrastructure, as described in the program EIR. (3) An agency shall incorporate feasible mitigation measures and alternatives developed in the program EIR into later activities in the program. (4) Where the later activities involve site specific operations, the agency should use a written checklist or similar device to document the evaluation of the site and the activity to determine whether the environmental effects of the operation were within the scope of the program EIR. (5) A program EIR will be most helpful in dealing with later activities if it provides a description of planned activities that would implement the program and deals with the effects of the program as specifically and comprehensively as possible. With a good and detailed project description and analysis of the program, many later activities could be found to be within the scope of the project described in the program EIR, and no further environmental documents would be required.*"

As stated in the excerpt above, a Program EIR can be used as the basic general environmental assessment for an overall program of projects such as the Pittsburg Technology Park Specific Plan. A Program EIR such as this one has several advantages. First, it provides a basic reference document to avoid unnecessary repetition of facts or analysis in subsequent project-specific assessments as needed. Second, it allows the lead agency to look at the broad, regional impacts of a program of actions before its adoption and eliminates redundant or contradictory approaches to the consideration of regional and cumulative effects. A Program-level EIR has less detail than a Project-level EIR by virtue of covering multiple future activities and not a specific development plan. Future activities would be studied at a Project-Level in conjunction with a specific development application to comply with CEQA as applicable, as discussed below.

As stated in Chapter 1.0 of the DPEIR, the Pittsburg Technology Park Specific Plan has been prepared as a Program EIR. Accordingly, Chapter 8 of the Specific Plan includes a Section on Implementation and one on CEQA Findings and Subsequent Review. As provided for in the Specific Plan:

8.1 Implementation

The purpose of this chapter is to provide an outline of the steps necessary to implement the Pittsburg Technology Park Specific Plan and applicable conditions, mitigation measures and regulations in coordination with the City of Pittsburg and other governing public agencies.

The Zoning Administrator shall be responsible for administering the provisions of the Specific Plan and shall have authority to review and approve development projects that have been determined to be consistent with the objectives and provisions of the Specific Plan.

8.7 CEQA Findings and Subsequent Review

All subsequent developments consistent with the Specific Plan shall not require additional environmental review, as established under CEQA Guidelines Sections 15168 and 15183 - except as might be necessary to examine whether there are project-specific significant effects, which are peculiar to the project or its site.

Furthermore, pursuant to Section 15162, when an EIR has been certified, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence that there have been substantial changes in the project; potentially new significant effects not previously disclosed, or new information, including changes in the setting or new mitigation not previously contemplated.

The City shall conduct an analysis under Section 15162 for all subsequent development applications within the Specific Plan area prior to requiring subsequent CEQA analysis.

Therefore, by virtue of the Program EIR and provisions established in Sections 8.1 and 8.7 of the Specific Plan as discussed above, subsequent development that does not fall within the scope of the analysis in the EIR, shall be subject to further analysis under CEQA.

Global Response 2 – Data Center vs. Specific Plan

As detailed in Chapter 2.0 of the DPEIR, the Pittsburg Technology Park Specific Plan provides the policy, zoning, and an implementation framework for the development of a technology park employment area on a portion of the former municipal Delta View Golf Course. The Specific Plan considers a variety of permitted uses for future development proposals. Permitted uses within the Plan Area include offices, data center, energy, research and development services and production, manufacturing (custom and limited), and warehouse and distribution (interior and exterior storage). The Specific Plan also provides multidisciplinary guiding principles for use in planning-related endeavors for future development, including performance standards and mitigation for various types of future development.

The Specific Plan is based on a concept for development of the area in three phases (Plan Area). Phase I is assumed to be a data center project [or other permitted use(s) allowed by the SP] north of the Contra Costa Canal. The Pittsburg Data Hub (PDH) is one potential project that could be developed in Phase I. Phases II and III cover land south of the canal and allow for the further development of the Plan Area as a dynamic employment center.

The potential PDH project includes an emergency backup generating facility with a generation capacity of up to 92 megawatts (MW) to support the need for the PDH to provide uninterruptible power supply for its tenant's servers. The Pittsburg Back-up Generating Facility (PBGF) would consist of 37, 3 MW diesel-fired backup generators arranged in a generation yard located on the west side of the PDH. A total of 36 generators would be dedicated to replacing the electricity needs of the data center in case of a loss of utility power, and one additional generator would be used to support general office loads along with building and life safety services. An application for a Small Power Plan Exemption (SPPE) was submitted to the California Energy Commission (CEC) on February 28, 2024, for the PBGF (24-SPPE-1). The entirety of the SPPE application, including a detailed analysis of the potential PDH project impacts, is included as Appendix C to the DPEIR and can viewed on-line at: https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=24-SPPE-01.

As disclosed in the DPEIR, the PDH project remains speculative because the project design and other details have not been finalized; the CEC may or may not approve the required SPPE; and depending on CEC feedback, market demand, economic conditions, site constraints, and other factors, the property owner may choose to proceed with a different or revised development concept for Phase I. Accordingly, the Specific Plan does not provide authorization for the PDH project, and the DPEIR provides a programmatic, rather than a project-level, environmental analysis for Phase I. Nevertheless, to provide the public and decisionmakers with as much information as possible, this DPEIR includes and incorporates the SPPE application as Appendix C, and it studies the environmental impacts of the PDH project as one potential alternative in Chapter 5 (Alternative C). Pursuant to Public Resources Code section 25519(c), the CEC must act as lead agency for the PDH project. If and when the CEC approves the SPPE, and the property owner applies to the City to develop the PDH project, then the City will evaluate that application pursuant to the review procedures of the Specific Plan and conduct appropriate CEQA compliance.

2.3.2 RESPONSE TO COMMENTS

Comment Letter A: Amah Mutsun Tribal Band of San Juan Bautista & AMTB Inc.

The Amah Mutsun Tribal Band of San Juan Bautista
&
A.M.T.B. Inc.

Letter of Response

To whom it may concern:

It is our pride and privilege to be of service for any Native American Cultural Resource Monitoring, Consulting and/ or Sensitivity Training you may need or require. We take our Heritage and History seriously and are diligent about preserving as much of it as we can. Construction is a constant in the Bay Area and with that new discoveries are bound to happen. If you choose our services, we will gladly guide all personnel through proper procedures to safely protect and preserve: Culture, Heritage, and History. A-1

It is highly recommended, if not previously done, to search through Sacred Lands Files (SLF) and California Historical Resource Information Systems (CHRIS) as well as reaching out to the Native American Heritage Commission (NAHC) In order to determine whether you are working in a Cultural and/ or Historic sensitivity. A-2

If you have received any positive cultural or historic sensitivity within 1 mile of the project area here are A.M.T.B Inc's and Amah Mutsun Tribal Band of San Juan Bautista's recommendations: A-3

- All Crews, Individuals and Personnel who will be moving any earth be Cultural Sensitivity Trained.
- A Qualified California Trained Archaeological Monitor is present during any earth movement.
- A Qualified Native American Monitor is present during any earth movement.

If further Consultation, Monitoring or Sensitivity Training is needed please feel free to contact A.M.T.B. Inc. or Myself Directly. A.M.T.B. Inc. 650 851 7747 A-4

Irenne Zwierlein

Irenne Zwierlein

3030 Soda Bay Road, Lakeport
CA 95453
amtbinc21@gmail.com
(650)851-7447

Amah Mutsun Tribal Band of San Juan Bautista
&
AMTB Inc.

3030 Soda Bay Road Lakeport, CA 95453

Our rates for 2024 are

$275.00 per hour.

4 hours minimum

Cancellations not 48 hours (about 2 days) prior will be charged as a 4-hour minimum. There is a round trip mileage charge if canceled after they have traveled to site.

Anything over 8 hours a day is charged as time and a half.

Weekends are charged at time and a half.

Holidays are charged at double the time.

For fiscal year (FY) 2024, standard per diem rate of $412. ($333. lodging, $79 M&IE).

M&IE Breakdown FY 2023

M&IE Total[1]	Continental Breakfast/ Breakfast[2]	Lunch[2]	Dinner[2]	Incidental Expenses	First & Last Day of Travel[3]
$79.00	$18.00	$20.00	$36.00	$5.00	$59.25

Beginning 2024, the standard mileage rates for the use of a car round trip (also vans, pickups or panel trucks) will be: $.67 cents per mile driven for business use or what the current federal standard is at the time.

Our Payment terms are 5 days from date on invoice.

Our Monitors are Members of the Amah Mutsun Tribal Band of Mission San Juan Bautista.

If you have any questions, please feel free to contact the A.M.T.B. Inc. at the below contact information.

Sincerely,

Irenne Zwierlein

Irenne Zwierlein

3030 Soda Bay Rd, Lakeport
CA 95453
amtbinc21@gmail.com
(650)851-7747

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 11/29/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER	CONTACT NAME:	
Allied Brokers 591 Lytton Avenue Palo Alto CA 94301	PHONE (A/C, No, Ext): (650) 328-1000	FAX (A/C, No): (650) 324-1142
	E-MAIL ADDRESS: BusinessVIP@alliedbrokers.com	

INSURER(S) AFFORDING COVERAGE		NAIC #
INSURER A :	Scottsdale Insurance Company	41297
INSURER B :	United States Liability Insurance Company	25895
INSURER C :		
INSURER D :		
INSURER E :		
INSURER F :		

INSURED
Amah Mutsun Tribal Band Consulting & Monitoring, LLC
330 Soda Bay Rd
Lakeport CA 95453

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PRO-JECT ☐ LOC ☐ OTHER:			CPS7829150	07/09/2023	07/09/2024	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG	$ 1,000,000 $ 100,000 $ 5,000 $ 1,000,000 $ 2,000,000 $ 1,000,000
	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)	$ $ $ $
	☐ UMBRELLA LIAB ☐ OCCUR ☐ EXCESS LIAB ☐ CLAIMS-MADE ☐ DED ☐ RETENTION $						EACH OCCURRENCE AGGREGATE	$ $
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY Y / N ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? ☐ N / A (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below						☐ PER STATUTE ☐ OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	 $ $ $
B	Professional Liability			SP1573468C	06/21/2023	06/21/2024	Each Claim Aggregate	$1,000,000 $1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Proof of Coverage

CERTIFICATE HOLDER

FOR YOUR INFORMATION

CANCELLATION

SHOULD ANY OF THE ABOVE-DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Mimi Watson

RESPONSE TO LETTER A: AMAH MUTSUN TRIBAL BAND OF SAN JUAN BAUTISTA & AMTB INC.

Response A-1: The commenter provides introductory statements to the comment letter and does not state a specific concern related to the adequacy of the DPEIR and therefore does not require a detailed response.

Response A-2: The commenter recommends the City search through Sacred Lands Files (SLF) and the California Historical Resources Information System (CHRIS) to assist in the determination of cultural and historic sensitivity. The commenter also suggests contacting the Native American Heritage Commission (NAHC) for additional information. As discussed in Section 3.4 of the DPEIR, on June 15, 2023, a records search was requested for the Plan Area at the Northwest Information Center (NWIC) of the CHRIS at Sonoma State University to determine the presence of recorded sensitive cultural resources within one mile of the Plan Area. Additionally, the City contacted the NAHC to determine if any known cultural resources information was available. The NAHC responded on July 5, 2023, stating that the SLF search for the project was completed with negative results. However, the absence of specific site information in the SLF does not necessarily indicate the absence of cultural resources in the Plan Area. Therefore, the NAHC provided a list of Native American contacts within the area. Please see Section 3.4, *Cultural and Tribal Cultural Resources*, of the DPEIR for more detail.

Response A-3: The commenter makes recommendations for worker sensitivity training if there are positive searches on cultural or historical sensitivity within 1 mile of the project. As described in Response A-2, records search results indicated that there were no known tribal resources within the Plan Area. However, the NAHC suggested that the absence of specific site information does not indicate the absence of cultural resources. To ensure potential impacts to cultural resources are minimized to the greatest extent possible, the DPEIR includes mitigation measures (MM) 3.4-1 through MM 3.4-3, which are consistent with recommendations made by the commenter. MM 3.4-1 requires all workers to receive a cultural resource awareness training with relevant information on tribal cultural resources, prior to construction. The training shall include protocols for avoidance and consequences of violation of state laws and regulations. Additionally, MM 3.4-2 requires all ground-disturbing activities be monitored by a qualified professional archeologist, who will direct post-review discovery procedures. These mitigation measures are also incorporated into the Specific Plan in Section 8.8 Performance Standards and Mitigation. Please see Section 3.4, *Cultural and Tribal Cultural Resources*, of this DPEIR for more detail.

Response A-4: The commenter provides a conclusionary statement to the comment letter and does not state a specific concern related to the adequacy of the DPEIR. Therefore, a detailed response is not required.

Comment Letter B: PG&E Gas and Electric Facilities

Pacific Gas and Electric Company

Plan Review Team
Land Management

PGEPlanReview@pge.com

July 5, 2024

Alison Spells
City of Pittsburg
65 Civic Ave
Pittsburg, CA 94565

Ref: Gas and Electric Transmission and Distribution

Dear Alison Spells,

Thank you for submitting the AP-24-0028 plans for our review. PG&E will review the submitted plans in relationship to any existing Gas and Electric facilities within the project area. If the proposed project is adjacent/or within PG&E owned property and/or easements, we will be working with you to ensure compatible uses and activities near our facilities. B-1

Attached you will find information and requirements as it relates to Gas facilities (Attachment 1) and Electric facilities (Attachment 2). Please review these in detail, as it is critical to ensure your safety and to protect PG&E's facilities and its existing rights.

Below is additional information for your review: B-2

1. This plan review process does not replace the application process for PG&E gas or electric service your project may require. For these requests, please continue to work with PG&E Service Planning: https://www.pge.com/en/account/service-requests/building-and-renovation.html.

2. If the project being submitted is part of a larger project, please include the entire scope of your project, and not just a portion of it. PG&E's facilities are to be incorporated within any CEQA document. PG&E needs to verify that the CEQA document will identify any required future PG&E services.

3. An engineering deposit may be required to review plans for a project depending on the size, scope, and location of the project and as it relates to any rearrangement or new installation of PG&E facilities.

Any proposed uses within the PG&E fee strip and/or easement, may include a California Public Utility Commission (CPUC) Section 851 filing. This requires the CPUC to render approval for a conveyance of rights for specific uses on PG&E's fee strip or easement. PG&E will advise if the necessity to incorporate a CPUC Section 851filing is required.

This letter does not constitute PG&E's consent to use any portion of its easement for any purpose not previously conveyed. PG&E will provide a project specific response as required.

Sincerely,

Plan Review Team
Land Management

Attachment 1 – Gas Facilities

There could be gas transmission pipelines in this area which would be considered critical facilities for PG&E and a high priority subsurface installation under California law. Care must be taken to ensure safety and accessibility. So, please ensure that if PG&E approves work near gas transmission pipelines it is done in adherence with the below stipulations. Additionally, the following link provides additional information regarding legal requirements under California excavation laws: https://www.usanorth811.org/images/pdfs/CA-LAW-2018.pdf

1. Standby Inspection: A PG&E Gas Transmission Standby Inspector must be present during any demolition or construction activity that comes within 10 feet of the gas pipeline. This includes all grading, trenching, substructure depth verifications (potholes), asphalt or concrete demolition/removal, removal of trees, signs, light poles, etc. This inspection can be coordinated through the Underground Service Alert (USA) service at 811. A minimum notice of 48 hours is required. Ensure the USA markings and notifications are maintained throughout the duration of your work.

2. Access: At any time, PG&E may need to access, excavate, and perform work on the gas pipeline. Any construction equipment, materials, or spoils may need to be removed upon notice. Any temporary construction fencing installed within PG&E's easement would also need to be capable of being removed at any time upon notice. Any plans to cut temporary slopes exceeding a 1:4 grade within 10 feet of a gas transmission pipeline need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.

3. Wheel Loads: To prevent damage to the buried gas pipeline, there are weight limits that must be enforced whenever any equipment gets within 10 feet of traversing the pipe.

Ensure a list of the axle weights of all equipment being used is available for PG&E's Standby Inspector. To confirm the depth of cover, the pipeline may need to be potholed by hand in a few areas.

Due to the complex variability of tracked equipment, vibratory compaction equipment, and cranes, PG&E must evaluate those items on a case-by-case basis prior to use over the gas pipeline (provide a list of any proposed equipment of this type noting model numbers and specific attachments).

No equipment may be set up over the gas pipeline while operating. Ensure crane outriggers are at least 10 feet from the centerline of the gas pipeline. Transport trucks must not be parked over the gas pipeline while being loaded or unloaded.

4. Grading: PG&E requires a minimum of 36 inches of cover over gas pipelines (or existing grade if less) and a maximum of 7 feet of cover at all locations. The graded surface cannot exceed a cross slope of 1:4.

5. Excavating: Any digging within 2 feet of a gas pipeline must be dug by hand. Note that while the minimum clearance is only 24 inches, any excavation work within 24 inches of the edge of a pipeline must be done with hand tools. So to avoid having to dig a trench entirely with hand tools, the edge of the trench must be over 24 inches away. (Doing the math for a 24 inch

B-3 con't

wide trench being dug along a 36 inch pipeline, the centerline of the trench would need to be at least 54 inches [24/2 + 24 + 36/2 = 54] away, or be entirely dug by hand.)

Water jetting to assist vacuum excavating must be limited to 1000 psig and directed at a 40° angle to the pipe. All pile driving must be kept a minimum of 3 feet away.

Any plans to expose and support a PG&E gas transmission pipeline across an open excavation need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.

6. Boring/Trenchless Installations: PG&E Pipeline Services must review and approve all plans to bore across or parallel to (within 10 feet) a gas transmission pipeline. There are stringent criteria to pothole the gas transmission facility at regular intervals for all parallel bore installations.

For bore paths that cross gas transmission pipelines perpendicularly, the pipeline must be potholed a minimum of 2 feet in the horizontal direction of the bore path and a minimum of 24 inches in the vertical direction from the bottom of the pipe with minimum clearances measured from the edge of the pipe in both directions. Standby personnel must watch the locator trace (and every ream pass) the path of the bore as it approaches the pipeline and visually monitor the pothole (with the exposed transmission pipe) as the bore traverses the pipeline to ensure adequate clearance with the pipeline. The pothole width must account for the inaccuracy of the locating equipment.

7. Substructures: All utility crossings of a gas pipeline should be made as close to perpendicular as feasible (90° +/- 15°). All utility lines crossing the gas pipeline must have a minimum of 24 inches of separation from the gas pipeline. Parallel utilities, pole bases, water line ‘kicker blocks’, storm drain inlets, water meters, valves, back pressure devices or other utility substructures are not allowed in the PG&E gas pipeline easement.

If previously retired PG&E facilities are in conflict with proposed substructures, PG&E must verify they are safe prior to removal. This includes verification testing of the contents of the facilities, as well as environmental testing of the coating and internal surfaces. Timelines for PG&E completion of this verification will vary depending on the type and location of facilities in conflict.

8. Structures: No structures are to be built within the PG&E gas pipeline easement. This includes buildings, retaining walls, fences, decks, patios, carports, septic tanks, storage sheds, tanks, loading ramps, or any structure that could limit PG&E’s ability to access its facilities.

9. Fencing: Permanent fencing is not allowed within PG&E easements except for perpendicular crossings which must include a 16 foot wide gate for vehicular access. Gates will be secured with PG&E corporation locks.

10. Landscaping: Landscaping must be designed to allow PG&E to access the pipeline for maintenance and not interfere with pipeline coatings or other cathodic protection systems. No trees, shrubs, brush, vines, and other vegetation may be planted within the easement area. Only those plants, ground covers, grasses, flowers, and low-growing plants that grow unsupported to a maximum of four feet (4’) in height at maturity may be planted within the easement area.

B-3 con't

11. Cathodic Protection: PG&E pipelines are protected from corrosion with an “Impressed Current” cathodic protection system. Any proposed facilities, such as metal conduit, pipes, service lines, ground rods, anodes, wires, etc. that might affect the pipeline cathodic protection system must be reviewed and approved by PG&E Corrosion Engineering.

12. Pipeline Marker Signs: PG&E needs to maintain pipeline marker signs for gas transmission pipelines in order to ensure public awareness of the presence of the pipelines. With prior written approval from PG&E Pipeline Services, an existing PG&E pipeline marker sign that is in direct conflict with proposed developments may be temporarily relocated to accommodate construction work. The pipeline marker must be moved back once construction is complete.

13. PG&E is also the provider of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E’s facilities must be reviewed and approved by PG&E to ensure that no impact occurs which may endanger the safe operation of its facilities.

Attachment 2 – Electric Facilities

It is PG&E's policy to permit certain uses on a case by case basis within its electric transmission fee strip(s) and/or easement(s) provided such uses and manner in which they are exercised, will not interfere with PG&E's rights or endanger its facilities. Some examples/restrictions are as follows:

1. Buildings and Other Structures: No buildings or other structures including the foot print and eave of any buildings, swimming pools, wells or similar structures will be permitted within fee strip(s) and/or easement(s) areas. PG&E's transmission easement shall be designated on subdivision/parcel maps as "**RESTRICTED USE AREA – NO BUILDING."**

2. Grading: Cuts, trenches or excavations may not be made within 25 feet of our towers. Developers must submit grading plans and site development plans (including geotechnical reports if applicable), signed and dated, for PG&E's review. PG&E engineers must review grade changes in the vicinity of our towers. No fills will be allowed which would impair ground-to-conductor clearances. Towers shall not be left on mounds without adequate road access to base of tower or structure.

3. Fences: Walls, fences, and other structures must be installed at locations that do not affect the safe operation of PG&'s facilities. Heavy equipment access to our facilities must be maintained at all times. Metal fences are to be grounded to PG&E specifications. No wall, fence or other like structure is to be installed within 10 feet of tower footings and unrestricted access must be maintained from a tower structure to the nearest street. Walls, fences and other structures proposed along or within the fee strip(s) and/or easement(s) will require PG&E review; submit plans to PG&E Centralized Review Team for review and comment.

4. Landscaping: Vegetation may be allowed; subject to review of plans. On overhead electric transmission fee strip(s) and/or easement(s), trees and shrubs are limited to those varieties that do not exceed 10 feet in height at maturity. PG&E must have access to its facilities at all times, including access by heavy equipment. No planting is to occur within the footprint of the tower legs. Greenbelts are encouraged.

5. Reservoirs, Sumps, Drainage Basins, and Ponds: Prohibited within PG&E's fee strip(s) and/or easement(s) for electric transmission lines.

6. Automobile Parking: Short term parking of movable passenger vehicles and light trucks (pickups, vans, etc.) is allowed. The lighting within these parking areas will need to be reviewed by PG&E; approval will be on a case by case basis. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications. Blocked-up vehicles are not allowed. Carports, canopies, or awnings are not allowed.

7. Storage of Flammable, Explosive or Corrosive Materials: There shall be no storage of fuel or combustibles and no fueling of vehicles within PG&E's easement. No trash bins or incinerators are allowed.

B-4 con't

8. Streets and Roads: Access to facilities must be maintained at all times. Street lights may be allowed in the fee strip(s) and/or easement(s) but in all cases must be reviewed by PG&E for proper clearance. Roads and utilities should cross the transmission easement as nearly at right angles as possible. Road intersections will not be allowed within the transmission easement.

9. Pipelines: Pipelines may be allowed provided crossings are held to a minimum and to be as nearly perpendicular as possible. Pipelines within 25 feet of PG&E structures require review by PG&E. Sprinklers systems may be allowed; subject to review. Leach fields and septic tanks are not allowed. Construction plans must be submitted to PG&E for review and approval prior to the commencement of any construction.

10. Signs: Signs are not allowed except in rare cases subject to individual review by PG&E.

11. Recreation Areas: Playgrounds, parks, tennis courts, basketball courts, barbecue and light trucks (pickups, vans, etc.) may be allowed; subject to review of plans. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications.

12. Construction Activity: Since construction activity will take place near PG&E's overhead electric lines, please be advised it is the contractor's responsibility to be aware of, and observe the minimum clearances for both workers and equipment operating near high voltage electric lines set out in the High-Voltage Electrical Safety Orders of the California Division of Industrial Safety (https://www.dir.ca.gov/Title8/sb5g2.html), as well as any other safety regulations. Contractors shall comply with California Public Utilities Commission General Order 95 (http://www.cpuc.ca.gov/gos/GO95/go_95_startup_page.html) and all other safety rules. No construction may occur within 25 feet of PG&E's towers. All excavation activities may only commence after 811 protocols has been followed.

Contractor shall ensure the protection of PG&E's towers and poles from vehicular damage by (installing protective barriers) Plans for protection barriers must be approved by PG&E prior to construction.

13. PG&E is also the owner of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E's facilities must be reviewed and approved by PG&E to ensure that no impact occurs that may endanger the safe and reliable operation of its facilities.

RESPONSE TO LETTER B: PG&E GAS AND ELECTRIC FACILITIES

Response B-1: The commenter provides introductory statements to the comment letter and indicates PG&E will review the submitted plans in relationship to any existing PG&E facilities within the project area. The commenter also requests that the provided information and requirements as it relates to gas and electric facilities be reviewed. The comment does not raise any specific issues related to the adequacy of the DPEIR and therefore does not require a detailed response. This comment is noted and will be considered by City decision makers.

Response B-2: The commenter provides information describing PG&E processes. Specifically, the comment requests that if the project being submitted is part of a larger project, then the entire scope of the project be submitted. The commenter further describes how PG&E's facilities are to be incorporated within any CEQA document, and PG&E needs to verify that the CEQA document will identify any future PG&E services. As described on page 3.14-22 of the DPEIR, it is anticipated that the extension of electrical lines would be required to serve future development within the Plan Area. It is expected that the extension of these lines would connect to existing PG&E facilities along the eastern Plan Area boundary within the existing PG&E right-of-way. Future electrical line extensions are anticipated to be located within the future right-of-way of Golf Club Road, the impacts of which are described within the body of the DPEIR. The exact sizing and placement would be determined at the project-level in association with subsequent development projects. All future development applications require supportive documentation to assess and ensure utility line extensions and/or facilities are adequately addressed, including a site plan, architectural and civil drawings, grading and landscaping plans. All subsequent developments consistent with the Specific Plan shall not require additional environmental review, as established under CEQA Guidelines Sections 15168 and 15183 - except as might be necessary to examine whether there are project-specific significant effects, which are peculiar to the project or its site.

Response B-3: The commenter outlines protocols regarding ground-disturbing work near gas transmission pipelines, requirements for PG&E access such as fencing and landscaping, and overall visibility of PG&E pipeline. Future development projects would conform to industry accepted best practices as well as all local, state, and federal requirements. Written approval from PG&E before construction may be necessary on properties that overlap with PG&E's right-of-way. This approval is often done as an encroachment agreement which outlines the permitted uses within the PG&E right-of-way and is issued after review of detailed plans. This comment is noted and will be considered by City decisionmakers in regards to working near gas transmission lines.

Response B-4: The commenter provides policy that prohibits certain uses and limits certain construction activities and the erection of certain structures within electric transmission fee strips and easements on a case-by-case basis. As future development projects are proposed, coordination with PG&E and the review of proposed plans will be required to ensure there is no interference with PG&E's rights and endangerment of facilities. The comment does not raise any specific issues related to the adequacy of the DPEIR and therefore does not require a detailed response. This comment is noted and will be considered by City decision makers.

Comment Letter C: Nicole A.

NextDoor Comments on Tech Park Specific Plan NOA

Nicole A.

•W Leland/Montevideo•4d

Listen up, everyone needs to pay attention to this. The city is once again planning to build without proper infrastructure support or fire safety measures. First, they're developing the hills, and now they're planning an industrial park. This is right next to the proposed sports facility that will eliminate one of the few parks in our area.

C-1

C-2

RESPONSE TO LETTER C: NICOLE A.

Response C-1: The commenter expresses concerns over insufficient infrastructure support. As discussed in Section 3.14, Utilities and Service Systems, of the DPEIR, future development projects would require the construction of additional infrastructure such as domestic or recycled water facilities, wastewater conveyance facilities, expanded stormwater drainage and retention infrastructure, extension of electrical lines, and telecommunication services. As discussed in Section 3.14.4 of the EIR, subsequent projects within the Plan Area would be required to complete infrastructure studies for all new domestic and recycled water and wastewater lines. Furthermore, all subsequent projects will be reviewed by the City for adequate flows and pressure. Site-specific analyses would confirm the adequacy of water and wastewater system infrastructure, pressure, and flows. As future development projects are considered, each project would be required to complete site-specific hydrology, drainage, and stormwater studies in conjunction with project grading plan approval in conformance with Chapter 15.88 PMC to ensure the provision of adequate stormwater infrastructure. To further ensure availability of water supplies and wastewater treatment capacity, the City requires that will-serve letters be submitted in conjunction with each subsequent phase of development from the water supply and treatment providers. Finally, future development projects would be subject to development impact fees at the time of building permit issuance.

Response C-2: The commenter expresses concerns over insufficient fire safety measures. As described in Section 3.15, Wildfires, of the DPEIR, the Specific Plan identifies fire protection guidelines for future development within the Plan Area. These guidelines include but are not limited to maintaining defensible space, managing brush, designing landscape in accordance with the Pittsburg Municipal Code 15.20 California Fire Code (CFC) section, and requiring project plans to undergo thorough review by the Contra Costa County Fire Protection District to ensure adherences to all code provisions. The proposed Specific Plan also includes requirements for adequate water supply and fire flow availability, ensures adequate emergency access, adequate fire protection services, fire safe design site standards, and ensures public awareness regarding fire safety.

All future development under the proposed Specific Plan would be required to comply with the provisions of federal, State, and local requirements related to wildland fire hazards, including State fire safety regulations associated with wildland-urban interfaces, fire-safe building standards, and defensible space requirements.

Response C-3: The commenter expresses concerns that the City is planning an industrial park. Furthermore, the commenter notes this industrial park will be next to the proposed sports facility that will eliminate one of few parks in the area. The project area is located only on a portion of the former Delta View Golf Course. Currently, the Plan Area is designated as Employment Center Industrial (ECI) as shown on the 2040 General Plan Land Use Map. The proposed Specific Plan for the Plan Area considers a variety of permitted uses for future development proposals. Permitted uses within the Plan Area include offices, data center, energy, research and development services and production, manufacturing (custom and limited), and warehouse and distribution (interior and exterior storage). While the comments do not address the adequacy of the DPEIR, or compliance with CEQA, these comments are

noted and will be forwarded to the City decision-makers for their consideration of topics beyond the adequacy of the DPEIR.

Comment Letter D: Charlie G.

NextDoor Comments on Tech Park Specific Plan NOA

Charlie G.

•Trident•2d

I'm all in for safety first, however new job opportunities will be available which is pretty good. But the safety issues is what concerns me. A data center has a heavy electrical use and with that area being prone to fires, it would be bad to have power disruption and possible data loss due to fire hazard. Still on the fence with this.

D-1

Updated 8:30am on 7/8/24

RESPONSE TO LETTER D: CHARLIE G.

Response D-1: The commenter supports new job opportunities, however, expresses concern that the Plan Area is in an area prone to fires, which could lead to potential power disruptions and data loss. Thank you for your comment and participation in the public process. As described in Section 3.14, Wildfires, of the DPEIR, all future development under the proposed Specific Plan would be required to comply with the provisions of federal, State, and local requirements related to wildland fire hazards, including State fire safety regulations associated with wildland-urban interfaces, fire-safe building standards, and defensible space requirements. As such, future development shall be subject to incorporate additional fire safety measures, such as fire-resistant roof construction, secure attachments, which will be reviewed by the Contra Costa Fire Protection District (CCFPD) and City of Pittsburg Building Department to ensure adherence to these standards and provisions.

Comment Letter E: Kanyon Konsulting LLC, Indian Canyon Band of Costanoan Ohlone People

From: KKLLC Admin <admin@kanyonkonsulting.com>
Sent: Thursday, July 11, 2024 6:54 PM
To: Alison Spells <ASpells@pittsburgca.gov>
Subject: Pittsburg Technology Park Specific Plan, AP-24-0028

External Sender: Use caution before opening links or attachments

miSmin Tuuhis [Good Day]
Kan rakat Kanyon Sayers-Roods. I am writing this on behalf of the Indian Canyon Band of Costanoan Ohlone People as requested, responding to your letter E-1

As this project's Area of Potential Effect (APE) overlaps or is near the management boundary of a potentially eligible cultural site, I am interested in consulting and voicing our concerns. With some instances like this, usually we recommend that a Native American Monitor and an Archaeologist be present on-site at all times during any/all ground disturbing activities. The presence of a Native monitor and archaeologist will help the project minimize potential effects on the cultural site and mitigate inadvertent issues. E-2

Kanyon Konsulting, LLC has numerous Native Monitors available for projects such as this, if applicable, we recommend a Cultural Sensitivity Training at the beginning of each project. This service is offered to aid those involved in the project to become more familiar with the indigenous history of the peoples of this land that is being worked on. E-3

Kanyon Konsulting is a strong proponent of honoring truth in history, when it comes to impacting Cultural Resources and potential ancestral remains, we need to recognise the history of the territory we are impacting. We have seen that projects like these tend to come into an area to consult/mitigate and move on shortly after - barely acknowledging the Cultural Representatives of the territory they steward and are responsible for. Because of these possibilities, we highly recommend that you receive a specialized consultation provided by our company as the project commences, bringing in considerations about the Indigenous peoples and environment of this territory that you work, have settled upon and benefit from. E-4

As previously stated, our goal is to Honor Truth in History. And as such we want to ensure that there is an effort from the project organizer to take strategic steps in ways that #HonorTruthinHistory. This will make all involved aware of the history of the Indigenous communities whom we acknowledge as the first stewards and land managers of these territories.
Potential Approaches to Indigenous Cultural Awareness/History:

Signs or messages to the audience or community of the territory being developed. (ex. A commemorable plaque, page on the website, mural, display, or an Educational/Cultural Center with information about the history/ecology/resources of the land)

Commitment to consultation with the Native Peoples of the territory in regards to presenting and messaging about the Indigenous history/community of the land (Land Acknowledgement on website, written material about the space/org/building/business/etc, Cultural display of cultural resources/botanical knowledge or Culture sharing of Traditional Ecological Knowledge - Indigenous Science and Technology)
Advocation of supporting indigenous lead movements and efforts. (informing one's audience and/or community about local present Indigenous community)

We look forward to working with you.
Tumsan-ak kannis [Thank You]
Kanyon Sayers-Roods
Consultant / Tribal Monitor [ICMBCO]
Kanyon Konsulting, LLC

--
Kind Regards

Nichole Rhodes
Executive Administrator Kanyon Konsulting LLC
Email: Admin@kanyonkonsulting.com

RESPONSE TO LETTER E: KANYON KONSULTING LLC, INDIAN CANYON BAND OF COSTANOAN OHLONE PEOPLE

Response E-1: The commenter provides introductory statements to the comment letter. Thank you for your comment and participation in the public process.

Response E-2: The commenter notes that the Area of Potential Effect overlaps or is near the management boundary of a potentially eligible cultural site, and thereby, recommends a Native American Monitor and Archaeologist be present on-site at all times during ground disturbing activities. As discussed in Section 3.4, *Cultural and Tribal Resources*, of the DPEIR, future development projects will be required to implement mitigation measures MM 3.4-1 through MM 3.4-3, which requires a Qualified Professional Archaeologist and Native American Monitor to be present during all ground-disturbing activities.

Response E-3: The commenter recommends a Cultural Sensitivity Training at the beginning of each project. As described in mitigation measure MM 3.4-1, all workers shall receive cultural resource awareness training. The training program will be developed by a Qualified Professional Archaeologist and shall include relevant information such as applicable regulations, protocols for avoidance, and appropriate measures to be implemented should resources be encountered.

Response E-4: The commenter recommends the project receive specialized consultation provided by Kanyon Konsulting, LLC with an emphasis on the goal to honor truth in history. The commenter further describes potential approaches to indigenous cultural awareness, such as signs or messages, commemorative plaque, page on website, or written material about the space. While the comments do not address the adequacy of the DPEIR, or compliance with CEQA, these comments are noted and will be forwarded to the City decision-makers for their consideration of topics beyond the adequacy of the DPEIR.

Comment Letter F: PG&E Gas and Electric Facilities

Pacific Gas and Electric Company

Plan Review Team
Land Management

PGEPlanReview@pge.com

July 19, 2024

Alison Spells
City of Pittsburg
65 Civic Ave
Pittsburg, California 94565

RE: State Clearinghouse No. 2024030184 - Pittsburg Technology Park Specific Plan

Dear Alison,

F-1

Thank you for giving us the opportunity to review the subject plans. The proposed Pittsburg Technology Park Specific Plan is within the same vicinity of PG&E's existing electrical distribution facilities that impact this property.

F-2

The Plan will require the relocation or removal of existing PG&E electric service facilities. The applicant must contact the below resources to apply for the relocation of any existing PG&E underground electric services that exist on the subject parcels.

Please contact the Building and Renovation Center (BRSC) for facility map requests by calling 1-877-743-7782 and PG&E's Service Planning department at www.pge.com/cco for any modification or relocation requests, or for any additional services you may require, including Can & Will Serve letters.

As a reminder, before any digging or excavation occurs, please contact Underground Service Alert (USA) by dialing 811 a minimum of 2 working days prior to commencing any work. This free and independent service will ensure that all existing underground utilities are identified and marked on-site.

If you have any questions regarding our response, please contact me at Tyler.Handley@pge.com.

Sincerely,

Tyler Handley

Tyler Handley
CONT – Land Agent
Land Management

RESPONSE TO LETTER F: PG&E GAS AND ELECTRIC FACILITIES

Response F-1: The commenter provides introductory statements to the letter and confirms the Plan Area is in the same vicinity of PG&E's existing electrical distribution facilities. Thank you for your comment and participation in the public process. This comment does not state a specific concern related to the adequacy of the DPEIR and therefore does not require a detailed response.

Response F-2: The commenter confirms that the Plan will require the relocation or removal of existing PG&E electric facilities. The commenter provides resources for the project proponent to apply for the relocation of an existing PG&E underground electric facility. The comment does not raise any specific issues related to the adequacy of the DPEIR and therefore does not require a detailed response. This comment is noted and will be considered by City decisionmakers in regards to working near electric transmission lines.

Comment Letter G: East Bay Municipal Water District

EAST BAY
MUNICIPAL UTILITY DISTRICT

July 24, 2024

Alison Spells, Associate Planner
City of Pittsburg Planning Division
65 Civic Avenue
Pittsburg, CA 94565

Re: Notice of Availability of a Draft Program Environmental Impact Report – Pittsburg Technology Park Specific Plan

Dear Ms. Spells:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Draft Program Environmental Impact Report (EIR) for the Pittsburg Technology Park Specific Plan located at 2232 Golf Club Road in the City of Pittsburg. EBMUD commented on the Notice of Preparation of a Draft EIR for the project on March 27, 2024. EBMUD's original comments (see enclosure) still apply regarding water service. G-1

If you have any questions concerning this response, please contact me at (510) 287-1365.

Sincerely,

David J. Rehnstrom
Manager of Water Distribution Planning

DJR:AT:kn
wdpd24_127 Pittsburg Technology Park Specific Plan

Enclosure: EBMUD's March 27, 2024 comment letter

cc: Pittsburg Data Hub, LLC
107 Elm Street, Suite 501
Stamford, CT 06902

EAST BAY
MUNICIPAL UTILITY DISTRICT

March 27, 2024

Alison Hodgkin, Associate Planner
City of Pittsburg Department of Community and Economic Development
65 Civic Avenue
Pittsburg, CA 94565

Re: Notice of Preparation of a Draft Environmental Impact Report – Pittsburg Technology Park Specific Plan

Dear Ms. Hodgkin:

G-2

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Notice of Preparation of a Draft Environmental Impact Report for the Pittsburg Technology Park Specific Plan located at 2232 Golf Club Road in the City of Pittsburg. EBMUD has the following comments.

WATER SERVICE

EBMUD's Mokelumne Aqueducts (Aqueduct), located in EBMUD's right-of-way and property owned in fee, are located adjacent to the northern boundary of the Specific Plan area. Any projects being planned within or immediately adjacent to EBMUD property will need to follow EBMUD's Procedure 718 – Authorized Uses of Pipeline Rights-of-Way. A copy of the procedure is enclosed for your reference. Design drawings for any project encroachment (roadway, utility, facility, etc.) or restoration projects crossing or within the Aqueduct property or right-of-way will need to be submitted to EBMUD for review of possible drainage, site grading, fencing, construction access, and other conditions that may impact EBMUD property. If any projects involve the construction of retaining walls and fences along the property line; these must be constructed completely outside of EBMUD property, including all footings. The project sponsor shall contact EBMUD's Survey Section to coordinate identifying, locating, and marking correct property lines.

If you have any questions concerning this response, please contact Timothy R. McGowan, Senior Civil Engineer, Major Facilities Planning Section at (510) 287-1981.

Sincerely,

David J. Rehnstrom
Manager of Water Distribution Planning

DJR:AT:djr
wdpd24_051 Pittsburg Technology Park Specific Plan

Enclosure: Procedure 718 – Authorized Uses of Pipeline Rights-of-Way

375 ELEVENTH STREET . OAKLAND . CA 94607-4240 . TOLL FREE 1-866-40-EBMUD

cc: Pittsburg Data Hub, LLC

EBMUD

Procedure 718

EFFECTIVE 13 DEC 22

SUPERSEDES 08 JUL 20

LEAD DEPARTMENT O&M

AUTHORIZED USES OF PIPELINE RIGHTS-OF-WAY

PURPOSE – To establish procedures and criteria for review and authorization of overhead, surface, and sub-surface use of District-owned and easement established property containing raw and distribution water aqueducts and pipelines ("pipelines") for purposes other than installation, maintenance, and operation of District pipelines.

G-2 con't

Forms Used

L-14	Limited Land Use Permit
K-47	Work Request Agreement
N-15	Certificate of Public Liability Insurance
N-17	Certificate of Workers' Compensation Insurance
	Application for Use of EBMUD Property or Request for Information
	General Fund Receipts for Miscellaneous Payments

Authority and Responsibility

Use, development, and control of fee-owned and easement established rights-of-way for District and non-District uses must be consistent with the District's operations, maintenance, security, and the rights and obligations of the District. District and non-District uses of District-owned pipeline rights-of-way may be permitted, at the District's sole discretion, only if the uses conform to Policy 7.01 - Aqueduct and Distribution Pipeline Rights-of-Way Maintenance and the requirements of this Procedure.

- No use of District pipeline rights of way or property by others will be permitted as a condition to meet city/county zoning requirements or to obtain any land use permit, approval, or entitlement affecting properties not owned by the District.
- No use of District properties by others will be permitted except under terms of a written agreement.
- Use of pipeline rights-of-way for District purposes shall have the concurrence of the Director of Operations and Maintenance and shall include all applicable protections required for similar third-party use.
- The Board of Directors has exclusive authority to approve any proposed right-of-way use requiring the adoption and implementation of one or more mitigation measures to minimize potentially significant environmental impacts.
- The decision whether to authorize any party other than the District to use District-owned property containing pipelines for any non-District purpose is a legislative act undertaken at the sole discretion of District staff. No notice or hearing is required to consider an application for use of such property, and staff's decision is not subject to appeal.

Acceptable long-term uses of the pipeline rights-of-way include but are not necessarily limited to: utility crossings, road crossings, limited agriculture, equestrian and pedestrian trails, parks, oil and gas leases, and District-owned ground water wells. Acceptable long-term uses of rights-of-way and easements for future pipelines will be evaluated upon facility completion. Such uses will be authorized in writing. All approved uses will conform to the requirements and limitations described in the attached EBMUD Requirements for Entry or Use of Pipeline Rights-of-Way (Requirements for Entry or Use) and all other conditions as specified in the written approval.

The Water Supply Division and the Water Treatment and Distribution Division are each primarily responsible to implement this Procedure with respect to proposed uses of rights-of-way containing a facility "owned" by that Division. Facility "ownership" for this purpose is determined based on which Division has "Overall Responsibility" for the facility according to Table 1 of Procedure 706 – Facilities: Inspection, Maintenance and Repair. Wherever this Procedure allocates responsibility to both Divisions in the

alternative, the responsibility shall rest with the Division which owns the facility within the right-of-way which is proposed to be used.

The Water Supply or the Water Treatment and Distribution Divisions are responsible for monitoring permitted uses and detecting and preventing unauthorized uses of pipeline rights-of-way, respectively.

G-2 con't

The Office of General Counsel and the Manager of Real Estate Services will be consulted when an unauthorized user will not voluntarily desist.

The Water Supply or the Water Treatment and Distribution Divisions are responsible for coordinating the development of recommendations with respect to the terms and conditions to be stipulated when a District or non-District use of a pipeline right-of-way is to be permitted.

The Director of Engineering and Construction shall be consulted as necessary to provide location analysis or to determine what structural, grading, drainage, corrosion protection or other engineering measures are required and to obtain estimates of engineering, design and inspection costs.

Inquiries and Applications for Use

Applications and inquiries for use of pipeline rights-of-way shall be processed by the Water Operations Department. Applications for non-District uses will not be processed unless accompanied by the appropriate application fees specified in the District's "Water and Wastewater System Schedules of Rates and Charges, Capacity Charges, and Other Fees".

The **Water Operations Department** is responsible for:

- Providing requirements for use of the District's pipeline rights-of-way to applicants requesting use of the right-of-way. See the attached Requirements for Entry or Use.
- Providing requirements to applicants for proposed work located adjacent to the District's pipeline rights-of-way which has the potential to impact the District's pipelines (e.g., proposed excavations that may include use of tiebacks that could result in a vertical encroachment and/or excavations that have the potential for ground movements that could damage District pipelines).
- Checking for completeness of any permit (e.g., Encroachment Permit Application) to ensure compliance with the requirements for entry or use of pipeline rights-of-way contained in Requirements for Entry or Use plus any other conditions applicable to the proposed use.
- Collecting engineering, plan review and construction inspection costs and documentation of insurance coverage, if necessary.
- Monitoring existing encroachments and inspection of the construction of new approved encroachments.
- Providing information to the Engineering and Construction Department for technical input regarding additional permit requirements or special restrictions that may be applicable (in addition to those outlined in the Requirements for Entry or Use).
- Assuring proper environmental documentation for proposed uses through consultation with the Water Distribution Planning Division, when appropriate. Policy 7.01 - Aqueduct and Distribution Pipeline Rights-of-Way Maintenance, requires the District to ensure that any construction impacts from third-party use of District rights of way are mitigated to the level of "no significant impact."

Real Estate Services is responsible for:

- Advising the Manager of Water Supply or the Manager of Water Treatment and Distribution of any real estate matters which relate to a specific proposed use.
- Collecting application fees and charges, preparing and executing limited land use permits, leases, easements, and all other property-related agreements (except for revocable licenses and temporary entry permits) and recommending fees and charges appropriate to the property use allowed, and for securing payment. See the current applicable Water and Wastewater System Schedule of Rates and Charges and Fees.
- Maintaining records relating to rights-of-way crossings and use, and providing information to the Engineering and Construction Department for the update of District pipeline drawings and GIS applications.

G-2 con't

Types of Permit License or Easement

The Manager of Water Supply or Manager of Water Treatment and Distribution shall keep available the forms listing the general requirements set forth in Requirements for Entry or Use for each of the following:

Temporary Entry/Temporary Construction Permit

For temporary access to pipeline rights-of-way such as for surveying, potholing, construction, for temporary access via the District's right-of-way to property adjacent to the right-of-way, and other similar short-term situations.

Revocable License and Revocable Landscape License

For pipelines, sewers, storm drains, overhead and underground cables, public trails, landscaping and other crossings or lateral encroachments.

Limited Land Use Permit

Provides for agricultural or other surface use of the right-of-way for a period not to exceed one year (vehicular parking is prohibited). These permits are renewable annually if inspection reveals satisfactory conformance to conditions of permit.

Easement

For streets, highways, large diameter pipelines, canals and railroads, and other permanent publicly-owned encroachments. Easements are officially recorded with the county having jurisdiction. The consideration for the easement (e.g., fee) will be based on the value of the property being encumbered.

The Manager of Water Supply or Manager of Water Treatment and Distribution shall request review of any proposed revisions to application forms and lists of requirements from the Engineering and Construction Department, Real Estate Services Division, Office of General Counsel, and the District's Pipe Committee.

Processing Applications

Temporary Entry Permits and Temporary Construction Permits

The Manager of Water Supply or Manager of Water Treatment and Distribution (or designee) may issue temporary entry and construction permits including imposing standard and temporary conditions relating to the use. The Manager of Real Estate Services and the Office of General Counsel will be consulted regarding unusual circumstances.

Revocable Licenses

The Manager of Water Supply or Manager of Water Treatment and Distribution (or designee), if warranted, shall conduct a field investigation to determine pipeline protection requirements and in consultation with the Design Division or the Pipeline Infrastructure Division, will set forth the engineering and operating requirements.

G-2 con't

The Manager of Water Supply or Manager of Water Treatment and Distribution (or designee), shall then specify any and all requirements, including special conditions to the applicant, and discuss the terms and conditions of the license agreement as well as any processing, design and inspection costs and license fee. The Manager of Water Supply or Manager of Water Treatment and Distribution may then enter into a standard license agreement with relevant special conditions on behalf of the District. The Manager of Real Estate Services and the Office of General Counsel shall be consulted regarding any unusual circumstances.

Copies of all revocable licenses issued by the Water Supply Division or the Water Treatment and Distribution Division shall be provided to the Manager of Real Estate Services.

Copies of all licenses or leases issued by the Manager of Real Estate Services on Pipeline Rights-of-Ways shall be provided to the Water Supply Division or the Water Treatment and Distribution Division.

Limited Land Use Permits

The Manager of Water Supply or Manager of Water Treatment and Distribution (or designee), shall convey the District's requirements to the applicant and investigate to determine any special conditions.

Real Estate Services shall prepare the Limited Land Use Permit (Form L-14) in duplicate, including special conditions or stipulations, accompanied by a District-prepared location sketch that will refer to pipeline stationing and other appropriate location identifiers, including adjacent pipeline structures.

Engineering and Construction Department shall prepare the location sketch.

After payment of the stipulated consideration determined by Real Estate Services, the Manager of Water Supply or Manager of Water Treatment and Distribution (or designee) shall review and execute the permit. These copies are then returned to the Manager of Real Estate Services, together with any stipulated consideration.

Forty-five days before expiration of a Limited Land Use Permit, the Manager of Real Estate Services shall notify the Manager of Water Supply or Manager of Water Treatment and Distribution, who shall investigate the permittee's operations. If renewal of the permit is recommended, the permit will be renewed by letter from the Manager of Real Estate Services.

Leases and Easements

The Water Supply or Water Treatment and Distribution Divisions shall conduct a field investigation to determine requirements for pipeline protection and, in consultation with the Design Division or Pipeline Infrastructure Division, if necessary, will set forth the engineering and operating requirements.

G-2 con't

If structural or corrosion protective facilities are required, the Manager of Water Supply or Manager of Water Treatment and Distribution (or designee) shall request the Manager of Design Division or Pipeline Infrastructure Division to proceed with the required design or plan reviews. (During design, the designer will communicate with the applicant's engineer.) Upon completion of design, the plans will be delivered to the applicant via the Manager of Water Supply or Manager of Water Treatment and Distribution (or designee), who will arrange for inspection as required.
The Manager of Real Estate Services shall discuss with the applicant the terms of the agreement and the amount of the consideration, including any processing, design, and inspection costs. Real Estate Services shall obtain an appraisal and engineering estimates, if necessary.

Upon agreement with the applicant, the Manager of Real Estate Services, shall draft, for review and approval by the Manager of Water Supply Division or the Manager of Water Treatment and Distribution Division and Office of General Counsel, an agreement granting the applicant the property interest under the terms and for the consideration as approved. Real Estate Services shall assure that evidence of insurance is provided, if required. The lease or easement shall be submitted to the District's Board of Directors for approval, if required by Procedure 108 - Real Estate Transactions. Two copies of the lease or easement shall be sent to the applicant with instructions to sign and return the copies, together with the consideration, to the Manager of Real Estate Services. Easements shall be recorded and the applicant shall provide the Manager of Real Estate Services with the recording data.

Approvals

District and non-District uses of pipeline rights-of-way shall be confirmed in writing, listing any special conditions which may apply to the proposed use to the requesting District departments or third parties by the Manager of Water Supply or Manager of Water Treatment and Distribution (or designee).

Terminations

Any third-party use of the District's pipeline property may be terminated at the District's sole discretion, so long as the termination is authorized by and done in a manner compliant with the terms and conditions of the permit, license, or lease that governs the use. If the Water Supply Division or the Water Treatment and Distribution Division terminates any permit or license, the Manager of Real Estate Services and the Design Division shall be so notified by memo. The Office of General Counsel may be consulted before undertaking a termination which may affect the District's legal interests.

Terms and Conditions

The final determination of generally applicable terms and conditions appropriate for District uses of pipeline properties rests with the Director of Operations and Maintenance.

A specific third-party applicant for use of pipeline property may be required, as a condition of approval of the application, to comply with the generally applicable terms and conditions, or with different or additional terms and conditions that are determined to be in the District's best interest. The decision to approve or deny an application, and the selection of terms and conditions of any approval, shall rest with the Director of Operations and Maintenance. There is no right to an administrative appeal or hearing, and the decision of the Director or designee is final.

Records

The Manager of Real Estate Services shall maintain a file containing copies of all documents relating to right-of-way crossings or uses, except for temporary encroachment permits, and is responsible for the assignment of right-of-way crossing numbers to approved documents.

The Engineering and Construction Department shall maintain as-built and right-of-way drawings and other information of pipelines. Updates to these drawings shall be made following:

1. Grant of Revocable License or Easement. Notice to be supplied by the Manager of Real Estate Services.
2. Completion of crossing construction covered by license or easement. Notice, including "as built" location data, to be supplied by the applicant to the Water Supply Division or Water Treatment and Distribution Division for transmittal to the Engineering and Construction Department. This notice will be routed through the Engineering and Construction Department, as necessary, then to the Manager of Real Estate Services.
3. Termination of any pipeline right-of-way use. Notice to be supplied by the Manager of Real Estate Services.

Drawings of right-of-way crossings and uses within the service area will be updated in GIS applications by Mapping Services based on information provided from Real Estate Services.

G-2 con't

Required Fees

Pipeline right-of-way fees for the processing of applications and documents related to proposed uses are included in the "Water and Wastewater System Schedules of Rates and Charges, Capacity Charges, and Other Fees". The Manager of Water Supply and Manager of Water Treatment and Distribution are responsible for periodic review and updating of Requirements for Entry or Use. The Manager of Real Estate Services is responsible for review and updating of Fees and Documentation Charges, Use of Aqueduct and Distribution Pipeline Rights-of-Way by Others.

References

Policy 7.01 – Aqueduct and Distribution Pipeline Rights-of-Way Maintenance
Procedure 108 – Real Estate Transactions
Procedure 436 – Miscellaneous Accounts Receivable and Cash Receipts
Procedure 706 – Facilities: Inspection, Maintenance and Repair
Requirements for Entry or Use of Pipeline Rights-of-Way (attached)
Water and Wastewater System Schedules of Rates and Charges, Capacity Charges, and Other Fees (as updated periodically)

EBMUD REQUIREMENTS FOR
ENTRY OR USE OF **PIPELINE RIGHTS-OF-WAY**

East Bay Municipal Utility District

1. Requests for encroachment rights or for other uses of the District's raw and distribution water aqueduct and pipeline ("pipeline") properties shall be directed to the Manager of Water Supply, 1804 West Main Street, Stockton, California 95203. Property uses shall only be permitted subject to appropriate written permit, license, easement, or lease agreement.

2. Requests for property uses shall be in writing and accompanied by a completed application, application fees, plan and profile drawings of the area and work involved. District pipeline stationing and adjacent above-ground structures must be shown. Applicant's horizontal and vertical control must be correlated to the District's. Drawings and maps shall be ANSI D size (22x34 inch) or ANSI B size (11x17 inch) and must also be provided in electronic .pdf format. Application must include complete insurance documentation.

G-2 con't

3. The applicant must indemnify, defend, and hold harmless the District and associated personnel from and against any claims, losses, and liability arising by reason of the applicant's use of District's property or the applicant's acts or omissions pursuant to any permit or approval issued by the District, on such terms as the District may require. The applicant may be required to provide evidence of insurance coverage.

4. All requests for uses of District property must be consistent with requirements and limitations set forth by Procedure 718 and will be reviewed and approved on a case-by-case basis.

5. District land and facilities shall be restored to a condition as good as that which existed before applicant's entry on the right-of-way.

6. Applicant's use of property shall not increase District costs or interfere with District access, operations, maintenance, or repair of its facilities.

7. The applicant must pay the District the appraised value of the easement or lease, if appropriate, for the rights granted to the applicant. Appropriate environmental documentation must be completed in accordance with the California Environmental Quality Act before the rights can be granted. The District may require the applicant to prepare the documentation at its expense before the application will be considered for approval. The District will review the environmental documentation to determine whether it (i) adequately describes the applicant's project, (ii) contains a detailed disclosure and analysis of the project's impacts, (iii) describes feasible measures to mitigate any construction impacts to the District's right-of-way to a level of no significant impact, and (iv) is otherwise legally sufficient. The District may rely on any existing environmental documentation for the applicant's project if the District determines that the existing documentation meets the above-described standards.

8. For any District-approved encroachment, the applicant must pay the District for any of the following measures, as determined necessary by the District:

    a. Design of structural protective measures
    b. Design of fences or other structures
    c. Corrosion control protective measures
    d. District engineering, plan review, and inspection of activities
    e. Environmental documentation
    f. Application, permit or license fees.

9. The plan for the execution of the work must be approved by the District.

10. The type and weight of equipment working over the pipelines must be approved by the District.

11. The use of vibratory compaction equipment is prohibited on the pipeline right-of-way unless otherwise approved by EBMUD. Allowable compaction effort, allowable equipment, and maximum depth of each lift of fill shall be subject to District review and approval before start of construction.

12. A minimum of 48 business hours' notice must be given to the District before work commences on District pipeline right-of-way. Contact information will be provided in permit.

13. A preconstruction meeting is required prior to start of work.

14. No building or portions of buildings shall be constructed on the property. No other types of structures shall be constructed unless specific approval is given by the District.

15. No longitudinal encroachments such as drainage ditches; gas, phone, or electrical lines; pipelines, or roads will be permitted. All property line fences (including footings) must be located completely outside District property lines.

G-2 con't

16. District staff shall monitor pile driving or other work which can result in vibration and occurs within 100 feet of the aqueducts. District staff shall also monitor other work located within 100 feet of the pipeline right-of-way, if such work has the potential to result in ground movements that could damage the District's facilities (i.e., large excavations with potential for horizontal or vertical ground deformations within the District's rights-of-way).

17. Railroad, freeway and highway crossings of the pipeline right-of-way shall be on permanent bridges with a minimum vertical clearance of 14 feet 6 inches between the finished ground surface and the underside of the bridge. Crossings of pipeline rights of way, on grade will be over structurally-encased aqueducts with a sleeve for a fourth aqueduct.

18. Street and road crossings constructed on grade shall incorporate protection of the pipelines. Protective measures will be designed by applicant's licensed engineer to District standards with specific District approval of each design.

19. Existing pipeline protective measures such as concrete slabs shall not be cut, penetrated, or otherwise disturbed. If a protective measure is cut, penetrated, or disturbed, it shall be replaced with a new protective measure, designed by applicant's licensed engineer to District standards with specific District approval of design.

20. Traffic control fences or approved barriers shall be installed along each side of the street, road or trail before opening to the public.

21. Temporary construction fences and barricades shall be installed by contractor as directed by the District.

22. No geotechnical exploration such as drilling or boring shall be allowed on an pipeline right-of-way without prior written approval from the District.

23. Any changes in finished grade in the pipeline right-of-way must be approved by the Aqueduct Section. Earth fills or cuts on adjacent property shall not encroach onto District property except where authorized for vehicular crossings on grade and where the District determines that there will be no detrimental effect on or maintenance of the pipelines.

24. Crossings shall be perpendicular to the pipelines and on a constant grade across District property.

25. Sanitary sewers, water lines, petroleum product lines, or other lines crossing above the pipelines must be encased in a steel, polyvinyl chloride (PVC), or reinforced concrete pipe conduit or be imbedded in reinforced concrete with a minimum vertical clearance of two (2) feet between the casing/embedment and the top of District pipelines. The casing shall extend the entire width of the pipelines right-of-way.

26. All pipelines crossing below the pipelines must be encased in a steel or reinforced concrete conduit and provide a minimum of three (3) feet of clearance between the casing and the bottom of the District pipelines.

27. Trenchless construction methods such as horizontal directional drilling or jack-and-bore between the top of the pipelines and the bottom of the protective structure (slab) are prohibited.

28. On pressurized pipe crossings, shutoff valves shall be provided outside and adjacent to both sides of District property.

G-2 con't

29. At the point of crossing, steel pipeline crossings and steel casings shall incorporate electrolysis test leads, bond leads, and leads necessary for interference testing. Corrosion control devices, when required, must be approved by the District.

30. Cathodic protection for steel encasements must be installed as follows:

    - Provide a dielectric coating to the exterior surface of the steel casing within the District's right-of-way, 16 mil epoxy or equivalent.
    - Provide galvanic protection to the portion of the steel casing within the District's right-of-way in accordance with the National Association of Corrosion Engineers RP-01-69.
    - If the carrier pipe is constructed of ductile iron or steel, provide electrical isolation between the carrier and casing using casing insulators; redwood skids are not permitted.
    - Provide test results to the District demonstrating the adequacy of the cathodic protection system, and the adequacy of the electrical isolation of the carrier (if metallic) from the casing. The District reserves the right to witness any such tests.

31. Gravity drainage of District property shall be maintained. Open channels constructed across the right-of-way shall be paved with reinforced concrete. Headwalls, inlets, and other appurtenances shall be located outside District property. Drainage facilities shall be provided outside the District's property at the top and/or toe of fill slopes or cuts constructed adjacent to District property to assure adequate drainage.

32. Overhead electrical power conductors across the property shall be a minimum of 30 feet above ground. Communication and cable TV crossings shall be a minimum of 20 feet above the ground. Supporting poles or towers shall be located outside the pipelines right-of-way.

33. Buried electrical cables passing over the pipelines shall be installed in PVC conduit and encased in red concrete across the entire width of the right-of-way. In some cases, PVC-coated steel conduit with a red concrete cap may be substituted. All other buried cables shall be installed in conduits and marked in the appropriate Underground Service Alert (USA) colored marking materials and with surface signs installed at 4-foot intervals that include the utility name, type, and emergency contact information across the entire width of the right-of-way. The minimum vertical clearance between the conduit and the top of the District's pipelines is two (2) feet.

34. Electrical or telecommunications cables shall not be allowed to pass under the pipelines.

35. Vehicular parking and storage of equipment or material on aqueduct or distribution pipelines property are prohibited.

36. All District survey monuments and markers shall be undisturbed. If any District survey markers or monuments must be disturbed, they will be replaced or relocated by the District at applicant's expense prior to the start of any ground disturbing work.

37. All pipeline crossings involving mechanical excavation on the right-of-way require potholing of all pipelines at the site of the proposed crossing. Visible reference markings showing the pipeline alignments and depths to top of pipe shall be maintained for the duration of any mechanical excavation on District property. Excavations within two (2) feet of pipelines shall be made by hand. Entry permits are required for pothole work.

38. All grading or excavating of the right-of-way requires USA notification and the maintenance of a current inquiry identification number.

39. Certified six-sack mix is the minimum acceptable concrete batch to be used on the pipelines right-of-way. Concrete compression strength shall be 3,000 per square inch (PSI) or better at 28 days. If samples do not reach 3,000 PSI at 28 days, the entire section of slab or encasement related to that sample must be removed and replaced at applicant's expense.

40. Each truckload of concrete to be placed on the right-of-way may be sampled by the District. No water may be added to the mix after sampling.

41. Maximum allowable slump is three inches. All concrete exceeding three inches will be rejected and cannot be used on the right-of-way.

42. No traffic will be allowed over protective slabs until 3,000 PSI is reached.

43. All work areas shall be inspected by the District for final approval. As-built drawing submittals are required for District approval.

44. No work is allowed on weekends or District-recognized holidays unless otherwise authorized in the required permit.

G-2
con't

RESPONSE TO LETTER G: EAST BAY MUNICIPAL WATER DISTRICT

Response G-1: The commenter provides introductory statements to the letter and confirms that the comment letter dated March 27, 2024, to the Notice of Preparation regarding water service still applies. Thank you for your comment and participation in the public process. This comment does not state a specific concern related to the adequacy of the DPEIR and therefore does not require a detailed response.

Response G-2: The commenter confirms that the EBMUD Mokelumne Aqueduct is adjacent to the northern boundary of the Specific Plan Area and provides procedures that would apply for any projects adjacent to EBMUD property. The commenter also states that any encroachments will require the submittal of drawings to EBMUD for approval, with potential for drainage, site grading, fencing, construction access and other conditions, along with contact information and other procedures. This comment does not state a specific concern related to the adequacy of the DPEIR and therefore does not require a detailed response. This comment is noted and will be considered by City decisionmakers in regard to working near EBMUD property.

Comment Letter H: Caltrans

California Department of Transportation

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

August 9, 2024

SCH #: 2024030184
GTS #: 04-CC-2020-00824
GTS ID: 19365
Co/Rt/Pm: CC/4/21.7

Alison Spells, Associate Planner
City of Pittsburg
65 Civic Avenue
Pittsburg, CA 94565

Re: Pittsburg Technology Park Specific Plan – Draft Environmental Impact Report (DEIR)

Dear Alison Spells:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Pittsburg Technology Park Specific Plan. The Local Development Review (LDR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities. The following comments are based on our review of the July 2024 DEIR. H-1

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

Project Understanding

The proposed specific plan is based on a concept for development of the plan area in three phases. Phase I would include the development of a data center on the 22.05-acre portion of the plan area north of the Contra Costa Canal. Future phases II and III, on the 54.33-acre portion of the plan area south of the canal, would be designed to accommodate up to 761,118 square feet of development.

Travel Demand Analysis H-2

The project vehicle miles traveled (VMT) analysis and significance determination are undertaken in a manner consistent with the City's adopted vehicle miles traveled guidelines. Per the DEIR, this project is found to have a less than significant VMT impact with mitigation. Caltrans commends the City for requiring the development of a Transportation Demand Management Plan for the project to reduce employee VMT, therefore working towards meeting the State's goal of a 15-percent reduction. The

proposed measures identified in the Transportation Demand Management (TDM) plan should be documented with annual monitoring reports to demonstrate effectiveness. H-2 con't

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

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

Sincerely,

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

c: State Clearinghouse

RESPONSE TO LETTER H: CALTRANS

Response H-1: The commenter provides introductory statements to the letter. Thank you for your comment and participation in the public process. This comment does not state a specific concern related to the adequacy of the DPEIR and therefore does not require a detailed response.

Response H-2: The comment confirms that the project VMT analysis and significance determination are consistent with the City's adopted VMT guidelines. The comment states they commend the City for requiring a TDM plan to work towards meeting the State's goal of a 15-percent reduction. Thank you for your comment and participation in the public process. This comment does not state a specific concern related to the adequacy of the DPEIR and therefore does not require a detailed response.

Comment Letter I: Nancy

Hi, my name is Nancy and I'm a resident. I-1

We know that none of the planners and none of the administrators over this program are residents. So, first of all, the providers of this EIR to say that this project is on the outskirts of Pittsburg is the gates. It is surrounded by residents. It also has a great impact on the new scale. I don't know whether those people came up here. One of the highest buildings we have in town and looked over there where the golf course is, or was, but a nine-story building and a bunch of the trucks sewing in and out of there is certainly going to have a view impact on the residents of that area as well as anybody who gets up this high. I-2

We pride ourselves on being a suburban community and with a lot of industry and a lot of growth for industry, that's all in here. I think it's irresponsible to do more than the first plan, and one of the first target we've been losing because the standards are so vague for projects two and three that I don't think it gives a clear picture of what might be at that, at every stage of development, the community ought to have an opportunity. If you let the two other projects and two other stages herein, then it needs to be highlighted more, especially with regard to the viewing of the traffic. 3,300 cars, car trips, in a day on Leland Road is simply outrageous. I hope that the public will find out about how bad that is. As you all know as developers, and people who want to do a short-term thing of building this, then I, I assume it was difficult. I-3

I find it very interesting that you find little significance in this project number one as it has to have something like 30 generators in its yard and it doesn't have any significance. I-4

Virtual proposals of this plan years ago said that they had to be next to BP alignment also, but we have left power plants all over the city by the water steel company. Then all of a sudden, they have to have all these generators in the yard. This is not a bay or port, it's not a low impact functioning proposal. You have to have that many generators in the north and who knows in they will propose in numbers two and three.

So I think that putting everything outright as a proposal and then allowing it to be handled by a Zoning Administer who has no responsibility, except their own moral code and their own sense of what they were trained to do as a planner, to say that that person, rather than the citizens, are gonna have the final say with regard to the size of the building, the bulk of the building, the layout of the building, that'd be no, that's wrong. Its these plans, if they go through, have a great impact on this here. And that impact is not just jobs. It isn't just the jobs for the building, but for the construction people. I understand that they are always interested in another building that they're making more from. I-5

I'm interested in what do we want, and what's gonna be left there, and what impact it's gonna have especially on all of the people who live in that area off of Leland road or live above it and are gonna be looking down on it. That's the impact that will be left in our community when all these people go back from wherever they came from. It's my understanding that most incorporation is in New York. This is about money. What people just don't know about is what is left in our city once they get their money and leave town.

RESPONSE TO LETTER I: NANCY

Response I-1: Thank you for your comment and participation in the public process. This comment does not state a specific concern related to the adequacy of the DPEIR and therefore does not require a detailed response.

Response I-2: Chapter 2.0 of the DPEIR thoroughly describes the surrounding land use and particularly identifies residential areas to the north. Specifically, the DPEIR states the following, lands to the south and west of the Plan Area are vacant/open space and are additional portions of the former Delta View Golf Course. Lands to the east consist of open space containing a transmission owned by Pacific Gas and Electric (PG&E). To the north of the Plan Area are low- and medium-density residential development. The 2040 General Plan designates the land to north as Low Density Residential and Public/Institutional; to the east as a PG&E Corridor Conversion Overlay; to and to the west as Park. The Contra Costa County General Plan designates lands to the south as Open Space. Furthermore, only public viewing locations are protected under CEQA; therefore, private viewpoints were not analyzed. The visual impact analysis for this Program-level EIR is sufficient to analyze potential future impacts.

Response I-3: The comment states that 3,300 vehicle trips per day is outrageous and it is irresponsible to implement phases two and three of the Specific Plan because the standards are so vague for those phases. Buildout of the Plan Area is anticipated to result in a total of 1,582 employees compared to buildout of the Plan Area under the 2040 General Plan, which would result in 3,300 employees.

Furthermore, for informational purposes, trip generation rates were prepared for the former Delta View Golf Course, and it was expected that the Golf Course produced approximately 752 average daily trips. As described in Section 3.13 of the DPEIR, as future specific land-uses are proposed for development on the site, a level of service (LOS) analysis shall be performed in accordance with the City of Pittsburg's Transportation Impact Analysis Guidelines. If violations of the City's General Plan LOS policies are identified, improvement measures shall be developed and proposed to eliminate those violations (see Mitigation Measure [MM] 3.13-2). Furthermore, maintenance of the circulation system would be supported through transportation impact development fees at rates set by the City (see MM 3.13-3).

Response I-4: The comment states concern about the conclusion that having 30 generators would have a less than significant impact. The comment concerns a project separate from the Pittsburg Technology Park Specific Plan and that is not part of the discretionary actions addressed in the DPEIR. As disclosed in Global Response number 2, the Pittsburg Data Hub project application is with the CEC for review, and the application includes a complete analysis and disclosure of generator impacts, as included in Appendix C of the DPEIR.

Regarding noise impacts from generators, please refer to Chapter 4.13, pages 4.13-10 and 11 of the SPPE Application in Appendix C of the DPEIR. The analysis demonstrates no significant noise impacts form the data center equipment including the generators.

Regarding HG emissions from generators, please refer to Chapter 4.8, pages 4.8-7 through 9 of the SPPE Application in Appendix C of the DPEIR. The analysis quantifies GHG emissions from the generators and demonstrates the quantity is below the BAAQMD significance threshold for stationary sources.

Response I-5: The commenter states their concerns over future development of the site and the impacts after the Plan Area is developed. Please refer to Global Response number 1.

Comment Letter J: Blum, Collins & Ho LLP

BLUM, COLLINS & HO LLP
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August 15, 2024

Alison Spells
Associate Planner
City of Pittsburg
65 Civic Avenue
Pittsburg CA 94565

Via Email to :
aspells@pittsburgca.gov

Subject: Comments on Pittsburg Technology Park Specific Plan Program EIR (SCH NO. 2024030184)

Dear Ms. Spells,

Thank you for the opportunity to comment on the Program Environmental Impact Report (EIR) for the proposed Pittsburg Technology Park Specific Plan Project. Please accept and consider these comments on behalf of Golden State Environmental Justice Alliance. Also, Golden State Environmental Justice Alliance formally requests to be added to the public interest list regarding any subsequent environmental documents, public notices, public hearings, and notices of determination for this project. Send all communications to Golden State Environmental Justice Alliance P.O. Box 79222 Corona, CA 92877. J-1

1.0 Summary J-2

The project proposes the development a technology park employment area on a portion of the former municipal Delta View Golf Course. The Plan Area is approximately 76 acres and is composed of two major project areas bisected by the Contra Costa Canal. The area north of the canal is composed of the following parcels: 095-160-001, and 095-160-002 approximately 22.05 acres. The southern area is mostly composed of 094-080- 046 approximately 54.33 acres.
The Specific Plan is based on a concept for development of the area in three phases. The Program EIR provides a broad, programmatic analysis of environmental impacts related to the Specific Plan and does not provide authorization for any specific development project. Phase I is assumed to be a data center project (or other permitted use(s) allowed by the SP) north of the Contra Costa Canal. The Pittsburg Data Hub (PDH) is one potential project that could be developed in Phase I. Phases II and III cover land south of the canal and allow for the further development of the Plan Area as a dynamic employment center. The potential PDH project includes an emergency backup

generating facility with a generation capacity of up to 92 megawatts (MW) to support the need for the PDH to provide uninterruptible power supply for its tenant s servers. The Pittsburg Back-up Generating Facility (PBGF) would consist of 37, 3 MW diesel-fired backup generators arranged in a generation yard located on the west side of the PDH. A total of 36 generators would be dedicated to replacing the electricity needs of the data center in case of a loss of utility power, and one additional generator would be used to support general office loads along with building and life safety services. An application for a Small Power Plan Exemption (SPPE) was submitted to the California Energy Commission (CEC) on February 28, 2024, for the PBGF (24-SPPE-1).

J-2 con't

The PDH project remains speculative because the project design and other details have not been finalized; the CEC may or may not approve the required SPPE; and depending on CEC feedback, market demand, economic conditions, site constraints, and other factors, the property owner may choose to proceed with a different or revised development concept for Phase I. Accordingly, the Specific Plan does not provide authorization for the PDH project, and the PEIR provides a programmatic, rather than a project-level, environmental analysis for Phase I.

The EIR assumes development of 347,740 sf of building area in Phase I, 368,551 sf of building area in Phase II, and 392,567 sf of building area in Phase III, for a total of 1,108,858 sf of building area in the Specific Plan.

3.2 Air Quality and 3.6 Greenhouse Gases, Climate Change, and Energy

J-3

Please refer to attachments from SWAPE for a complete technical commentary and analysis.

The EIR does not include for analysis relevant environmental justice issues in reviewing potential impacts, including cumulative impacts from the proposed project. The EIR provides general information about Calenviroscreen but does not provide meaningful analysis regarding project census tract and the health impacts of pollution. This is in conflict with CEQA Guidelines Section 15131 (c), which requires that Economic, social, and particularly housing factors shall be considered by public agencies together with technological and environmental factors in deciding whether changes in a project are feasible to reduce or avoid the significant effects on the environment identified in the EIR. If information on these factors is not contained in the EIR, the information must be added to the record in some other manner to allow the agency to consider the factors in reaching a decision on the project." This is especially significant as the surrounding community is highly burdened by pollution. According to CalEnviroScreen 4.0[1], CalEPA's screening tool that ranks each census tract in the state for pollution and socioeconomic

[1] CalEnviroScreen 4.0 https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40

vulnerability. The proposed project's census tract (6013313205) is ranked in the 54th percentile for overall pollution burden, meaning the surrounding community bears the impact of multiple sources of pollution and is more polluted than average on several pollution indicators measured by CalEnviroScreen. For example, the project census tract ranks in the 80th percentile for traffic impacts and 65th percentile for diesel particulate matter burden. While California has strict vehicle-emissions standards, exhaust from cars and trucks is the main source of air pollution in much of the state[2]. Exhaust fumes contain toxic chemicals that can damage DNA, cause cancer, make breathing difficult, and cause low weight and premature births[3]. The very small particles of diesel PM can reach deep into the lung, where they can contribute to a range of health problems. These include irritation to the eyes, throat and nose, heart and lung disease, and lung cancer[4].

J-3 con't

The census tract ranks in the 72nd percentile for toxic releases. People living near facilities that emit toxic releases may breathe contaminated air regularly or if contaminants are released during an accident[5].

Further, the census tract is a diverse community including 42% Hispanic, 12% African-American and 18% Asian-American residents, whom are especially vulnerable to the impacts of pollution. The community has a high rate of low educational attainment, meaning 54% of the census tract over age 25 has not attained a high school diploma, which is an indication that they may lack health insurance or access to medical care. The community also has a high rate of poverty, meaning 23% of the households in the census tract have a total income before taxes that is less than the poverty level. Income can affect health when people cannot afford healthy living and working conditions, nutritious food and necessary medical care[6]. Poor communities are often located in areas with high levels of pollution[7]. Poverty can cause stress that weakens the immune system and causes people to become ill from pollution[8]. Living in poverty is an indication that residents may lack health insurance or access to medical care. Medical care is vital for this census tract as it ranks in the 98th percentile for incidence of asthma and 88th percentile for incidence of cardiovascular disease.

[2] OEHHA Traffic https://oehha.ca.gov/calenviroscreen/indicator/traffic-density
[3] OEHHA Traffic https://oehha.ca.gov/calenviroscreen/indicator/traffic-density
[4] OEHHA Diesel Particulate Matter https://oehha.ca.gov/calenviroscreen/indicator/diesel-particulate-matter
[5] OEHHA Toxic Releases https://oehha.ca.gov/calenviroscreen/indicator/toxic-releases-facilities
[6] OEHHA Poverty https://oehha.ca.gov/calenviroscreen/indicator/poverty
[7] Ibid.
[8] Ibid.

J-3 con't

Additionally, the census tracts adjacent to the project site (6013314102 (north), 6013311000 (north), and (6013313101) west) are identified as SB 535 Disadvantaged Communities[9]. This indicates that cumulative negative impacts of development and environmental impacts in the area are disproportionately impacting these communities. The EIR does not discuss that the surrounding area is a disadvantaged community and does not utilize this information in its analysis. The EIR has not considered the environmental impacts in relation to the SB 535 status of the project census tract and surrounding area. The negative environmental, health, and quality of life impacts of the warehousing and logistics industry in the area have become distinctly inequitable. The severity of environmental impacts particularly on these Disadvantaged Communities must be included for analysis as part of a revised EIR.

J-4

The State of California lists three approved compliance modeling softwares[10] for non-residential buildings: CBECC-Com, EnergyPro, and IES VE. CalEEMod is not listed as an approved software. The CalEEMod modeling does not comply with the 2022 Building Energy Efficiency Standards and under-reports the project s significant Energy impacts and fuel consumption to the public and decision makers. Since the EIR did not accurately or adequately model the energy impacts in compliance with Title 24, it cannot conclude the project will generate less than significant impacts and a finding of significance must be made. A revised EIR with modeling using one of the approved software types must be prepared and circulated for public review in order to adequately analyze the project s significant environmental impacts. This is vital as the EIR utilizes CalEEMod as a source in its methodology and analysis, which is clearly not an approved software.

J-5

The EIR has not adequately or accurately analyzed the significance of the project's GHG emissions. Table 3.6-2: Operational GHG Emissions by Phase and Variation demonstrates that Full Buildout of the project will generate 90,768 metric tons of CO2e (MTCO2e) annually. The BAAQMD threshold is 10,000 MTCO2e annually. The project exceeds the applicable annual threshold by more than nine times, which is noticeably significant. The EIR includes Table 3.6-3:BAAQMD Design Features Conformance to demonstrate the project will have a less than significant impact. However, the analysis within the table is incomplete. For example, regarding the conformance question under "Buildings (b): The project will not result in any wasteful, inefficient, or unnecessary energy usage as determined by the analysis required under CEQA Section 21100(b)(3) and Section 15126.2(b) of the State CEQA Guidelines," the EIR concludes the project is consistent because, "As described in further detail in the sections below, future

[9] OEHHA SB 535 Census Tracts https://oehha.ca.gov/calenviroscreen/sb535
[10] California Energy Commission 2022 Energy Code Compliance Software https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2022-building-energy-efficiency-1

development projects would not result in any wasteful, inefficient, or unnecessary energy usage." Referring the reader to other sections does answer the conformance question at hand. The EIR must be revised to include a finding of significance because it has not provided any meaningful evidence to support a less than significant finding as the project exceeds the applicable annual GHG emissions threshold by more than nine times. J-5 con't

3.9 Land Use and Planning

The EIR has not analyzed the proposed project in accordance with all goals, plans, and policies adopted for the purposes of avoiding or mitigating an environmental effect. A revised EIR must be prepared with a revised consistency analysis, including but not limited to the following General Plan goals and policies that were adopted for the purposes of avoiding or mitigating an environmental effect: J-6

1. Policy 2-P-1.5: Discourage development at urban densities or intensities in areas on the periphery of the City boundary. 2-P-1.6: Oppose land uses proposed in areas outside of the City limits that would be incompatible with existing or planned land uses within the City or that do not serve the best interests of the City.

2. Goal-2-3: Accommodate and promote exceptional commercial, cultural, recreational, entertainment, and public sector activities that serve the community and its neighborhoods to ensure that Pittsburg remains a unique, vital, and attractive family-friendly community.

3. Policy 2-P-3.1: Promote the provision of community amenities within large-scale developments, master-planned communities, and other planned developments, including parks and recreation facilities, neighborhood-serving commercial uses, streetscaping and pedestrian paths, transit facilities, parking areas, and public safety facilities.

4. Goal-3-2: Ensure that new residential, commercial, industrial, and other non-public growth contributes its share of the costs for the facilities needed to serve that growth.

5. Policy 3-P-2.1: Require new development to demonstrate that all necessary infrastructure will be fully funded and constructed prior to certificates of occupancy through payment of development impact fees, funding fair-share of necessary improvements, or construction of improvements and coordinate with public service agencies and/or districts as necessary to confirm adequacy of existing and planned infrastructure.

6. Policy 3-P-1.10: Ensure that all Regional Routes of Significance, as designated by CCTA and TRANSPLAN, within the City maintain the following traffic levels of service (LOS) standards (applicable to non-freeway routes and routes not subject to a Traffic Management Program):

J-6
con't

• LOS and D (peak hour volume to capacity ratio less than or equal to 0.85) at intersections along major arterials, except for intersections along Bailey Road;

7. 3-P-1.11: Ensure that traffic studies prepared for development projects include an analysis of the impacts of project-related traffic and roadway improvements on pedestrians, bicyclists and transit users.

8. 3-P-1.15: As part of development approval, ensure that safe and contiguous routes for pedestrians and bicyclists are provided within new development projects and on any roadways that are impacted as a result of new development.

9. Goal-4-2: Encourage preservation of the City s unique natural environment, including hillsides, distinct geologic and topographic landforms, open space, and the waterfront, through a built environment that respects the City s natural features and viewsheds.

10. Policy 4-P-2.1: Encourage development that preserves unique natural features, such as topography, rock outcroppings, mature trees, creeks, and designated major and minor ridgelines in in the design of hillside neighborhoods.

11. Policy 4-P-2.2: In areas not addressed under Policy 4-P-2.1, encourage development that preserves unique natural features, such as topography, rock outcroppings, mature trees, creeks, designated major and minor ridgelines, and views of such areas (as delineated in Figure 4-1) in new development as well as redeveloped sites.

12. Policy 4-P-2.3: Preserve significant visual resources that include skyline ridges, intermediate ridges, hilltops, and rock outcroppings, creeks, lakes, and open space areas in a natural state, to the extent possible (see also Downtown Policy 5-P-3.1 and Resource Conservation and Open Space Policy 9-P-5.4).

13. Policy 4-P-2.4: Retain views of major and minor ridgelines within the southern hills, as designated in Figure 4-1.

14. Policy 4-P-2.5: Ensure that hillside development enhances the built environment, improves safety through slope stabilization, is respectful of topography and other natural constraints, and preserves ridgelines and viewsheds.

15. Policy 4-P-2.6: Ensure that hillside lands not environmentally suitable for development are maintained as open space.

16. Policy 4-P-2.7: Require new development to minimize impacts to, and avoid obstructing views of and from, significant visual resources including major and minor ridgelines through creative site planning, integration of natural features into the project, appropriate scale, materials, and design to complement the surrounding natural landscape, and clustering of development (see also Downtown Policy 9-P-3.2 and Resource Conservation and Open Space Policy 9-P-5.5).

17. Policy 4-P-2.8: As part of the development review process, require design review of proposed hillside development. Encourage: • Hillside development that is clustered in small valleys and behind minor ridgelines, to preserve more prominent view of the southern hills.

18. Goal-10-6: Support Federal, State, and regional efforts to reduce air pollution in order to protect human and environmental health and restore air quality in the area to a more healthful level.

19. Policy 10-P-6.1: Support the principles of reducing air pollutants and greenhouse gas emissions through comprehensive and sustainable land use, transportation, and energy planning and addressing opportunities to decrease emissions associated with local government operations.

20. Policy 10-P-6.2: Ensure that new development is consistent with the energy objectives and targets identified by the City s Sustainability Plan.

21. Policy 10-P-6.3: Encourage transportation modes that minimize toxic air contaminants (TACs) and greenhouse (GHG) gas emissions from motor vehicle use. 10-P-6.4: Encourage and support infill, mixed use, and higher density development, where appropriate, in order to reduce GHG emissions associated with vehicle travel.

J-6 con't

3.11 Population and Housing

Table 2-1: Assumed Buildout Potential of the Specific Plan indicates the proposed project will generate 1,582 employees and buildout of the 2040 General Plan will result in 3,300 employees. The proposed project accounts for 47.9% of the City's job growth for the next 15 years, which is significant when attributed to a single project. The progress toward General Plan buildout will increase exponentially when other non-residential development is added to the calculation. A revised EIR must be prepared to include this analysis, and also provide a cumulative analysis discussion of projects approved since General Plan adoption and projects in the pipeline" to determine if the project will exceed the General Plan employment growth forecast for the City.

J-7

The EIR has not provided any information about the workforce that will fill the project's construction and operational jobs. The EIR has not provided any meaningful evidence, such as

local unemployment rates and their interest in or qualifications for work in the industrial sector, in order to support a less than significant finding and a revised EIR must be prepared to include a finding of significance.

J-7 con't

3.13 Transportation and Circulation

J-8

The EIR concludes that project employee VMT will be 13.1 VMT, which exceeds the threshold of 12.9 VMT per employee. The EIR implements Mitigation Measure 3.13-1 to allegedly achieve a reduction in employee vehicle trips and result in less than significant impacts. Mitigation Measure 3.13-1 states the following:

"MM 3.13-1: Transportation Demand Management Plan(s) Travel Demand Management Plan(s) shall be prepared and implemented for future phases of proposed Specific Plan implementation. The TDM Plan shall comply with the City s TIA Guidelines in effect at the time of application and should identify trip reduction strategies as well as mechanisms for funding and overseeing the delivery of trip reduction programs and strategies. Trip reduction strategies applicable to the proposed project may include, but are not limited to, the following:

A) Implement Alternative Work Schedules
B) Provide New Hire Packets on Transportation Options
C) Implement Subsidized or Discounted Transit Program
D) Provide Carpooling Programs
E) Implement Car-Sharing Program
F) Provide a Transit Riders Guide
G) Provide an Online TDM Information Center
H) Implement Commute Trip Reduction Marketing
I) Increase Bicycle and Pedestrian Facilities/Amenities
J) Free Trial Rides on Transit Services"

However, the EIR has not provided meaningful evidence to support the conclusion that Mitigation Measure 3.13-1 will reduce project generated VMT per employee to below the significance threshold continuously for the life of the project. Since future building tenants are unknown, implementation of trip reduction measures cannot be guaranteed to reduce Project generated VMT to a level of less than significant. It is not possible for the City to ensure that Mitigation Measure 3.13-1 will result in reduced VMT by project employees and be implemented continuously, at all times, throughout the life of the project and maintain a VMT reduction to less than significant levels at all times. The efficacy of the proposed mitigation measures and reduction of VMT impacts below the applicable thresholds cannot be assured and the project's VMT impact is therefore considered significant and unavoidable. A revised EIR must be prepared to include a

finding of significance because there is no possible assurance of the percentage of project employees that would utilize non-automobile travel associated with implementation of Mitigation Measure 3.13-1 and mitigation of the project's VMT impact to less than significant is not feasible. J-8 con't

Further, the EIR has underreported the quantity of VMT generated by the proposed project operations. The operational nature of industrial/warehouse uses involves high rates of truck/trailer/delivery van VMT due to traveling from large import hubs to regional distribution centers to smaller industrial parks and then to their final delivery destinations. Once employees arrive at work at the proposed project, they will conduct their jobs by driving delivery vans across the region as part of the daily operations as a warehouse, which will drastically increase project-generated VMT. The project's truck/trailer and delivery van activity is unable to utilize public transit or active transportation and it is misleading to the public and decision makers to exclude this activity from VMT analysis. The project's total operational VMT generated is not consistent with the significance threshold and legislative intent of SB 743 to reduce greenhouse gas emissions by reducing VMT. A revised EIR must be prepared to reflect a quantified VMT analysis that includes all truck/trailer and delivery van activity. J-9

The EIR has not adequately analyzed the project's potential to substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses; or the project's potential to result in inadequate emergency access. The EIR excludes any analysis or discussion of the available maneuvering and queueing space for trucks/trailers at the intersection of the project driveways and the adjacent streets, or throughout the site. The EIR states that, "the proposed Specific Plan circulation network proposes no features (sharp curves or dangerous intersections) that would substantially increase hazards," but does not provide any meaningful evidence to support this claim. The EIR also states regarding emergency access that, "Fire access within the Plan Area would be conform with the Contra Costa County Fire Protection Department's Fire Prevention Standards and Fire Apparatus Access Road Requirements." This does not comply with CEQA's requirements for adequate informational documents and meaningful disclosure (CEQA § 15121 and 21003(b)). The EIR has not provided any details regarding the requirements for emergency access or meaningful analysis of the project's compliance or noncompliance with these requirements. Deferring this environmental analysis required by CEQA to the construction permitting phase is improper mitigation and does not comply with CEQA's requirement for meaningful disclosure and adequate informational documents. A revised EIR must be prepared to include a finding of significance as the EIR has not provided any meaningful evidence to support a less than significant finding. J-10

4.2 Growth Inducement and 4.3 Significant Irreversible Effects

J-11

A revised EIR must be prepared to include an accurate cumulative analysis discussion here to demonstrate the impact of the proposed project in a cumulative setting. The EIR does not include any information regarding the buildout conditions of the City's General Plan in order to provide an adequate and accurate environmental analysis. The EIR must be revised to provide the horizon year of the City's current adopted General Plan, the total developable building floor area analyzed within the General ECI land use designation, and cumulative development since adoption of the General Plan to ensure that the proposed project is within the General Plan EIR's analysis, particularly since the EIR tiers from the General Plan EIR.

Notably, Table 2-1: Assumed Buildout Potential of the Specific Plan indicates the proposed project will generate 1,582 employees and buildout of the 2040 General Plan will result in 3,300 employees. The proposed project accounts for 47.9% of the City's job growth for the next 15 years, which is significant when attributed to a single project. The progress toward General Plan buildout will increase exponentially when other non-residential development is added to the calculation. A revised EIR must be prepared to include this analysis, and also provide a cumulative analysis discussion of projects approved since General Plan adoption and projects in the pipeline" to determine if the project will exceed the General Plan employment growth forecast for the City.

5.0 Alternatives

J-12

The EIR is required to evaluate a reasonable range of alternatives to the proposed project which will avoid or substantially lessen any of the significant effects of the project (CEQA § 15126.6.) The alternatives chosen for analysis include the CEQA required "No Project/No Build" alternative and only three others - No Project/ 2040 General Plan, Phase I Data Hub Development, and Limited Uses. The EIR does not evaluate a reasonable range of alternatives as only three alternatives beyond the required No Project alternative is analyzed. The EIR must be revised to include analysis of a reasonable range of alternatives and foster informed decision making (CEQA § 15126.6). This could include alternatives such as development of the site with a mixed-use project that provides affordable housing and local-serving commercial uses that may reduce VMT, GHG emissions, and improve Air Quality.

Conclusion

J-13

For the foregoing reasons, GSEJA believes the EIR is flawed and a revised EIR must be prepared for the proposed project and circulated for public review. Golden State Environmental Justice

Alliance requests to be added to the public interest list regarding any subsequent environmental documents, public notices, public hearings, and notices of determination for this project. Send all communications to Golden State Environmental Justice Alliance P.O. Box 79222 Corona, CA 92877.

J-13
con't

Sincerely,

Gary Ho
Blum, Collins & Ho LLP

Attachments:
1. SWAPE Technical Analysis

SWAPE Technical Consultation, Data Analysis and Litigation Support for the Environment

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August 13, 2024

Gary Ho
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707 Wilshire Blvd, Ste. 4880
Los Angeles, CA 90017

Subject: Comments on the Pittsburg Technology Park Specific Plan (SCH No. 2024030184)

Dear Mr. Ho,

We have reviewed the July 2024 Draft Program Environmental Impact Report ("DPEIR") for the Pittsburg Technology Park Specific Plan ("Specific Plan") located in the City of Pittsburg ("City"). The Specific Plan allows for the development of the Plan Area in three phases; Phase I is assumed to be a data center project north of the Contra Costa Canal, while Phases II and III cover land south of the canal and allow for the further development of the Plan Area as a dynamic employment center. J-14

Our review concludes that the DPEIR fails to adequately evaluate the Project's air quality, health risk, and greenhouse gas impacts. As a result, emissions and health risk impacts associated with construction and operation of the proposed Project may be underestimated and inadequately addressed. A revised Environmental Impact Report ("EIR") should be prepared to adequately assess and mitigate the potential air quality, health risk, and greenhouse gas impacts that the project may have on the environment.

Air Quality

Failure to Provide CalEEMod Output Files or Quantify Emissions

Regarding the operational air quality impacts associated with future development under the Specific Plan, the DPEIR incorporates Mitigation Measure ("MM") 3.2-4, which states: J-15

> "**MM 3.2-4** If a future development application includes a land use type that would generate diesel truck trips during project operation (such as logistics and warehousing), then prior to approval by the zoning administrator, a project-level air quality analysis shall be performed in conformance with General Plan Actions 2-A-4.b. and c. The analysis shall include, but not be

limited to, quantification of operational criteria air pollutant emissions, a determination of operational air quality impacts, and identification of mitigation measures necessary to reduce any significant impacts" (p. ES-7).

J-15 con't

MM 3.2-4 only requires land use types that generate diesel truck trips during project operation to prepare an operational air quality analysis. All future land uses, however, should quantify their operational criteria air pollutant emissions and compare emissions to thresholds, as established by the Bay Area Air Quality Management District ("BAAQMD"). The BAAQMD *2022 CEQA Guidelines* describe their framework for analyzing California Environmental Quality Act ("CEQA") impacts and state:

> "The central requirement of the CEQA environmental analysis is to determine whether implementing a project will result in any significant adverse impact on the environment, either individually or cumulatively.
>
> This mandate requires the lead agency first to evaluate whether the project will have a significant impact by itself and then to consider whether the project may contribute to a significant cumulative impact in conjunction with other past, present, and reasonably foreseeable future projects that also contribute to the impact."[1]

The BAAQMD continues, stating:

> "In determining significance, unmitigated emissions should first be compared with the Air District's thresholds of significance. If the unmitigated emissions exceed the thresholds, review Chapter 8, "Mitigating Air Quality and Climate Impacts," and the resources provided therein and incorporate all feasible mitigation measures for the project."[2]

A significance determination is established by comparing a project's emissions estimates to the air district thresholds. The BAAQMD establishes the following thresholds of significance when evaluating operational criteria air pollutant emissions (see excerpt below): [3]

[1] "Chapter 3, Thresholds of Significance." BAAQMD, April 2022, *available at:* https://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/updated-ceqa-guidelines, p. 3-2.
[2] "Chapter 5, Project-Level Air Quality Impacts." BAAQMD, April 2022, *available at:* https://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/updated-ceqa-guidelines, p. 5-9.
[3] "Chapter 5, Project-Level Air Quality Impacts." BAAQMD, April 2022, *available at:* https://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/updated-ceqa-guidelines, p. 5-6.

J-15 con't

Table 3-1 Air Quality Thresholds of Significance (Project Level)

	Construction Related*	Operational	
Criteria Air Pollutants and Precursors (Regional)			
Pollutant	**Average Daily Emissions (lb/day)**	**Average Daily Emissions (lb/day)**	**Maximum Annual Emissions (tpy)**
ROG	54	54	10
NO_X	54	54	10
PM_{10}	82 (exhaust)	82	15
$PM_{2.5}$	54 (exhaust)	54	10
$PM_{10}/PM_{2.5}$ (fugitive dust)	Best management practices**	None	
Local CO	None	9.0 ppm (8-hour average), 20.0 ppm (1-hour average)	
Local Risks and Hazards			
Risks and hazards for new sources and receptors (cumulative threshold)	Same as operational thresholds	Cancer Risk: > 100 in a million (from all local sources) Non-cancer: > 10.0 Hazard Index (chronic, from all local sources) $PM_{2.5}$: > 0.8 µg/m3 annual average (from all local sources)	*OR* Compliance with Qualified Community Risk Reduction Plan
Risks and hazards for new sources and receptors (individual project)	Same as operational thresholds	Increased Cancer Risk >10.0 in a million Increased Non-cancer > 1.0 Hazard Index (chronic or acute) PM2.5 increase: > 0.3 µg/m^3 annual average	*OR* Compliance with Qualified Community Risk Reduction Plan

The DPEIR itself states:

> "While criteria pollutant emissions generated from construction and operational uses are anticipated to remain below significance levels, implementation of MM 3.2-1, MM 3.2-2, and MM 3.2-3 would ensure steps would be taken to reduce construction and/or operational criteria pollutant emissions to allowable thresholds. Any proposed development project that exceeds significance levels would be required to implement mitigation measures to minimize air quality impacts" (p. 3.2-29).

The DPEIR explicitly states that "any proposed development project that exceeds significance levels would be required to implement mitigation measures to minimize air quality impacts." As such, MM 3.2-4 should be revised to require all future development, not just those expected to generate diesel truck trips, to prepare an operational air quality analysis.

Diesel Particulate Matter Emissions Inadequately Evaluated

J-16

In order to address the health risk impacts associated with future development of the Specific Plan, the DPEIR incorporates MM 3.2-5, which states:

> "**MM 3.2-5** If a future development application includes a land use type that would generate diesel truck trips during project operation (such as logistics and warehousing), then prior to approval by the Zoning Administrator, then a Health Risk Assessment (HRA) shall be performed in conformance with 2040 General Plan Action 2-A-4.c . The analysis shall evaluate potential impacts from directly emitted TAC and PM2.5, as specified in Chapter 5 of BAAQMD's 2022 CEQA Guidelines. The guidelines recommend a tiered approach where at each successive step, the project's impacts (i.e., annual PM2.5 concentrations, cancer risks, and hazards), and the combined cumulative impacts from surrounding sources and the project, are compared to the appropriate thresholds of significance. Projects shall not be approved until it can be demonstrated that the project would not result in exceedance of the established thresholds of significance for public health risks at nearby sensitive receptors" (p. 3.2-31).

MM 3.2-5 only requires that a quantitative health risk analysis ("HRA") be prepared to evaluate the impacts associated with operation of future projects. By neglecting to require future warehouse projects to prepare a quantified construction HRA, the Specific Plan is inconsistent with CEQA's requirement to make "a reasonable effort to substantively connect a project's air quality impacts to likely health consequences."[4]

The Specific Plan is also inconsistent with the California Department of Justice ("CA DOJ"), which recommends that all warehouse projects prepare a quantitative HRA in accordance with the Office of Environmental Health Hazard Assessment ("OEHHA"), the organization responsible for providing guidance on conducting HRAs in California, and local air district guidelines.[5] Construction of future projects would produce DPM emissions through the exhaust stacks of construction equipment over the entire construction duration. However, the Specific Plan fails to require future projects to evaluate the TAC emissions associated with Project construction or indicate the concentrations at which such pollutants would trigger adverse health effects. Without making a reasonable effort to connect construction-related TAC emissions to the potential health risks posed to nearby receptors, future projects are inconsistent with CEQA's requirement to correlate Project-generated emissions with potential adverse impacts on human health and would not uphold the warehouse best practices as established by the CA DOJ.

[4] "Sierra Club v. County of Fresno." Supreme Court of California, December 2018, a*vailable at:* https://ceqaportal.org/decisions/1907/Sierra%20Club%20v.%20County%20of%20Fresno.pdf.

[5] "Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act." State of California Department of Justice, *available at*: https://oag.ca.gov/sites/all/files/agweb/pdfs/environment/warehouse-best-practices.pdf, p. 6.

Greenhouse Gas

Failure to Adequately Evaluate Greenhouse Gas Impacts

J-17

Regarding the Specific Plan's greenhouse gas ("GHG") impacts, the DPEIR states:

> "As described under Impact 3.6-1 above, the proposed Specific Plan is consistent with the applicable goals, policies, and actions of the 2040 General Plan and Sustainability Plan related to energy conservation and renewable energy. Specifically, Policy 10-P-6.13 of the 2040 General Plan requires the City to implement development standards, mitigation measures, and best practices that require energy conservation and the reduction in GHGs including those listed below. All future development projects would be required to submit detailed design plans to the City for design review and to demonstrate consistency with these requirements.
>
> - Require new development to incorporate energy-efficient features through passive design concepts (e.g., techniques for heating and cooling, building siting orientation, street and lot layout, landscape placement, and protection of solar access);
> - Require construction standards which promote energy conservation including window placement, building eaves, and roof overhangs;
> - Require all projects to meet or, when feasible, exceed the most current "green" development standards in the California Green Building Standards Code;
> - Require projects to implement applicable Sustainability Plan strategies and actions;
> - Require developments to include vehicle charging stations that meet or exceed the requirements of State law and to include outdoor electrical outlets. Discourage portable generators or other portable power sources;
> - Require best practices in selecting construction methods, building materials, project appliances and equipment, and project design;
> - Encourage projects to incorporate enhanced energy conservation measures, electric-only appliances, and other methods of reducing energy usage and GHG emissions; and
> - Require large energy users to implement an energy conservation plan, which may include solar or other non-fossil fuel sources to meet the operation's full power demand and 100 percent fleet electrification, as part of the project review and approval process, and develop a program to monitor compliance with and effectiveness of that plan.
>
> For the reasons described above, buildout of the Plan Area would not be expected to cause an inefficient, wasteful, or unnecessary use of energy resources nor conflict with or obstruct a State or local plan for renewable energy or energy efficiency. Therefore, impacts related to energy are less than significant, and no mitigation is required" (p. 3.6-37).

We recommend that the DPEIR explicitly require the above-mentioned "requirements" in formal mitigation measures. According to the Association of Environmental Professionals *CEQA Portal Topic Paper* on Mitigation Measures:

> "While not "mitigation", a good practice is to include those project design feature(s) that address environmental impacts in the mitigation monitoring and reporting program (MMRP).

> Often the MMRP is all that accompanies building and construction plans through the permit process. If the design features are not listed as important to addressing an environmental impact, it is easy for someone not involved in the original environmental process to approve a change to the project that could eliminate one or more of the design features without understanding the resulting environmental impact."[6]

J-17 con't

As demonstrated above, project design features ("PDFs") that are not formally included as mitigation measures may be eliminated from the Project's design altogether. As the PDFs described above are not formally included as mitigation measures, we cannot guarantee that they would be implemented, monitored, and enforced on future project sites. Until the PDFs are included as mitigation measures, the DPEIR's GHG analysis should not be relied upon to determine Project significance.

Disclaimer

J-18

SWAPE has received limited discovery regarding this project. Additional information may become available in the future; thus, we retain the right to revise or amend this report when additional information becomes available. Our professional services have been performed using that degree of care and skill ordinarily exercised, under similar circumstances, by reputable environmental consultants practicing in this or similar localities at the time of service. No other warranty, expressed or implied, is made as to the scope of work, work methodologies and protocols, site conditions, analytical testing results, and findings presented. This report reflects efforts which were limited to information that was reasonably accessible at the time of the work, and may contain informational gaps, inconsistencies, or otherwise be incomplete due to the unavailability or uncertainty of information obtained or provided by third parties.

Sincerely,

Matt Hagemann, P.G., C.Hg.

Paul E. Rosenfeld, Ph.D.

Attachment A: Matt Hagemann CV
Attachment B: Paul Rosenfeld CV

[6] "CEQA Portal Topic Paper Mitigation Measures." Association of Environmental Professionals, February 2020, *available at:* https://ceqaportal.org/tp/CEQA%20Mitigation%202020.pdf, p. 6.

SWAPE Technical Consultation, Data Analysis and Litigation Support for the Environment

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Geologic and Hydrogeologic Characterization
Investigation and Remediation Strategies
Litigation Support and Testifying Expert
Industrial Stormwater Compliance
CEQA Review

Education:

M.S. Degree, Geology, California State University Los Angeles, Los Angeles, CA, 1984.
B.A. Degree, Geology, Humboldt State University, Arcata, CA, 1982.

Professional Certifications:

California Professional Geologist
California Certified Hydrogeologist
Qualified SWPPP Developer and Practitioner

Professional Experience:

Matt has 30 years of experience in environmental policy, contaminant assessment and remediation, stormwater compliance, and CEQA review. He spent nine years with the U.S. EPA in the RCRA and Superfund programs and served as EPA's Senior Science Policy Advisor in the Western Regional Office where he identified emerging threats to groundwater from perchlorate and MTBE. While with EPA, Matt also served as a Senior Hydrogeologist in the oversight of the assessment of seven major military facilities undergoing base closure. He led numerous enforcement actions under provisions of the Resource Conservation and Recovery Act (RCRA) and directed efforts to improve hydrogeologic characterization and water quality monitoring. For the past 15 years, as a founding partner with SWAPE, Matt has developed extensive client relationships and has managed complex projects that include consultation as an expert witness and a regulatory specialist, and a manager of projects ranging from industrial stormwater compliance to CEQA review of impacts from hazardous waste, air quality and greenhouse gas emissions.

Positions Matt has held include:

- Founding Partner, Soil/Water/Air Protection Enterprise (SWAPE) (2003 – present);
- Geology Instructor, Golden West College, 2010 – 2104, 2017;
- Senior Environmental Analyst, Komex H2O Science, Inc. (2000 -- 2003);

- Executive Director, Orange Coast Watch (2001 – 2004);
- Senior Science Policy Advisor and Hydrogeologist, U.S. Environmental Protection Agency (1989–1998);
- Hydrogeologist, National Park Service, Water Resources Division (1998 – 2000);
- Adjunct Faculty Member, San Francisco State University, Department of Geosciences (1993 – 1998);
- Instructor, College of Marin, Department of Science (1990 – 1995);
- Geologist, U.S. Forest Service (1986 – 1998); and
- Geologist, Dames & Moore (1984 – 1986).

Senior Regulatory and Litigation Support Analyst:

With SWAPE, Matt's responsibilities have included:

- Lead analyst and testifying expert in the review of over 300 environmental impact reports and negative declarations since 2003 under CEQA that identify significant issues with regard to hazardous waste, water resources, water quality, air quality, greenhouse gas emissions, and geologic hazards. Make recommendations for additional mitigation measures to lead agencies at the local and county level to include additional characterization of health risks and implementation of protective measures to reduce worker exposure to hazards from toxins and Valley Fever.
- Stormwater analysis, sampling and best management practice evaluation at more than 100 industrial facilities.
- Expert witness on numerous cases including, for example, perfluorooctanoic acid (PFOA) contamination of groundwater, MTBE litigation, air toxins at hazards at a school, CERCLA compliance in assessment and remediation, and industrial stormwater contamination.
- Technical assistance and litigation support for vapor intrusion concerns.
- Lead analyst and testifying expert in the review of environmental issues in license applications for large solar power plants before the California Energy Commission.
- Manager of a project to evaluate numerous formerly used military sites in the western U.S.
- Manager of a comprehensive evaluation of potential sources of perchlorate contamination in Southern California drinking water wells.
- Manager and designated expert for litigation support under provisions of Proposition 65 in the review of releases of gasoline to sources drinking water at major refineries and hundreds of gas stations throughout California.

With Komex H2O Science Inc., Matt's duties included the following:

- Senior author of a report on the extent of perchlorate contamination that was used in testimony by the former U.S. EPA Administrator and General Counsel.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of MTBE use, research, and regulation.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of perchlorate use, research, and regulation.
- Senior researcher in a study that estimates nationwide costs for MTBE remediation and drinking water treatment, results of which were published in newspapers nationwide and in testimony against provisions of an energy bill that would limit liability for oil companies.
- Research to support litigation to restore drinking water supplies that have been contaminated by MTBE in California and New York.

- Expert witness testimony in a case of oil production-related contamination in Mississippi.
- Lead author for a multi-volume remedial investigation report for an operating school in Los Angeles that met strict regulatory requirements and rigorous deadlines.
- Development of strategic approaches for cleanup of contaminated sites in consultation with clients and regulators.

Executive Director:

As Executive Director with Orange Coast Watch, Matt led efforts to restore water quality at Orange County beaches from multiple sources of contamination including urban runoff and the discharge of wastewater. In reporting to a Board of Directors that included representatives from leading Orange County universities and businesses, Matt prepared issue papers in the areas of treatment and disinfection of wastewater and control of the discharge of grease to sewer systems. Matt actively participated in the development of countywide water quality permits for the control of urban runoff and permits for the discharge of wastewater. Matt worked with other nonprofits to protect and restore water quality, including Surfrider, Natural Resources Defense Council and Orange County CoastKeeper as well as with business institutions including the Orange County Business Council.

Hydrogeology:

As a Senior Hydrogeologist with the U.S. Environmental Protection Agency, Matt led investigations to characterize and cleanup closing military bases, including Mare Island Naval Shipyard, Hunters Point Naval Shipyard, Treasure Island Naval Station, Alameda Naval Station, Moffett Field, Mather Army Airfield, and Sacramento Army Depot. Specific activities were as follows:

- Led efforts to model groundwater flow and contaminant transport, ensured adequacy of monitoring networks, and assessed cleanup alternatives for contaminated sediment, soil, and groundwater.
- Initiated a regional program for evaluation of groundwater sampling practices and laboratory analysis at military bases.
- Identified emerging issues, wrote technical guidance, and assisted in policy and regulation development through work on four national U.S. EPA workgroups, including the Superfund Groundwater Technical Forum and the Federal Facilities Forum.

At the request of the State of Hawaii, Matt developed a methodology to determine the vulnerability of groundwater to contamination on the islands of Maui and Oahu. He used analytical models and a GIS to show zones of vulnerability, and the results were adopted and published by the State of Hawaii and County of Maui.

As a hydrogeologist with the EPA Groundwater Protection Section, Matt worked with provisions of the Safe Drinking Water Act and NEPA to prevent drinking water contamination. Specific activities included the following:

- Received an EPA Bronze Medal for his contribution to the development of national guidance for the protection of drinking water.
- Managed the Sole Source Aquifer Program and protected the drinking water of two communities through designation under the Safe Drinking Water Act. He prepared geologic reports, conducted

public hearings, and responded to public comments from residents who were very concerned about the impact of designation.

- Reviewed a number of Environmental Impact Statements for planned major developments, including large hazardous and solid waste disposal facilities, mine reclamation, and water transfer.

Matt served as a hydrogeologist with the RCRA Hazardous Waste program. Duties were as follows:

- Supervised the hydrogeologic investigation of hazardous waste sites to determine compliance with Subtitle C requirements.
- Reviewed and wrote "part B" permits for the disposal of hazardous waste.
- Conducted RCRA Corrective Action investigations of waste sites and led inspections that formed the basis for significant enforcement actions that were developed in close coordination with U.S. EPA legal counsel.
- Wrote contract specifications and supervised contractor's investigations of waste sites.

With the National Park Service, Matt directed service-wide investigations of contaminant sources to prevent degradation of water quality, including the following tasks:

- Applied pertinent laws and regulations including CERCLA, RCRA, NEPA, NRDA, and the Clean Water Act to control military, mining, and landfill contaminants.
- Conducted watershed-scale investigations of contaminants at parks, including Yellowstone and Olympic National Park.
- Identified high-levels of perchlorate in soil adjacent to a national park in New Mexico and advised park superintendent on appropriate response actions under CERCLA.
- Served as a Park Service representative on the Interagency Perchlorate Steering Committee, a national workgroup.
- Developed a program to conduct environmental compliance audits of all National Parks while serving on a national workgroup.
- Co-authored two papers on the potential for water contamination from the operation of personal watercraft and snowmobiles, these papers serving as the basis for the development of nation-wide policy on the use of these vehicles in National Parks.
- Contributed to the Federal Multi-Agency Source Water Agreement under the Clean Water Action Plan.

Policy:

Served senior management as the Senior Science Policy Advisor with the U.S. Environmental Protection Agency, Region 9.

Activities included the following:

- Advised the Regional Administrator and senior management on emerging issues such as the potential for the gasoline additive MTBE and ammonium perchlorate to contaminate drinking water supplies.
- Shaped EPA's national response to these threats by serving on workgroups and by contributing to guidance, including the Office of Research and Development publication, Oxygenates in Water: Critical Information and Research Needs.
- Improved the technical training of EPA's scientific and engineering staff.
- Earned an EPA Bronze Medal for representing the region's 300 scientists and engineers in negotiations with the Administrator and senior management to better integrate scientific

principles into the policy-making process.
- Established national protocol for the peer review of scientific documents.

Geology:

With the U.S. Forest Service, Matt led investigations to determine hillslope stability of areas proposed for timber harvest in the central Oregon Coast Range. Specific activities were as follows:

- Mapped geology in the field, and used aerial photographic interpretation and mathematical models to determine slope stability.
- Coordinated his research with community members who were concerned with natural resource protection.
- Characterized the geology of an aquifer that serves as the sole source of drinking water for the city of Medford, Oregon.

As a consultant with Dames and Moore, Matt led geologic investigations of two contaminated sites (later listed on the Superfund NPL) in the Portland, Oregon, area and a large hazardous waste site in eastern Oregon. Duties included the following:

- Supervised year-long effort for soil and groundwater sampling.
- Conducted aquifer tests.
- Investigated active faults beneath sites proposed for hazardous waste disposal.

Teaching:

From 1990 to 1998, Matt taught at least one course per semester at the community college and university levels:

- At San Francisco State University, held an adjunct faculty position and taught courses in environmental geology, oceanography (lab and lecture), hydrogeology, and groundwater contamination.
- Served as a committee member for graduate and undergraduate students.
- Taught courses in environmental geology and oceanography at the College of Marin.

Matt is currently a part time geology instructor at Golden West College in Huntington Beach, California where he taught from 2010 to 2014 and in 2017.

Invited Testimony, Reports, Papers and Presentations:

Hagemann, M.F., 2008. Disclosure of Hazardous Waste Issues under CEQA. Presentation to the Public Environmental Law Conference, Eugene, Oregon.

Hagemann, M.F., 2008. Disclosure of Hazardous Waste Issues under CEQA. Invited presentation to U.S. EPA Region 9, San Francisco, California.

Hagemann, M.F., 2005. Use of Electronic Databases in Environmental Regulation, Policy Making and Public Participation. Brownfields 2005, Denver, Coloradao.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Nevada and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Las Vegas, NV (served on conference organizing committee).

Hagemann, M.F., 2004. Invited testimony to a California Senate committee hearing on air toxins at schools in Southern California, Los Angeles.

Brown, A., Farrow, J., Gray, A. and **Hagemann, M.**, 2004. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to the Ground Water and Environmental Law Conference, National Groundwater Association.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Arizona and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Phoenix, AZ (served on conference organizing committee).

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in the Southwestern U.S. Invited presentation to a special committee meeting of the National Academy of Sciences, Irvine, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a tribal EPA meeting, Pechanga, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a meeting of tribal repesentatives, Parker, AZ.

Hagemann, M.F., 2003. Impact of Perchlorate on the Colorado River and Associated Drinking Water Supplies. Invited presentation to the Inter-Tribal Meeting, Torres Martinez Tribe.

Hagemann, M.F., 2003. The Emergence of Perchlorate as a Widespread Drinking Water Contaminant. Invited presentation to the U.S. EPA Region 9.

Hagemann, M.F., 2003. A Deductive Approach to the Assessment of Perchlorate Contamination. Invited presentation to the California Assembly Natural Resources Committee.

Hagemann, M.F., 2003. Perchlorate: A Cold War Legacy in Drinking Water. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. From Tank to Tap: A Chronology of MTBE in Groundwater. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. A Chronology of MTBE in Groundwater and an Estimate of Costs to Address Impacts to Groundwater. Presentation to the annual meeting of the Society of Environmental Journalists.

Hagemann, M.F., 2002. An Estimate of the Cost to Address MTBE Contamination in Groundwater (and Who Will Pay). Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to a meeting of the U.S. EPA and State Underground Storage Tank Program managers.

Hagemann, M.F., 2001. From Tank to Tap: A Chronology of MTBE in Groundwater. Unpublished report.

Hagemann, M.F., 2001. Estimated Cleanup Cost for MTBE in Groundwater Used as Drinking Water. Unpublished report.

Hagemann, M.F., 2001. Estimated Costs to Address MTBE Releases from Leaking Underground Storage Tanks. Unpublished report.

Hagemann, M.F., and VanMouwerik, M., 1999. Potential Water Quality Concerns Related to Snowmobile Usage. Water Resources Division, National Park Service, Technical Report.

VanMouwerik, M. and **Hagemann, M.F**. 1999, Water Quality Concerns Related to Personal Watercraft Usage. Water Resources Division, National Park Service, Technical Report.

Hagemann, M.F., 1999, Is Dilution the Solution to Pollution in National Parks? The George Wright Society Biannual Meeting, Asheville, North Carolina.

Hagemann, M.F., 1997, The Potential for MTBE to Contaminate Groundwater. U.S. EPA Superfund Groundwater Technical Forum Annual Meeting, Las Vegas, Nevada.

Hagemann, M.F., and Gill, M., 1996, Impediments to Intrinsic Remediation, Moffett Field Naval Air Station, Conference on Intrinsic Remediation of Chlorinated Hydrocarbons, Salt Lake City.

Hagemann, M.F., Fukunaga, G.L., 1996, The Vulnerability of Groundwater to Anthropogenic Contaminants on the Island of Maui, Hawaii. Hawaii Water Works Association Annual Meeting, Maui, October 1996.

Hagemann, M. F., Fukanaga, G. L., 1996, Ranking Groundwater Vulnerability in Central Oahu, Hawaii. Proceedings, Geographic Information Systems in Environmental Resources Management, Air and Waste Management Association Publication VIP-61.

Hagemann, M.F., 1994. Groundwater Characterization and Cleanup at Closing Military Bases in California. Proceedings, California Groundwater Resources Association Meeting.

Hagemann, M.F. and Sabol, M.A., 1993. Role of the U.S. EPA in the High Plains States Groundwater Recharge Demonstration Program. Proceedings, Sixth Biennial Symposium on the Artificial Recharge of Groundwater.

Hagemann, M.F., 1993. U.S. EPA Policy on the Technical Impracticability of the Cleanup of DNAPL-contaminated Groundwater. California Groundwater Resources Association Meeting.

Hagemann, M.F., 1992. Dense Nonaqueous Phase Liquid Contamination of Groundwater: An Ounce of Prevention... Proceedings, Association of Engineering Geologists Annual Meeting, v. 35.

Other Experience:

Selected as subject matter expert for the California Professional Geologist licensing examinations, 2009-2011.

SWAPE Technical Consultation, Data Analysis and Litigation Support for the Environment

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2656 29th Street, Suite 201
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Paul Rosenfeld, Ph.D.

Chemical Fate and Transport & Air Dispersion Modeling

Principal Environmental Chemist

Risk Assessment & Remediation Specialist

Education

Ph.D. Soil Chemistry, University of Washington, 1999. Dissertation on volatile organic compound filtration.

M.S. Environmental Science, U.C. Berkeley, 1995. Thesis on organic waste economics.

B.A. Environmental Studies, U.C. Santa Barbara, 1991. Focus on wastewater treatment.

Professional Experience

Dr. Rosenfeld has over 25 years of experience conducting environmental investigations and risk assessments for evaluating impacts to human health, property, and ecological receptors. His expertise focuses on the fate and transport of environmental contaminants, human health risk, exposure assessment, and ecological restoration. Dr. Rosenfeld has evaluated and modeled emissions from oil spills, landfills, boilers and incinerators, process stacks, storage tanks, confined animal feeding operations, industrial, military and agricultural sources, unconventional oil drilling operations, and locomotive and construction engines. His project experience ranges from monitoring and modeling of pollution sources to evaluating impacts of pollution on workers at industrial facilities and residents in surrounding communities. Dr. Rosenfeld has also successfully modeled exposure to contaminants distributed by water systems and via vapor intrusion.

Dr. Rosenfeld has investigated and designed remediation programs and risk assessments for contaminated sites containing lead, heavy metals, mold, bacteria, particulate matter, petroleum hydrocarbons, chlorinated solvents, pesticides, radioactive waste, dioxins and furans, semi- and volatile organic compounds, PCBs, PAHs, creosote, perchlorate, asbestos, per- and poly-fluoroalkyl substances (PFOA/PFOS), unusual polymers, fuel oxygenates (MTBE), among other pollutants. Dr. Rosenfeld also has experience evaluating greenhouse gas emissions from various projects and is an expert on the assessment of odors from industrial and agricultural sites, as well as the evaluation of odor nuisance impacts and technologies for abatement of odorous emissions. As a principal scientist at SWAPE, Dr. Rosenfeld directs air dispersion modeling and exposure assessments. He has served as an expert witness and testified about pollution sources causing nuisance and/or personal injury at sites and has testified as an expert witness on numerous cases involving exposure to soil, water and air contaminants from industrial, railroad, agricultural, and military sources.

Professional History:

Soil Water Air Protection Enterprise (SWAPE); 2003 to present; Principal and Founding Partner
UCLA School of Public Health; 2007 to 2011; Lecturer (Assistant Researcher)
UCLA School of Public Health; 2003 to 2006; Adjunct Professor
UCLA Environmental Science and Engineering Program; 2002-2004; Doctoral Intern Coordinator
UCLA Institute of the Environment, 2001-2002; Research Associate
Komex H_2O Science, 2001 to 2003; Senior Remediation Scientist
National Groundwater Association, 2002-2004; Lecturer
San Diego State University, 1999-2001; Adjunct Professor
Anteon Corp., San Diego, 2000-2001; Remediation Project Manager
Ogden (now Amec), San Diego, 2000-2000; Remediation Project Manager
Bechtel, San Diego, California, 1999 – 2000; Risk Assessor
King County, Seattle, 1996 – 1999; Scientist
James River Corp., Washington, 1995-96; Scientist
Big Creek Lumber, Davenport, California, 1995; Scientist
Plumas Corp., California and USFS, Tahoe 1993-1995; Scientist
Peace Corps and World Wildlife Fund, St. Kitts, West Indies, 1991-1993; Scientist

Publications:

Rosenfeld P. E., Spaeth K., Hallman R., Bressler R., Smith, G., (2022) Cancer Risk and Diesel Exhaust Exposure Among Railroad Workers. *Water Air Soil Pollution.* **233,** 171.

Remy, L.L., Clay T., Byers, V., **Rosenfeld P. E.** (2019) Hospital, Health, and Community Burden After Oil Refinery Fires, Richmond, California 2007 and 2012. *Environmental Health.* 18:48

Simons, R.A., Seo, Y. **Rosenfeld, P**., (2015) Modeling the Effect of Refinery Emission On Residential Property Value. Journal of Real Estate Research. 27(3):321-342

Chen, J. A, Zapata A. R., Sutherland A. J., Molmen, D.R., Chow, B. S., Wu, L. E., **Rosenfeld, P. E.,** Hesse, R. C., (2012) Sulfur Dioxide and Volatile Organic Compound Exposure To A Community In Texas City Texas Evaluated Using Aermod and Empirical Data. *American Journal of Environmental Science*, 8(6), 622-632.

Rosenfeld, P.E. & Feng, L. (2011). *The Risks of Hazardous Waste.* Amsterdam: Elsevier Publishing.

Cheremisinoff, N.P., & **Rosenfeld, P.E.** (2011). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Agrochemical Industry*, Amsterdam: Elsevier Publishing.

Gonzalez, J., Feng, L., Sutherland, A., Waller, C., Sok, H., Hesse, R., **Rosenfeld, P.** (2010). PCBs and Dioxins/Furans in Attic Dust Collected Near Former PCB Production and Secondary Copper Facilities in Sauget, IL. *Procedia Environmental Sciences*. 113–125.

Feng, L., Wu, C., Tam, L., Sutherland, A.J., Clark, J.J., **Rosenfeld, P.E.** (2010). Dioxin and Furan Blood Lipid and Attic Dust Concentrations in Populations Living Near Four Wood Treatment Facilities in the United States. *Journal of Environmental Health*. 73(6), 34-46.

Cheremisinoff, N.P., & **Rosenfeld, P.E.** (2010). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Wood and Paper Industries.* Amsterdam: Elsevier Publishing.

Cheremisinoff, N.P., & **Rosenfeld, P.E.** (2009). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Petroleum Industry*. Amsterdam: Elsevier Publishing.

Wu, C., Tam, L., Clark, J., **Rosenfeld, P**. (2009). Dioxin and furan blood lipid concentrations in populations living near four wood treatment facilities in the United States. *WIT Transactions on Ecology and the Environment, Air Pollution,* 123 (17), 319-327.

Tam L. K.., Wu C. D., Clark J. J. and **Rosenfeld, P.E.** (2008). A Statistical Analysis Of Attic Dust And Blood Lipid Concentrations Of Tetrachloro-p-Dibenzodioxin (TCDD) Toxicity Equivalency Quotients (TEQ) In Two Populations Near Wood Treatment Facilities. *Organohalogen Compounds*, 70, 002252-002255.

Tam L. K.., Wu C. D., Clark J. J. and **Rosenfeld, P.E.** (2008). Methods For Collect Samples For Assessing Dioxins And Other Environmental Contaminants In Attic Dust: A Review. *Organohalogen Compounds*, 70, 000527-000530.

Hensley, A.R. A. Scott, J. J. J. Clark, **Rosenfeld, P.E.** (2007). Attic Dust and Human Blood Samples Collected near a Former Wood Treatment Facility. *Environmental Research*. 105, 194-197.

Rosenfeld, P.E., J. J. J. Clark, A. R. Hensley, M. Suffet. (2007). The Use of an Odor Wheel Classification for Evaluation of Human Health Risk Criteria for Compost Facilities. *Water Science & Technology* 55(5), 345-357.

Rosenfeld, P. E., M. Suffet. (2007). The Anatomy Of Odour Wheels For Odours Of Drinking Water, Wastewater, Compost And The Urban Environment. *Water Science & Technology* 55(5), 335-344.

Sullivan, P. J. Clark, J.J.J., Agardy, F. J., **Rosenfeld, P.E.** (2007). *Toxic Legacy, Synthetic Toxins in the Food, Water, and Air in American Cities.* Boston Massachusetts: Elsevier Publishing

Rosenfeld, P.E., and Suffet I.H. (2004). Control of Compost Odor Using High Carbon Wood Ash. *Water Science and Technology*. 49(9),171-178.

Rosenfeld P. E., J.J. Clark, I.H. (Mel) Suffet (2004). The Value of An Odor-Quality-Wheel Classification Scheme For The Urban Environment. *Water Environment Federation's Technical Exhibition and Conference (WEFTEC) 2004.* New Orleans, October 2-6, 2004.

Rosenfeld, P.E., and Suffet, I.H. (2004). Understanding Odorants Associated With Compost, Biomass Facilities, and the Land Application of Biosolids. *Water Science and Technology*. 49(9), 193-199.

Rosenfeld, P.E., and Suffet I.H. (2004). Control of Compost Odor Using High Carbon Wood Ash, *Water Science and Technology*, 49(9), 171-178.

Rosenfeld, P. E., Grey, M. A., Sellew, P. (2004). Measurement of Biosolids Odor and Odorant Emissions from Windrows, Static Pile and Biofilter. *Water Environment Research*. 76(4), 310-315.

Rosenfeld, P.E., Grey, M and Suffet, M. (2002). Compost Demonstration Project, Sacramento California Using High-Carbon Wood Ash to Control Odor at a Green Materials Composting Facility. *Integrated Waste Management Board Public Affairs Office*, Publications Clearinghouse (MS–6), Sacramento, CA Publication #442-02-008.

Rosenfeld, P.E., and C.L. Henry. (2001). Characterization of odor emissions from three different biosolids. *Water Soil and Air Pollution*. 127(1-4), 173-191.

Rosenfeld, P.E., and Henry C. L., (2000). Wood ash control of odor emissions from biosolids application. *Journal of Environmental Quality.* 29, 1662-1668.

Rosenfeld, P.E., C.L. Henry and D. Bennett. (2001). Wastewater dewatering polymer affect on biosolids odor emissions and microbial activity. *Water Environment Research*. 73(4), 363-367.

Rosenfeld, P.E., and C.L. Henry. (2001). Activated Carbon and Wood Ash Sorption of Wastewater, Compost, and Biosolids Odorants. *Water Environment Research*, 73, 388-393.

Rosenfeld, P.E., and Henry C. L., (2001). High carbon wood ash effect on biosolids microbial activity and odor. *Water Environment Research*. 131(1-4), 247-262.

Chollack, T. and **P. Rosenfeld. (**1998). Compost Amendment Handbook For Landscaping. Prepared for and distributed by the City of Redmond, Washington State.

Rosenfeld, P. E. (1992). The Mount Liamuiga Crater Trail. *Heritage Magazine of St. Kitts*, 3(2).

Rosenfeld, P. E. (1993). High School Biogas Project to Prevent Deforestation On St. Kitts. *Biomass Users Network*, 7(1).

Rosenfeld, P. E. (1998). Characterization, Quantification, and Control of Odor Emissions From Biosolids Application To Forest Soil. Doctoral Thesis. University of Washington College of Forest Resources.

Rosenfeld, P. E. (1994). Potential Utilization of Small Diameter Trees on Sierra County Public Land. Masters thesis reprinted by the Sierra County Economic Council. Sierra County, California.

Rosenfeld, P. E. (1991). How to Build a Small Rural Anaerobic Digester & Uses Of Biogas In The First And Third World. Bachelors Thesis. University of California.

Presentations:

Rosenfeld, P.E., "The science for Perfluorinated Chemicals (PFAS): What makes remediation so hard?" Law Seminars International, (May 9-10, 2018) 800 Fifth Avenue, Suite 101 Seattle, WA.

Rosenfeld, P.E., Sutherland, A; Hesse, R.; Zapata, A. (October 3-6, 2013). Air dispersion modeling of volatile organic emissions from multiple natural gas wells in Decatur, TX. *44th Western Regional Meeting, American Chemical Society.* Lecture conducted from Santa Clara, CA.

Sok, H.L.; Waller, C.C.; Feng, L.; Gonzalez, J.; Sutherland, A.J.; Wisdom-Stack, T.; Sahai, R.K.; Hesse, R.C.; **Rosenfeld, P.E.** (June 20-23, 2010). Atrazine: A Persistent Pesticide in Urban Drinking Water. *Urban Environmental Pollution*. Lecture conducted from Boston, MA.

Feng, L.; Gonzalez, J.; Sok, H.L.; Sutherland, A.J.; Waller, C.C.; Wisdom-Stack, T.; Sahai, R.K.; La, M.; Hesse, R.C.; **Rosenfeld, P.E.** (June 20-23, 2010). Bringing Environmental Justice to East St. Louis, Illinois. *Urban Environmental Pollution.* Lecture conducted from Boston, MA.

Rosenfeld, P.E. (April 19-23, 2009). Perfluoroctanoic Acid (PFOA) and Perfluoroactane Sulfonate (PFOS) Contamination in Drinking Water From the Use of Aqueous Film Forming Foams (AFFF) at Airports in the United States. *2009 Ground Water Summit and 2009 Ground Water Protection Council Spring Meeting*, Lecture conducted from Tuscon, AZ.

Rosenfeld, P.E. (April 19-23, 2009). Cost to Filter Atrazine Contamination from Drinking Water in the United States" Contamination in Drinking Water From the Use of Aqueous Film Forming Foams (AFFF) at Airports in the United States. *2009 Ground Water Summit and 2009 Ground Water Protection Council Spring Meeting*. Lecture conducted from Tuscon, AZ.

Wu, C., Tam, L., Clark, J., **Rosenfeld, P**. (20-22 July, 2009). Dioxin and furan blood lipid concentrations in populations living near four wood treatment facilities in the United States. Brebbia, C.A. and Popov, V., eds., *Air Pollution XVII: Proceedings of the Seventeenth International Conference on Modeling, Monitoring and Management of Air Pollution*. Lecture conducted from Tallinn, Estonia.

Rosenfeld, P. E. (October 15-18, 2007). Moss Point Community Exposure To Contaminants From A Releasing Facility. *The 23rd Annual International Conferences on Soils Sediment and Water.* Platform lecture conducted from University of Massachusetts, Amherst MA.

Rosenfeld, P. E. (October 15-18, 2007). The Repeated Trespass of Tritium-Contaminated Water Into A Surrounding Community Form Repeated Waste Spills From A Nuclear Power Plant. *The 23rd Annual International Conferences on Soils Sediment and Water*. Platform lecture conducted from University of Massachusetts, Amherst MA.

Rosenfeld, P. E. (October 15-18, 2007). Somerville Community Exposure To Contaminants From Wood Treatment Facility Emissions. The *23rd Annual International Conferences on Soils Sediment and Water*. Lecture conducted from University of Massachusetts, Amherst MA.

Rosenfeld P. E. (March 2007). Production, Chemical Properties, Toxicology, & Treatment Case Studies of 1,2,3-Trichloropropane (TCP). *The Association for Environmental Health and Sciences (AEHS) Annual Meeting*. Lecture conducted from San Diego, CA.

Rosenfeld P. E. (March 2007). Blood and Attic Sampling for Dioxin/Furan, PAH, and Metal Exposure in Florala, Alabama. *The AEHS Annual Meeting.* Lecture conducted from San Diego, CA.

Hensley A.R., Scott, A., **Rosenfeld P.E.,** Clark, J.J.J. (August 21 – 25, 2006). Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility. *The 26th International Symposium on Halogenated Persistent Organic Pollutants – DIOXIN2006*. Lecture conducted from Radisson SAS Scandinavia Hotel in Oslo Norway.

Hensley A.R., Scott, A., **Rosenfeld P.E.,** Clark, J.J.J. (November 4-8, 2006). Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility. *APHA 134 Annual Meeting & Exposition.* Lecture conducted from Boston Massachusetts.

Paul Rosenfeld Ph.D. (October 24-25, 2005). Fate, Transport and Persistence of PFOA and Related Chemicals. Mealey's C8/PFOA. *Science, Risk & Litigation Conference.* Lecture conducted from The Rittenhouse Hotel, Philadelphia, PA.

Paul Rosenfeld Ph.D. (September 19, 2005). Brominated Flame Retardants in Groundwater: Pathways to Human Ingestion, *Toxicology and Remediation PEMA Emerging Contaminant Conference*. Lecture conducted from Hilton Hotel, Irvine California.

Paul Rosenfeld Ph.D. (September 19, 2005). Fate, Transport, Toxicity, And Persistence of 1,2,3-TCP. *PEMA Emerging Contaminant Conference.* Lecture conducted from Hilton Hotel in Irvine, California.

Paul Rosenfeld Ph.D. (September 26-27, 2005). Fate, Transport and Persistence of PDBEs. *Mealey's Groundwater Conference.* Lecture conducted from Ritz Carlton Hotel, Marina Del Ray, California.

Paul Rosenfeld Ph.D. (June 7-8, 2005). Fate, Transport and Persistence of PFOA and Related Chemicals. *International Society of Environmental Forensics: Focus On Emerging Contaminants*. Lecture conducted from Sheraton Oceanfront Hotel, Virginia Beach, Virginia.

Paul Rosenfeld Ph.D. (July 21-22, 2005). Fate Transport, Persistence and Toxicology of PFOA and Related Perfluorochemicals. *2005 National Groundwater Association Ground Water And Environmental Law Conference*. Lecture conducted from Wyndham Baltimore Inner Harbor, Baltimore Maryland.

Paul Rosenfeld Ph.D. (July 21-22, 2005). Brominated Flame Retardants in Groundwater: Pathways to Human Ingestion, Toxicology and Remediation. *2005 National Groundwater Association Ground Water and Environmental Law Conference.* Lecture conducted from Wyndham Baltimore Inner Harbor, Baltimore Maryland.

Paul Rosenfeld, Ph.D. and James Clark Ph.D. and Rob Hesse R.G. (May 5-6, 2004). Tert-butyl Alcohol Liability and Toxicology, A National Problem and Unquantified Liability. *National Groundwater Association. Environmental Law Conference*. Lecture conducted from Congress Plaza Hotel, Chicago Illinois.

Paul Rosenfeld, Ph.D. (March 2004). Perchlorate Toxicology. *Meeting of the American Groundwater Trust*. Lecture conducted from Phoenix Arizona.

Hagemann, M.F., **Paul Rosenfeld, Ph.D.** and Rob Hesse (2004). Perchlorate Contamination of the Colorado River. *Meeting of tribal representatives*. Lecture conducted from Parker, AZ.

Paul Rosenfeld, Ph.D. (April 7, 2004). A National Damage Assessment Model For PCE and Dry Cleaners. *Drycleaner Symposium. California Ground Water Association*. Lecture conducted from Radison Hotel, Sacramento, California.

Rosenfeld, P. E., Grey, M., (June 2003) Two stage biofilter for biosolids composting odor control. *Seventh International In Situ And On Site Bioremediation Symposium Battelle Conference* Orlando, FL.

Paul Rosenfeld, Ph.D. and James Clark Ph.D. (February 20-21, 2003) Understanding Historical Use, Chemical Properties, Toxicity and Regulatory Guidance of 1,4 Dioxane. *National Groundwater Association. Southwest Focus Conference. Water Supply and Emerging Contaminants*.. Lecture conducted from Hyatt Regency Phoenix Arizona.

Paul Rosenfeld, Ph.D. (February 6-7, 2003). Underground Storage Tank Litigation and Remediation. *California CUPA Forum*. Lecture conducted from Marriott Hotel, Anaheim California.

Paul Rosenfeld, Ph.D. (October 23, 2002) Underground Storage Tank Litigation and Remediation. *EPA Underground Storage Tank Roundtable*. Lecture conducted from Sacramento California.

Rosenfeld, P.E. and Suffet, M. (October 7- 10, 2002). Understanding Odor from Compost, *Wastewater and Industrial Processes. Sixth Annual Symposium On Off Flavors in the Aquatic Environment. International Water Association*. Lecture conducted from Barcelona Spain.

Rosenfeld, P.E. and Suffet, M. (October 7- 10, 2002). Using High Carbon Wood Ash to Control Compost Odor. *Sixth Annual Symposium On Off Flavors in the Aquatic Environment. International Water Association*. Lecture conducted from Barcelona Spain.

Rosenfeld, P.E. and Grey, M. A. (September 22-24, 2002). Biocycle Composting For Coastal Sage Restoration. *Northwest Biosolids Management Association*. Lecture conducted from Vancouver Washington..

Rosenfeld, P.E. and Grey, M. A. (November 11-14, 2002). Using High-Carbon Wood Ash to Control Odor at a Green Materials Composting Facility. *Soil Science Society Annual Conferenc*e. Lecture conducted from Indianapolis, Maryland.

Rosenfeld. P.E. (September 16, 2000). Two stage biofilter for biosolids composting odor control. *Water Environment Federation.* Lecture conducted from Anaheim California.

Rosenfeld. P.E. (October 16, 2000). Wood ash and biofilter control of compost odor. *Biofest.* Lecture conducted from Ocean Shores, California.

Rosenfeld, P.E. (2000). Bioremediation Using Organic Soil Amendments. *California Resource Recovery Association*. Lecture conducted from Sacramento California.

Rosenfeld, P.E., C.L. Henry, R. Harrison. (1998). Oat and Grass Seed Germination and Nitrogen and Sulfur Emissions Following Biosolids Incorporation With High-Carbon Wood-Ash. *Water Environment Federation 12th Annual Residuals and Biosolids Management Conference Proceedings*. Lecture conducted from Bellevue Washington.

Rosenfeld, P.E., and C.L. Henry. (1999). An evaluation of ash incorporation with biosolids for odor reduction. *Soil Science Society of America*. Lecture conducted from Salt Lake City Utah.

Rosenfeld, P.E., C.L. Henry, R. Harrison. (1998). Comparison of Microbial Activity and Odor Emissions from Three Different Biosolids Applied to Forest Soil. *Brown and Caldwell.* Lecture conducted from Seattle Washington.

Rosenfeld, P.E., C.L. Henry. (1998). Characterization, Quantification, and Control of Odor Emissions from Biosolids Application To Forest Soil. *Biofest.* Lecture conducted from Lake Chelan, Washington.

Rosenfeld, P.E, C.L. Henry, R. Harrison. (1998). Oat and Grass Seed Germination and Nitrogen and Sulfur Emissions Following Biosolids Incorporation With High-Carbon Wood-Ash. Water Environment Federation 12th Annual Residuals and Biosolids Management Conference Proceedings. Lecture conducted from Bellevue Washington.

Rosenfeld, P.E., C.L. Henry, R. B. Harrison, and R. Dills. (1997). Comparison of Odor Emissions From Three Different Biosolids Applied to Forest Soil. *Soil Science Society of America*. Lecture conducted from Anaheim California.

Teaching Experience:

UCLA Department of Environmental Health (Summer 2003 through 20010) Taught Environmental Health Science 100 to students, including undergrad, medical doctors, public health professionals and nurses. Course focused on the health effects of environmental contaminants.

National Ground Water Association, Successful Remediation Technologies. Custom Course in Sante Fe, New Mexico. May 21, 2002. Focused on fate and transport of fuel contaminants associated with underground storage tanks.

National Ground Water Association; Successful Remediation Technologies Course in Chicago Illinois. April 1, 2002. Focused on fate and transport of contaminants associated with Superfund and RCRA sites.

California Integrated Waste Management Board, April and May, 2001. Alternative Landfill Caps Seminar in San Diego, Ventura, and San Francisco. Focused on both prescriptive and innovative landfill cover design.

UCLA Department of Environmental Engineering, February 5, 2002. Seminar on Successful Remediation Technologies focusing on Groundwater Remediation.

University Of Washington, Soil Science Program, Teaching Assistant for several courses including: Soil Chemistry, Organic Soil Amendments, and Soil Stability.

U.C. Berkeley, Environmental Science Program Teaching Assistant for Environmental Science 10.

Academic Grants Awarded:

California Integrated Waste Management Board. $41,000 grant awarded to UCLA Institute of the Environment. Goal: To investigate effect of high carbon wood ash on volatile organic emissions from compost. 2001.

Synagro Technologies, Corona California: $10,000 grant awarded to San Diego State University.
Goal: investigate effect of biosolids for restoration and remediation of degraded coastal sage soils. 2000.

King County, Department of Research and Technology, Washington State. $100,000 grant awarded to University of Washington: Goal: To investigate odor emissions from biosolids application and the effect of polymers and ash on VOC emissions. 1998.

Northwest Biosolids Management Association, Washington State. $20,000 grant awarded to investigate effect of polymers and ash on VOC emissions from biosolids. 1997.

James River Corporation, Oregon: $10,000 grant was awarded to investigate the success of genetically engineered Poplar trees with resistance to round-up. 1996.

United State Forest Service, Tahoe National Forest: $15,000 grant was awarded to investigating fire ecology of the Tahoe National Forest. 1995.

Kellogg Foundation, Washington D.C. $500 grant was awarded to construct a large anaerobic digester on St. Kitts in West Indies. 1993

Deposition and/or Trial Testimony:

In the Superior Court of the State of California, County of San Bernardino
Billy Wildrick, Plaintiff vs. BNSF Railway Company
Case No. CIVDS1711810
Rosenfeld Deposition 10-17-2022

In the State Court of Bibb County, State of Georgia
Richard Hutcherson, Plaintiff vs Norfolk Southern Railway Company
Case No. 10-SCCV-092007
Rosenfeld Deposition 10-6-2022

In the Civil District Court of the Parish of Orleans, State of Louisiana
Millard Clark, Plaintiff vs. Dixie Carriers, Inc. et al.
Case No. 2020-03891
Rosenfeld Deposition 9-15-2022

In The Circuit Court of Livingston County, State of Missouri, Circuit Civil Division
Shirley Ralls, Plaintiff vs. Canadian Pacific Railway and Soo Line Railroad
Case No. 18-LV-CC0020
Rosenfeld Deposition 9-7-2022

In The Circuit Court of the 13th Judicial Circuit Court, Hillsborough County, Florida Civil Division
Jonny C. Daniels, Plaintiff vs. CSX Transportation Inc.
Case No. 20-CA-5502
Rosenfeld Deposition 9-1-2022

In The Circuit Court of St. Louis County, State of Missouri
Kieth Luke et. al. Plaintiff vs. Monsanto Company et. al.
Case No. 19SL-CC03191
Rosenfeld Deposition 8-25-2022

In The Circuit Court of the 13th Judicial Circuit Court, Hillsborough County, Florida Civil Division
Jeffery S. Lamotte, Plaintiff vs. CSX Transportation Inc.
Case No. NO. 20-CA-0049
Rosenfeld Deposition 8-22-2022

In State of Minnesota District Court, County of St. Louis Sixth Judicial District
Greg Bean, Plaintiff vs. Soo Line Railroad Company
Case No. 69-DU-CV-21-760
Rosenfeld Deposition 8-17-2022

In United States District Court Western District of Washington at Tacoma, Washington
John D. Fitzgerald Plaintiff vs. BNSF
Case No. 3:21-cv-05288-RJB
Rosenfeld Deposition 8-11-2022

In Circuit Court of the Sixth Judicial Circuit, Macon Illinois
Rocky Bennyhoff Plaintiff vs. Norfolk Southern
Case No. 20-L-56
Rosenfeld Deposition 8-3-2022

In Court of Common Pleas, Hamilton County Ohio
Joe Briggins Plaintiff vs. CSX
Case No. A2004464
Rosenfeld Deposition 6-17-2022

In the Superior Court of the State of California, County of Kern
George LaFazia vs. BNSF Railway Company.
Case No. BCV-19-103087
Rosenfeld Deposition 5-17-2022

In the Circuit Court of Cook County Illinois
Bobby Earles vs. Penn Central et. al.
Case No. 2020-L-000550
Rosenfeld Deposition 4-16-2022

In United States District Court Easter District of Florida
Albert Hartman Plaintiff vs. Illinois Central
Case No. 2:20-cv-1633
Rosenfeld Deposition 4-4-2022

In the Circuit Court of the 4th Judicial Circuit, in and For Duval County, Florida
Barbara Steele vs. CSX Transportation
Case No.16-219-Ca-008796
Rosenfeld Deposition 3-15-2022

In United States District Court Easter District of New York
Romano et al. vs. Northrup Grumman Corporation
Case No. 16-cv-5760
Rosenfeld Deposition 3-10-2022

In the Circuit Court of Cook County Illinois
Linda Benjamin vs. Illinois Central
Case No. No. 2019 L 007599
Rosenfeld Deposition 1-26-2022

In the Circuit Court of Cook County Illinois
Donald Smith vs. Illinois Central
Case No. No. 2019 L 003426
Rosenfeld Deposition 1-24-2022

In the Circuit Court of Cook County Illinois
Jan Holeman vs. BNSF
Case No. 2019 L 000675
Rosenfeld Deposition 1-18-2022

In the State Court of Bibb County State of Georgia
Dwayne B. Garrett vs. Norfolk Southern
Case No. 20-SCCV-091232
Rosenfeld Deposition 11-10-2021

In the Circuit Court of Cook County Illinois
Joseph Ruepke vs. BNSF
Case No. 2019 L 007730
Rosenfeld Deposition 11-5-2021

In the United States District Court For the District of Nebraska
Steven Gillett vs. BNSF
Case No. 4:20-cv-03120
Rosenfeld Deposition 10-28-2021

In the Montana Thirteenth District Court of Yellowstone County
James Eadus vs. Soo Line Railroad and BNSF
Case No. DV 19-1056
Rosenfeld Deposition 10-21-2021

In the Circuit Court Of The Twentieth Judicial Circuit, St Clair County, Illinois
Martha Custer et al.cvs. Cerro Flow Products, Inc.
Case No. 0i9-L-2295
Rosenfeld Deposition 5-14-2021
Trial October 8-4-2021

In the Circuit Court of Cook County Illinois
Joseph Rafferty vs. Consolidated Rail Corporation and National Railroad Passenger Corporation d/b/a AMTRAK,
Case No. 18-L-6845
Rosenfeld Deposition 6-28-2021

In the United States District Court For the Northern District of Illinois
Theresa Romcoe vs. Northeast Illinois Regional Commuter Railroad Corporation d/b/a METRA Rail
Case No. 17-cv-8517
Rosenfeld Deposition 5-25-2021

In the Superior Court of the State of Arizona In and For the Cunty of Maricopa
Mary Tryon et al. vs. The City of Pheonix v. Cox Cactus Farm, L.L.C., Utah Shelter Systems, Inc.
Case No. CV20127-094749
Rosenfeld Deposition 5-7-2021

In the United States District Court for the Eastern District of Texas Beaumont Division
Robinson, Jeremy et al vs. CNA Insurance Company et al.
Case No. 1:17-cv-000508
Rosenfeld Deposition 3-25-2021

In the Superior Court of the State of California, County of San Bernardino
Gary Garner, Personal Representative for the Estate of Melvin Garner vs. BNSF Railway Company.
Case No. 1720288
Rosenfeld Deposition 2-23-2021

In the Superior Court of the State of California, County of Los Angeles, Spring Street Courthouse
Benny M Rodriguez vs. Union Pacific Railroad, A Corporation, et al.
Case No. 18STCV01162
Rosenfeld Deposition 12-23-2020

In the Circuit Court of Jackson County, Missouri
Karen Cornwell, Plaintiff, vs. Marathon Petroleum, LP, Defendant.
Case No. 1716-CV10006
Rosenfeld Deposition 8-30-2019

In the United States District Court For The District of New Jersey
Duarte et al, Plaintiffs, vs. United States Metals Refining Company et. al. Defendant.
Case No. 2:17-cv-01624-ES-SCM
Rosenfeld Deposition 6-7-2019

In the United States District Court of Southern District of Texas Galveston Division
M/T Carla Maersk vs. Conti 168., Schiffahrts-GMBH & Co. Bulker KG MS "Conti Perdido" Defendant.
Case No. 3:15-CV-00106 consolidated with 3:15-CV-00237
Rosenfeld Deposition 5-9-2019

In The Superior Court of the State of California In And For The County Of Los Angeles – Santa Monica
Carole-Taddeo-Bates et al., vs. Ifran Khan et al., Defendants
Case No. BC615636
Rosenfeld Deposition 1-26-2019

In The Superior Court of the State of California In And For The County Of Los Angeles – Santa Monica
The San Gabriel Valley Council of Governments et al. vs El Adobe Apts. Inc. et al., Defendants
Case No. BC646857
Rosenfeld Deposition 10-6-2018; Trial 3-7-19

In United States District Court For The District of Colorado
Bells et al. Plaintiffs vs. The 3M Company et al., Defendants
Case No. 1:16-cv-02531-RBJ
Rosenfeld Deposition 3-15-2018 and 4-3-2018

In The District Court Of Regan County, Texas, 112th Judicial District
Phillip Bales et al., Plaintiff vs. Dow Agrosciences, LLC, et al., Defendants
Cause No. 1923
Rosenfeld Deposition 11-17-2017

In The Superior Court of the State of California In And For The County Of Contra Costa
Simons et al., Plaintifs vs. Chevron Corporation, et al., Defendants
Cause No. C12-01481
Rosenfeld Deposition 11-20-2017

In The Circuit Court Of The Twentieth Judicial Circuit, St Clair County, Illinois
Martha Custer et al., Plaintiff vs. Cerro Flow Products, Inc., Defendants
Case No.: No. 0i9-L-2295
Rosenfeld Deposition 8-23-2017

In United States District Court For The Southern District of Mississippi
Guy Manuel vs. The BP Exploration et al., Defendants
Case No. 1:19-cv-00315-RHW
Rosenfeld Deposition 4-22-2020

In The Superior Court of the State of California, For The County of Los Angeles
Warrn Gilbert and Penny Gilber, Plaintiff vs. BMW of North America LLC
Case No. LC102019 (c/w BC582154)
Rosenfeld Deposition 8-16-2017, Trail 8-28-2018

In the Northern District Court of Mississippi, Greenville Division
Brenda J. Cooper, et al., Plaintiffs, vs. Meritor Inc., et al., Defendants
Case No. 4:16-cv-52-DMB-JVM
Rosenfeld Deposition July 2017

In The Superior Court of the State of Washington, County of Snohomish
Michael Davis and Julie Davis et al., Plaintiff vs. Cedar Grove Composting Inc., Defendants
Case No. 13-2-03987-5
Rosenfeld Deposition, February 2017
Trial March 2017

In The Superior Court of the State of California, County of Alameda
Charles Spain., Plaintiff vs. Thermo Fisher Scientific, et al., Defendants
Case No. RG14711115
Rosenfeld Deposition September 2015

In The Iowa District Court In And For Poweshiek County
Russell D. Winburn, et al., Plaintiffs vs. Doug Hoksbergen, et al., Defendants
Case No. LALA002187
Rosenfeld Deposition August 2015

In The Circuit Court of Ohio County, West Virginia
Robert Andrews, et al. v. Antero, et al.
Civil Action No. 14-C-30000
Rosenfeld Deposition June 2015

In The Iowa District Court for Muscatine County
Laurie Freeman et. al. Plaintiffs vs. Grain Processing Corporation, Defendant
Case No. 4980
Rosenfeld Deposition May 2015

In the Circuit Court of the 17th Judicial Circuit, in and For Broward County, Florida
Walter Hinton, et. al. Plaintiff, vs. City of Fort Lauderdale, Florida, a Municipality, Defendant.
Case No. CACE07030358 (26)
Rosenfeld Deposition December 2014

In the County Court of Dallas County Texas
Lisa Parr et al, Plaintiff, vs. Aruba et al, Defendant.
Case No. cc-11-01650-E
Rosenfeld Deposition: March and September 2013
Rosenfeld Trial April 2014

In the Court of Common Pleas of Tuscarawas County Ohio
John Michael Abicht, et al., Plaintiffs, vs. Republic Services, Inc., et al., Defendants
Case No. 2008 CT 10 0741 (Cons. w/ 2009 CV 10 0987)
Rosenfeld Deposition October 2012

In the United States District Court for the Middle District of Alabama, Northern Division
James K. Benefield, et al., Plaintiffs, vs. International Paper Company, Defendant.
Civil Action No. 2:09-cv-232-WHA-TFM
Rosenfeld Deposition July 2010, June 2011

In the Circuit Court of Jefferson County Alabama
Jaeanette Moss Anthony, et al., Plaintiffs, vs. Drummond Company Inc., et al., Defendants
Civil Action No. CV 2008-2076
Rosenfeld Deposition September 2010

In the United States District Court, Western District Lafayette Division
Ackle et al., Plaintiffs, vs. Citgo Petroleum Corporation, et al., Defendants.
Case No. 2:07CV1052
Rosenfeld Deposition July 2009

RESPONSE TO LETTER J: BLUM, COLLINS & HO COMMENT LETTER

Response J-1: Thank you for your comment and participation in the public process. The commenter provides introductory statements to the letter. This comment does not state a specific concern related to the adequacy of the DPEIR and therefore does not require a detailed response.

Response J-2: The comment restates the project description as described in Chapter 2.0 of the DPEIR; therefore, this comment does not require a detailed response.

Response J-3: The commenter states that the DPEIR does not discuss that the surrounding area is a disadvantaged community and does not provide a meaningful analysis regarding project census tract and the health impacts of pollution. Section 3.2.1 of the DPEIR describes criteria air pollutants and toxic air contaminants as well as their potential health impacts on populations. Furthermore, Section 3.2, under Impact 3.2.-3, of the DPEIR sufficiently describes surrounding disadvantaged communities and addresses potential impacts. Specifically, under Impact 3.2-3 of the DPEIR the following description is provided: "Furthermore, while the environmental indicators within the census tracts of the Plan Area do not designate it as a disadvantaged community, the larger geographic area of the City of Pittsburg is identified as a DAC, specifically in areas north of SR 4. Census tracts north of SR 4 scored high in exposure to diesel particulate matter, traffic, and toxic releases among other environmental and population indicators. Relative to other census tracts, the census tract that makes up the majority and central portion of the Plan Area scored 47th percentile of the CalEnviroScreen. The southern portion of the Plan Area scored 74th percentile, and the northern portion scored 54th percentile."

In addition to implementing best management practices and considering the effects on disadvantaged communities, the proposed Specific Plan is in compliance and consistent with the 2040 General Plan Community Health and Environmental Justice Element and Policies (8-P-1.4, 8-P-1.6, 8-P-1.12, 8-P-2.2). Mitigation Measure (MM) 3.2-5 would also be required. MM 3.2-5 requires projects that include a land use type that would generate diesel truck trips during operation to prepare a Health Risk Assessment in conformance with 2040 General Plan Action 2-A-4.c.

The preparation of a Health Risk Assessment (HRA) that meets the standards established by the Office of Environmental Heath Hazard Assessment (OEHHA and BAQQMD). Projects shall not be approved until it can be demonstrated that the project would not result in exceedance of the established thresholds of significance for public health risks at nearby sensitive receptors.

Response J-4: The comment states that the DPEIR did not accurately or adequately model energy impacts since it used a model that does not comply with the 2022 Building Energy Efficiency Standards.

CEQA does not mandate the model or methodology used to calculate energy use or impacts described in the EIR. Appendix F of the CEQA guidelines specifies the project design and operational characteristics that should be considered in the Energy analysis - such as equipment, trip generation and energy supplies, etc. The project description (see Chapter 2.0, Project Description) describes all of these project characteristics.

The CEQA Guidelines also do not mandate a specific model or methodology for quantification of GHG emissions pursuant to CEQA Guidelines Sections 15064.4. Furthermore, the CEQA Guidelines (Section15064.3) also do not mandate a specific model of methodology for measurement of vehicles miles travelled. It is within the lead agency's discretion to choose the model most appropriate for decision-makers. Also, as identified in Caltrans' comment letter dated August 9, 2024, the project vehicle miles traveled (VMT) analysis and significance determination are undertaken in a manner consistent with the City's adopted vehicle miles traveled guidelines.

Additionally, CalEEMod, which was used to complete the energy analysis, utilizes widely accepted methodologies for estimating emissions combined with default data that can be used when site-specific information is not available. Sources of these methodologies and default data include the United States Environmental Protection Agency's (USEPA) AP-42 emission factors, California Air Resources Board's (CARB) vehicle emission models, and studies commissioned by California agencies such as the California Energy Commission (CEC) and California Department of Resources Recycling and Recovery (CalRecycle). CalEEMod accounts for vehicle fuel efficiency standards that were in place as of 2021 and the California Building Standards Code. CalEEMod is recommended by in the BAAQMD CEQA Guidelines to estimate construction and operational emissions of air pollutants and greenhouse gases. Greenhouse gas emissions calculations are based on energy consumption; therefore, CEQA documents can utilize data from CalEEMod to inform the energy impact analysis.

Response J-5: The commenter expresses concern that the EIR has not adequately or accurately analyzed the significance of the project's GHG emissions. Table 3.6-2: Operational GHG Emissions by Phase and Variation demonstrates that Full Buildout of the project will generate 90,768 metric tons of CO2e (MTCO2e) annually. The commenter alleges that the applicable BAAQMD significance threshold is 10,000 MTCO2e annually. The commenter further alleges the project exceeds the applicable annual threshold by more than nine times, which is noticeably significant.

The commenter incorrectly cites BAAQMD significance thresholds in their comments. The BAAQMD adopted updated thresholds in 2022, which were used in the analysis of greenhouse gas emissions impacts. The BAAQMD CEQA Guidelines adopted two significance thresholds; one for land use development projects and the other for stationary sources. The commenter has applied the stationary source significance threshold to the entire project instead of the appropriate land use significance threshold. As described in Section 3.6.3, the BAAQMD has not developed a quantitative threshold of significance for GHG emissions for land use projects. The Lead Agency has the discretion in determining the significance threshold (CEQA Guidelines Section 15064.7(b)), where the BAAQMD, as the responsible agency has adopted CEQA Guidelines. BAAQMD encourages quantification and disclosure of GHG emissions that would occur during construction and operation. The BAAQMD recommends that cities and counties rely on a "fair share" analysis to look at how a new land use development project needs to be designed and built to ensure that it will be consistent with California's goal of carbon neutrality by 2045. To determine the "fair share," the analysis should therefore focus on the design elements that need to be incorporated into the proposed project in order to lay the foundation for achieving carbon neutrality by 2045. As GHG emissions from the land use sector come primarily from building energy use and from transportation, these are the areas that need to be evaluated to ensure that the proposed project can and will be carbon neutral. If a land use project being designed and built today incorporates

the design elements necessary for the proposed project to be carbon neutral by 2045, then it will contribute its "fair share" to achieving the State's climate goals. A lead agency can therefore conclude that it will make a less-than-cumulatively-considerable climate impact. The BAAQMD recommends that lead agencies use the design elements as the threshold of significance for land use development projects under the "fair share" approach discussed above. This can either be demonstrated through: 1) the checklist provided within the Guidelines; or 2) demonstrating consistency with a local GHG reduction strategy that meets the criteria under State CEQA Guidelines Section 15183.5(b). (The complete BAAQMD thresholds are included in Appendix D-1 of the DPEIR). The BAAQMD design features checklist was used for purposes of the GHG emissions analysis under Impact 3.6-1 in the DPEIR. Consistent with BAAQMD guidance, the DPEIR discloses emissions anticipated through buildout of the Plan Area and identifies project design features to mitigate those emissions, which have become conditions included in the Specific Plan.

The BAAQMD CEQA Guidelines does include a quantitative stationary source GHG emission significance threshold of 10,000 Metric Tons C02e. The only potential stationary sources would be the backup generators as described for alternative Phase I only. The stationary source threshold has been applied to the analysis of the GHG emissions for the Phase I use of backup generators. The analysis shows the estimated GHG emissions from the backup generators associated with the Phase I only alternative is significantly below the 10,000 Metric Ton C02e equivalent BAAQMD significance threshold. Specifically, refer to Chapter 4.8, pages 4.8-7 through 9 of the SPPE Application in Appendix C of the DPEIR. The analysis quantifies GHG emissions from the generators and demonstrates the quantity is below the BAAQMD significance threshold for stationary sources.

No changes to the impact conclusion were made.

Response J-6: The comment states that the DPEIR did not analyze the project in accordance with all applicable 2040 General Plan goals and policies.

- Policy 2-P-1.5: This policy was considered and analyzed in Appendix A of the Draft Specific Plan. This policy has been added as errata to the Land Use Consistency Analysis table. Please refer to Chapter 3 of this Final PEIR.

- Policy 2-P-1.6: This policy is in reference to development outside the City limits and therefore, it is not applicable to the proposed project. The plan area for the site is within the City boundaries and is identified on the 2040 General Plan Land Use Map as Employment Center Industrial (ECI). No revisions to the DPEIR were made.

- Goal-2-3: This goal is regarding commercial, cultural, recreational, entertainment, and public sector activities. Implementation of the Specific Plan would include technology park and light industrial uses; therefore, because no public spaces are proposed, such activities would not apply within this land use category. No revisions to the DPEIR were made.

- Policy 2-P-3.1: This policy has been added as errata to the Land Use Consistency Analysis table. Please refer to Chapter 3 of this Final PEIR.

- Goal 3-2: This goal has been added as errata to the Land Use Consistency Analysis table. Please refer to Chapter 3 of this Final PEIR.
- Policy 3-P-2.1: This policy has been added as Errata to the Land Use Consistency Analysis table. See Chapter 3 of this Final PEIR.
- Policy 3-P-1.10: This policy has been added as errata to the Land Use Consistency Analysis table. Please refer to Chapter 3 of this Final PEIR.
- Policy 3-P-1.11: This policy was previously included under the Regulatory Framework subheading of Section 3.9, *Land Use*. However, it has been included to the Land Use Consistency Analysis table. Please refer to Chapter 3 of this Final PEIR.
- Policy 3-P-1.15: This policy has been added as errata to the Land Use Consistency Analysis table. Please refer to Chapter 3 of this Final PEIR.
- Goal 4-2: This goal has been added as errata to the Land Use Consistency Analysis table. Please refer to Chapter 3 of this Final PEIR.
- Policy 4-P-2.1: This policy is not relevant to the proposed project because the Plan Area is not within a hillside development area defined by the 2040 General Plan. Therefore, no revisions were made to the PEIR.
- Policy 4-P-2.2: This policy has been added as errata to the Land Use Consistency Analysis table. Please refer to Chapter 3 of this Final PEIR.
- Policy 4-P-2.3: This policy has been added as errata to the Land Use Consistency Analysis table. Please refer to Chapter 3 of this Final PEIR.
- Policy 4-P-2.4: This policy was previously included under the Regulatory Framework subheading of Section 3.1, *Aesthetics*. However, it has also been included as errata to the Land Use Consistency Analysis table. Please refer to Chapter 3 of this Final PEIR.
- Policy 4-P-2.5: This policy is not relevant to the proposed project because the Plan Area is not within a hillside development area defined by the 2040 General Plan. Therefore, no revisions were made to the PEIR.
- Policy 4-P-2.6: This policy is not relevant to the proposed project because the Plan Area is not within a hillside development area defined by the 2040 General Plan. Therefore, no revisions were made to the DPEIR.
- Policy 4-P-2.7: This policy was previously included under the Regulatory Framework subheading of Section 3.1, *Aesthetics*. However, it has also been included as errata to the Land Use Consistency Analysis table. Please refer to Chapter 3 of this Final PEIR.

- Policy 4-P-2.8: This policy is not relevant to the proposed project because the Plan Area is not within a hillside development area defined by the 2040 General Plan. Therefore, no revisions were made to the DPEIR.

- Goal 10-6: This policy was previously included under the Regulatory Framework subheading of Section 3.2, *Air Quality*. However, it has also been included as errata to the Land Use Consistency Analysis table. Please refer to Chapter 3 of this Final PEIR.

- Policy 10-P-6.1: This policy was identified and analyzed in the DPEIR Land Use Consistency table. This policy was also identified and analyzed in Appendix A of the Draft Specific Plan. Therefore, no revisions were made to the Final PEIR.

- Policy 10-P-6.2: This policy was identified and analyzed in the DPEIR Land Use Consistency table. This policy was also identified and analyzed in Appendix A of the Draft Specific Plan. Therefore, no revisions were made to the Final PEIR.

- Policy 10-P-6.3: This policy has been added as errata to the Land Use Consistency Analysis table. Please refer to Chapter 3 of this Final PEIR.

- Policy 10-P-6.4: This was identified in the Land Use consistency table and was analyzed. This policy was also identified and analyzed in Appendix A of the Draft Specific Plan. Therefore, no revisions were made to the Final PEIR.

Response J-7: The comment states that the project will result in 47.9% of the City's job growth for the next 15 years and requests the EIR be revised to include an analysis to determine if the project will exceed the General Plan employment growth forecast. The commenter is incorrect in that the buildout of the 2040 General Plan will result in 3,300 employees for the City over the next 15 years. The 2040 General Plan EIR identifies the future jobs forecast at buildout (if this is achieved) to be 36,270 (General Plan DEIR, Table 3.10-6: Current and Future Population, Housing, and Job Forecasts). As shown in Table 2-1 of the DPEIR, buildout of the Plan Area under the Specific Plan implementation would result in 1,582 employees. The commenter is incorrect that the total number of employees for the Plan Area for the PDH will result in a 47.9 percent job growth. Sufficient analysis of population, housing, and workforce is provided in Section 3.11 of the DPEIR.

Response J-8: The commenter questions the effectiveness of DPEIR Mitigation Measure 3.13-1: Transportation Demand Management (TDM) Plan to reduce the project's daily home-based vehicle miles traveled (VMT) per employee by the amount needed to mitigate the project's impact. As discussed in DPEIR section 3.13, in the Cumulative with Project scenario, the project's forecast daily home-work VMT per employee is 13.1. This is 1.6 percent above the relevant standard of significance, which is 85 percent of the countywide average (12.9 daily home-work VMT per employee). Thus, to be effective, the mitigation measure must reduce the project's daily home-work VMT per employee by 1.6 percent or greater. Based on available evidence and published data, the proposed mitigation measure—the development and implementation of a TDM plan—will reduce the project's VMT by an amount greater than 1.6 percent.

As detailed in Mitigation Measure 3.13-1, future phases of Specific Plan development must develop, implement, monitor, and enforce a Transportation Demand Management (TDM) Plan to reduce the project's daily home-work VMT per worker. The TDM Plan shall identify trip reduction strategies and mechanisms for funding and overseeing the delivery of trip reduction programs and strategies. As described in Section 3.13.4 of the DPEIR, the implementation of a robust TDM program with enforcement and monitoring is expected to result in a decrease in daily home-work VMT per employee of 1.6 percent or greater. This level of reduction is necessary to lower the expected daily home-work VMT per employee to a degree sufficient to bring it below the threshold (less than 85% than the countywide average).

The best and most applicable data to assess the effectiveness of TDM measures on VMT is the California Air Pollution Control Officers Association's (CAPCOA) *Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity, Final Draft* (December 2021). Table 1 below lists VMT reduction TDM strategies targeted specifically at employee trips, along with the maximum potential VMT reduction that can be expected. Because the precise land use and site plan design of future Specific Plan phases are currently unknown, the exact TDM measures and precise VMT reduction cannot be specifically defined. However, as illustrated in Table 1, sufficient TDM measures are available to achieve a 1.6 percent reduction in project generated VMT. A small subset of the available TDM measures would be sufficient to achieve the required reduction.

Table 1. – VMT Reductions of Various TDM Measures

WORKPLACE TDM MEASURE	*MAXIMUM POTENTIAL VMT REDUCTION*
Implement Commute Trip Reduction Program	26%
Implement Commute Trip Reduction Marketing	4%
Provide Ridesharing Program	8%
Implement Subsidized or Discounted Transit Program	5.5%
Provide End of Trip Bicycle Facilities	4.4%
Provide Employer Sponsored Vanpool	20.4%
Price Workplace Parking	20%
Implement Employee Parking Cash-Out	12%

Source: CAPCOA*, Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity, Final Draft* (December 2021).

Response J-9: The commenter states that the EIR has underreported the quantity of VMT generated by the proposed project operations in that the industrial/warehouse uses involve high rates of truck/trailer/delivery van VMT. CEQA Guidelines Section 15064.3 "describes specific considerations for evaluating a project's transportation impacts. Generally, VMT is the most appropriate measure of transportation impacts. For the purposes of this section, VMT refers to the amount and distance of automobile travel attributable to a project." Pursuant to Section 15064.3, a land use project may have a significant effect on the environment if it would result in additional VMT. While the Specific Plan does include warehouse uses as a permitted land use within the Plan Area, the exact nature and type of development that could occur is unknown at this time. Phasing and buildout assumptions for purposes of the analysis are described in Section 2.4 of the DPEIR. Since the list of permitted uses within the Plan Area allows for a variety of development types and no specific projects are presumed, future development assumptions were made for this DPEIR. The analyses in this DPEIR assume 80 percent of

Phases II and III would be manufacturing/industrial development, while the remaining 20 percent would be office development. Because of the unique nature of warehousing and logistics uses, those were not explicitly modeled for purposes of the impact analysis and should development applications be proposed for those uses in the future, the DPEIR includes a mitigation framework, including subsequent studies that would be required to evaluate impacts. For purposes of the buildout assumptions discussed in Section 2.4, the DPEIR Air Quality and GHG emissions analyses in CalEEMod assumed a fleet mix derived from CARB's EMFAC model, that's specific to the projected year and region. The vehicle assumptions are diverse and include several truck types, with the top three being LDA (passenger cars), LDT2 (light-duty trucks), MDV (medium-duty trucks). Ultimately, because truck trips are non-discretionary trips under CEQA, they are not included in the VMT metric as defined under CEQA Guidelines Section 15064.3.

Response J-10: The commenter states that the EIR has not adequately analyzed the project's potential to substantially increase hazards due to a geometric design feature or incompatible uses, or the project's potential to result in inadequate emergency access. Upon initial review of the Plan Area's Conceptual Site Plan, City staff determined that there are no hazards related to roadway geometric design features such as sharp curves or dangerous intersections. Additionally, the commenter is incorrect that the access for apparatus vehicles is not described or depicted. Two emergency vehicle access (EVA) roads are shown in the Specific Plan, Figure 3: Site Plan Concept. The Phase I EVA provides direct access from the proposed building to West Leland Road. The Phase II & III EVA provides additional access from Gold Club Road to West Leland Road. Also, all future buildings shall be reviewed by for fire road and apparatus access requirements by the CCCFPD prior to final building approval. Furthermore, as described in Section 3.13 of the DPEIR, all public roadway infrastructure improvements must be design and constructed in accordance with the City's Standard Details and Specifications and Caltrans' Standard Specifications. Applicants of future development projects will be required to submit a development application to the Planning Department for review and conformity with the standards and design review guidelines in the Specific Plan.

Response J-11: The comment states that the EIR does not include any information regarding the buildout conditions of the City's General Plan. However, this is not accurate as the surrounding geographic area and approved and pending projects within the vicinity are adequately described on page 4.0-2, Table 4-1 of the DPEIR. Please also refer to Response J-7. Furthermore, as discussed on page 4.0-15, Section 4.2 of the DPEIR, details regarding the 2040 General Plan buildout assumptions for the entire City are provided and concludes that the proposed project would not result in increased levels of growth that would otherwise not occur.

Response J-12: The commenter asserts that the EIR does not contain a reasonable range of alternatives and cites the CEQA Guidelines' requirements relative to Alternatives. As described in CEQA Guidelines Section 151256.6, "An EIR need *not consider every conceivable alternative* to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation." The City deemed that having four project alternatives provides an adequate range of alternatives. The range of alternatives were developed with the intent to meet the projects most basic objectives while reducing the Project's significant effects. The range of alternatives provided allows for this comparison and satisfies CEQA's purpose in requiring a reasonable range of alternatives.

Response J-13: The comment summarizes the previously mentioned comments and requests to be added to the public interest list. This comment does not state a specific concern related to the adequacy of the DPEIR and therefore does not require a detailed response. This comment is noted, and Golden State Environmental Justice Alliance will be added to the public interest list.

Response J-14: The comment provides an overview of the project and summarizes the findings made after review of the DPEIR. This comment does not state a specific concern related to the adequacy of the DPEIR and therefore does not require a detailed response.

Response J-15: The comment states that a significance determination is established by comparing the project's emission estimates to the air district thresholds. The comment suggests that MM 3.2-4 be revised to require all future development, not just those expected to generate diesel truck trips, to prepare an operational air quality analysis.

See Response J-5. These guidelines are intended for projects for use in all land use categories and are not limited to residential projects. While the DPEIR describes the emissions during Phase 1 as 84,979 MTCO2e per year, and up to 90,768 per year during Phases II and III, these estimates are based on a programmatic DPEIR, as described in GR-1. On a project-level, where project design is final rather than conceptual, projects would be required to be screened for emissions per MM 3.2-1 and MM 3.2-4, located in Section 3.2, *Air Quality*.

Response J-16: The comment states that by neglecting to require future warehouse projects to prepare a quantified construction HRA, the Specific Plan is inconsistent with CEQA's requirements. Furthermore, the comment opines that the Specific Plan is also inconsistent with the CA DOJ, which recommends that all warehouse projects prepare a quantitative HRA.

The commenters statement that future phases of the Plan Area are to be warehouse projects is incorrect. As described in GR-1, the precise land use and site plan design of future Specific Plan phases are currently unknown. Furthermore, as described in Response J-3, in addition to implementing best management practices and compliance with General Plan Policies 8-P-1.4, 8-P-1.6, 8-P-1.12, 8-P-2.2, Mitigation Measure (MM) 3.2-1 and 3.2-5 would be required. MM 3.2-1 requires all subsequent development to provide a project-level construction air quality analysis to determine the significance of air quality impacts. Specific construction activities shall be compared to BAAQMD screening criteria to determine if a more detailed emissions analysis is required to determine significance.

Response J-17: The commenter suggests that the project design features (PDFs) that were outlined in the DPEIR that require energy conservation and the reduction in GHGs be "requirements" in formal mitigation measures. As described on p. 3.6-37 of the DPEIR, these project design features are requirements of future development projects within the Plan Area. The PDFs will be reviewed in conjunction with the detailed design plans that are submitted to the City as described in GR-1. The City will ensure the proposed project is consistent with and implements the identified PDFs. This comment is noted and will be considered by City decision makers.

Response J-18: The comment states a disclaimer and conclusionary statement. This comment does not state a specific concern related to the adequacy of the DPEIR and therefore does not require a detailed response. This comment is noted and will be considered by City decision makers.

Comment Letter K: Center for Biological Diversity

August 19, 2024

Sent via email

Alison Spells
Associate Planner
65 Civic Avenue
Pittsburg, CA 94565
aspells@pittsburgca.gov

Re: Comments on the Draft Environmental Impact Report for the Pittsburg Technology Park Specific Plan (State Clearinghouse No. 2024030184)

Dear Ms. Spells:

K-1

This letter is submitted on behalf of the Center for Biological Diversity ("Center") regarding the Draft Environmental Impact Report ("DEIR") for the Pittsburg Technology Park ("Project"), State Clearinghouse No. 2024030184.

The Center is a non-profit, public interest environmental organization dedicated to the protection of native species and their habitats through science, policy, and environmental law. The Center has over 1.7 million members and online activists throughout California and the United States. The Center has worked for many years to protect imperiled plants and wildlife, open space, air and water quality, and overall quality of life for people throughout Contra Costa County.

K-2

CEQA requires an EIR to provide decision-making bodies and the public with detailed information regarding a proposed project's likely effects on the environment; mitigation measures project proponents may take; and any alternatives that may reduce impacts. (Pub. Res. Code § 21002.2.) This proposed Project allows for a high-traffic 1.1 million square foot warehouse on 76 predominantly undeveloped acres with a variety of natural habitats including grasslands, wetlands, remnant patches of landscaping trees, golf cart paths, and parking areas. (DEIR at 3.9-1.) And not only does the Specific Plan allow for a distribution and manufacturing warehouse, but it assumes Phase I of the Project will involve a data center on 22.31 acres, one of the most energy-intensive building types, consuming ten to fifty times the energy per floor space of a typical commercial office building. (Department of Energy.) The Plan Area also lies adjacent to a significant wildlife crossing across the Contra Costa Canal (DEIR at 3.3-12-13) and just 80 feet from a proposed park, 200 feet from a church, and 85 feet from a low-density residential area. (DEIR at 3.2-8.) As a result, the Project raises significant concerns beyond those

disclosed in the DEIR that the final EIR must assess and mitigate to ensure the public can fully understand the Project's costs.

K-2 con't

I. THE DEIR OMITS ANALYSIS OF THE REASONABLY FORESEEABLE IMPACTS OF THE PROJECT BECAUSE THE PROJECT DESCRIPTION IS DEFECTIVE.

K-3

An accurate, stable, and finite project description remains the *sine qua non* of an informative and legally sufficient EIR. (*County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 193.) But here the DEIR's project description lacks clarity and falls short of accurately describing and assessing permissible uses of the proposed project area set forth in the General Plan. Namely, while the General Plan zones the proposed project area as "Employment Center Industrial" (DEIR at 3.1-5), the DEIR fails to assess Employment Center Industrial uses such as energy, manufacturing, and distribution for Phase I. (*Id.*; DEIR at 2.0-8.) Instead, the DEIR "assumes" Phase I involves only a data center and focuses its assessment on data center impacts. (DEIR at 2.0-1.)

Nothing in the General Plan or Specific Plan limits Phase I to data center construction and operation. The DEIR even admits the data center "remains speculative because the project design and other details have not been finalized . . . and depending on [California Energy Commission] feedback, market demand, economic conditions, site constraints, and other factors, the property owner may choose to proceed with a different or revised development concept for Phase I." (DEIR at 2.0-2.) The DEIR's project description therefore violates CEQA because it creates "conflicting signals to decision makers and the public about the nature and scope of the project." (*Washoe Meadows Community v. Department of Parks & Recreation* (2017) 17 Cal.App.5th 277, 287.)

While CEQA does not mandate that EIRs contain rigid and unchangeable project descriptions, it plainly requires EIRs to analyze all reasonably foreseeable impacts of approvals. (*Laurel Heights Improvement Association v Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 395-399.) And here, changes to the Project remain reasonably foreseeable because the General Plan allows for a myriad of other uses, and the DEIR even acknowledges that site constraints and other factors may sway a developer to construct warehouses for other uses, either in Phase I or in the future. (DEIR at 2.0-2.) Nonetheless, the DEIR fails to contain any specific triggers for CEQA review if or when development does not occur in three phases, beginning with a data center, as the DEIR proposes. And the DEIR fails to assess potential other warehouse uses, such as manufacturing and distribution.

This DEIR defect led to the City underestimating the Project's potential impacts, which violates CEQA. For example, the DEIR's noise, traffic, and emissions analysis assumes only 15 truck trips per day to a data center. (DEIR at 3.10-18.) Of course, if the developer were to instead construct a manufacturing warehouse or distribution center, as the General Plan allows, it would assess far more truck trips per day, impacting conclusions regarding noise levels, traffic congestion, and GHG emissions. The DEIR therefore precluded informed decision-making about the Project's effects and thus consideration of mitigation measures and alternatives. (*See Cleveland National Forest Found. v. San Diego Assn. of Governments* (2017) 3 Cal.5th 497,

515) ["An adequate description of adverse environmental effects is necessary to inform the critical discussion of mitigation measures and project alternatives at the core of the EIR."].)

K-3 Con't

II. THE DEIR'S GREENHOUSE GAS ANALYSIS FAILS TO DISCLOSE, ANALYZE, OR MITIGATE SIGNIFICANT IMPACTS.

K-4

Even after improperly limiting analysis to the "speculative" Phase I data center, the DEIR still underestimates the Project's GHG emissions. Longstanding CEQA case law provides that lead agencies must support their thresholds of significance with substantial evidence. (*Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099, 1111.) Moreover, a determination that an environmental impact complies with a particular threshold of significance does not relieve a lead agency of its obligation to consider evidence that indicates the impact may be significant despite compliance with the threshold. (CEQA Guidelines § 15064(b)(2).) If evidence shows that an environmental impact might be significant despite the significance standard used in the EIR, the agency must address that evidence. (*Protect Amador Waterways* at 1111.)

Here, the DEIR falls short in three ways. First, it fails to support its threshold of significance with substantial evidence, using instead a threshold of significance intended for non-industrial land uses. Second, in applying this unsupported threshold of significance it overlooked numerous impacts the Project will have on climate change and failed to adequately assess others. And finally, the City failed to adopt all feasible mitigation measures to reduce the Project's significant GHG impacts. The Center urges the City to correct these errors and produce an EIR in compliance with CEQA.

A. Climate Change Is a Catastrophic and Pressing Threat to California.

A strong, international scientific consensus leaves no doubt that human-caused climate change continues to pose an increasingly dire threat to human society and natural systems. The Intergovernmental Panel on Climate Change (IPCC), the leading international scientific body for climate change assessment, concluded in its 2014 Fifth Assessment Report that: "[w]arming of the climate system is unequivocal, and since the 1950s, many of the observed changes are unprecedented over decades to millennia. The atmosphere and ocean have warmed, the amounts of snow and ice have diminished, and sea level has risen," and further that "[r]ecent climate changes have had widespread impacts on human and natural systems." (IPCC 2014.) The United States echoed these findings in its own 2014 Third National Climate Assessment and 2017 Climate Science Special Report, prepared by scientific experts and reviewed by the National Academy of Sciences and multiple federal agencies. The Third National Climate Assessment concluded that "[m]ultiple lines of independent evidence confirm that human activities are the primary cause of the global warming of the past 50 years" and "[i]impacts related to climate change are already evident in many regions and are expected to become increasingly disruptive across the nation throughout this century and beyond." (Melillo 2014.) The 2017 Climate Science Special Report similarly concluded:

K-5

> [B]ased on extensive evidence, it is extremely likely that human activities, especially emissions of greenhouse gases, are the dominant cause of the observed

warming since the mid-20th century. For the warming over the last century, there is no convincing alternative explanation supported by the extent of the observational evidence.

The U.S. National Research Council also concluded that "[c]limate change is occurring, is caused largely by human activities, and poses significant risks for—and in many cases is already affecting—a broad range of human and natural systems." (NRC 2010.) And based on observed and expected harms from climate change, in 2009 the U.S. Environmental Protection Agency found that greenhouse gas pollution endangers the health and welfare of current and future generations. (74 Fed. Reg. 66496 (Dec. 15, 2009) [U.S. EPA, Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act; Final Rule].)

K-5 con't

These authoritative climate assessments decisively recognize the dominant role of greenhouse gases in driving climate change. As stated by the Third National Climate Assessment: "observations unequivocally show that climate is changing and that the warming of the past 50 years is primarily due to human-induced emissions of heat-trapping gases." (Mellilo 2014.) The Assessment makes plain that "reduc[ing] the risks of some of the worst impacts of climate change" will require "aggressive and sustained greenhouse gas emission reductions" over the course of this century. (Melillo 2014 at 13, 14, & 649.)

Humans and wildlife have already begun feeling climate change impacts. Human-induced climate change has caused widespread adverse impacts and related losses and damages to nature and people. (IPCC 2022.) This rise in weather and climate extremes has led to some irreversible impacts, as natural and human systems are pushed beyond their ability to adapt. (IPCC 2022.) Climate change increasingly places stress on species and ecosystems—causing changes in distribution, phenology, physiology, vital rates, genetics, ecosystem structure, and processes—in addition to increasing species' extinction risk. (Warren 2008.) Climate-change-related local extinctions are already widespread and have occurred in hundreds of species. (Wiens 2016.) Catastrophic levels of species extinctions are projected throughout this century if climate change continues unabated. (Thomas 2004; Maclean 2011; Urban 2015.) In California, climate change will transform our climate, resulting in increased temperatures and wildfires, as well as reduced snowpack, lower precipitation levels, and less water availability.

The United States has contributed more to climate change than any other country. Specifically, the U.S. is responsible for 27 percent of cumulative global CO2 emissions since 1850, and it remains the world's second highest emitter on an annual and per capita basis. (World Resources Institute 2020.) Nonetheless, U.S. climate policy is wholly inadequate to meet the international climate target to avoid the worst climate impacts by holding global average temperature rise to well below 2°C above pre-industrial levels. An international team of climate policy experts and scientists have even ranked U.S. climate policy as "insufficient," concluding that "the US' climate policies and action in 2030 need substantial improvements." (Climate Action Tracker 2022.)

The IPCC's most recent report, entitled Climate Change 2022: Impacts, Adaptation and Vulnerability, found that warming is proceeding even faster than anticipated, and the best-case

scenario for climate change is slipping out of reach. (IPCC 2022.) The report now estimates that, over the next 20 years, the world will cross the global warming threshold of 1.5°C. And unless immediate, rapid, and large-scale reductions in greenhouse gas emissions occur, limiting warming to close to 1.5°C—or even 2°C—will be beyond reach. The United Nations Secretary General described the report's forecasts as an "atlas of human suffering." (Borenstein 2022.)

K-5 con't

Although some sources of GHG emissions may seem insignificant, climate change is a problem with cumulative impacts and effects. (*Ctr. for Biological Diversity v. Nat'l Highway Traffic Safety Admin.* (9th Cir. 2008) 538 F.3d 1172, 1217 ("[T]he impact of greenhouse gas emissions on climate change is precisely the kind of cumulative impacts analysis" that agencies must conduct.).) One source or one small project may not appear to significantly contribute to climate change, but the combined impacts of many sources can drastically damage California's climate as a whole. Therefore, project-specific GHG emission disclosure, analysis, and mitigation remains vital to California meeting its climate goals and maintaining our climate.

Given the increasingly urgent need for drastic action to reduce GHG emissions, the DEIR's failure to fully disclose, analyze, mitigate, or consider alternatives to reduce the project's significant climate change effects is all the more alarming.

B. The DEIR's Greenhouse Gas Analysis Uses a Threshold of Significance That Is Not Supported by Substantial Evidence and Does Not Capture Significant Impacts.

K-6

Despite the established scientific and regulatory consensus that climate change is a critical threat to public health and the environment, the City failed to use a threshold of significance that captures all significant impacts. Instead, the DEIR uses qualitative thresholds for other land uses from the 2022 Scoping Plan Appendix D—a document that "focuses primarily on climate action plans and local authority over new *residential* development" and "*does not address other land use types* (e.g., industrial)." (CARB Appendix D at 4 [emphases added]; DEIR at 3.6-24-25.) Indeed, the nearby City of American Canyon recently confirmed "BAAQMD's thresholds for residential and commercial projects are insufficient for industrial land uses because they do not capture or consider the significant sources of GHG emissions from industrial land uses." (Am. Canyon, Cal. Municipal Code § 19.01.061.) The 2022 Scoping Plan Appendix D further makes plain that the three attributes the DEIR uses as the threshold of significance, including transportation electrification, VMT reduction, and building decarbonization, "address the largest sources of operational emissions *for residential projects*" (CARB at 23 [emphasis added]) and that this approach to determining significance "is *only* intended for residential and mixed-use development projects." (CARB at 24 [emphasis added].)[1] Nevertheless, the City references these project attributes throughout its assessment of climate change emission impacts for this industrial use.

[1] A mixed-use development project includes both residential and nonresidential uses with at least two thirds of the square footage designated for residential use. (CARB at 21, citing Cal. Gov. Code., tit. 7, section 65589.5(h)(2)(B).) This Project is not a mixed-use development. (DEIR at 3.14-23.)

Had the City used the BAAQMD threshold for stationary sources of 10,000 metric tons per year of CO2, (DEIR, Appendix C at 4.8-7), or SCAQMD's and the City of American Canyon's 10,000 MTCO2e CEQA threshold of significance for industrial facilities, it would have found the Project's GHG emissions significant. The DEIR estimates the Project's GHG emissions to total 84,979 MTCO2e per year during Phase I and up to 90,768 per year during Phases II and III. (DEIR at 3.6-28.) By any measure, 80-90 thousand MTCO2e per year is a significant level of emissions, exceeding SCAQMD's and the City of American Canyon's 10,000 MTCO2e CEQA threshold of significance for industrial facilities by more than eight times. This again shows the overwhelming significance of the Project's GHG emissions and highlights that the threshold the City selected to characterize these impacts as less than significant (DEIR at 3.6-27) obscures the Project's climate impacts and misleads the public.

K-6 con't

The City's failure to use a threshold that captures industrial uses violates CEQA. Industrial development poses unique critical threats to the environment and carries serious environmental justice consequences. For one example, warehouses are well-known for truck trips, which have earned the neighborhoods near warehouses the nickname "diesel death zones," with truck trips often the greatest source of warehouse GHG emissions. Industrial development also generates GHGs from heavy-duty equipment like forklifts and pallet jacks, from industrial refrigeration of massive warehouse buildings, and from diesel-powered generators—none of which are common in homes. As a result, evaluating industrial development using a threshold of significance for residential projects forecloses consideration of the very things that make industrial development harmful.

And data centers, such as the Phase I data center here, come with their own set of environmental concerns, requiring an industrial threshold of significance. Storing data on servers requires a massive amount electricity, totaling two percent of electricity nationwide — approximately the same amount as the entire state of New Jersey. (Siddik et al.) In total, the world's data centers account for 2.5 to 3.7 percent of global greenhouse gas emissions, exceeding even those of the aviation industry. (Cho.) And with the advent of Artificial Intelligence, these energy demands have only grown: In 2021, global data center electricity fell between 0.9 to 1.3 percent of global electricity demand, but experts expect this to increase to 1.86 percent by 2030. (Koot.) As a result, the City must also hold data centers to an industrial threshold of significance, not one intended for residential land use.

K-7

C. The DEIR's Analysis of GHG Impacts Fails to Adequately Assess the Project's GHG Emissions and Support Conclusions with Substantial Evidence.

K-8

Next, the DEIR fails to adequately assess several sources of GHG emissions from the proposed project. Specifically, the DEIR overlooks emissions from truck VMT; fails to support its daily trip estimates with substantial evidence; ignores reduced carbon sequestration potential from grading the site; and fails to adequately assess emissions from diesel backup generators. As a result, the DEIR falls short of CEQA's requirements and must adequately assess and mitigate these impacts.

i. The DEIR's Analysis of VMT Is Not Supported with Substantial Evidence.

Regarding VMT, the DEIR focuses only on employee commute VMT and omits assessment of emissions generated by truck VMT. (DEIR at 3.6-29.) As described *supra*, this oversight resulted from applying the office project threshold, which provides that VMT per worker constitutes a significant impact only if it is higher than 85% of the existing countywide average. (DEIR at 3.6-29.) As a result, the DEIR found VMT impacts less than significant because a Travel Demand Management Plan will reduce employee VMT to 15% below average through simply encouraging public transportation or cycling to work. (DEIR at 3.13-22.) This, of course, does not mitigate *truck* VMT. K-9

This failure to consider emissions from truck VMT overlooks a significant driver of the Project's GHG emissions and violates CEQA. An EIR's analysis is deficient when significance thresholds foreclose consideration of potentially significant environmental effects. (*Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099, 1109 ["A threshold of significance cannot be applied in a way that would foreclose the consideration of other substantial evidence tending to show the environmental effect to which the threshold relates might be significant."].) The General Plan allows for a myriad of uses in the proposed project area, including distribution and manufacturing, inevitably generating a significant number of truck trips each day. (DEIR at 2.0-4.) The DEIR even acknowledges that truck trips to transport goods are a main driver of vehicle trips generated by industrial land uses. (DEIR at 3.6-28.) However, the DEIR maintains, without support and without mitigation, that emissions from truck trips will not cause significant GHG impacts.

The insufficient GHG assessment here for VMT is identical to the assessment in the Giovannoni Industrial Project EIR challenged in *Center for Biological Diversity v. City of American Canyon et al*., No. 23CV000511. There, too, the City failed to consider emissions generated by truck VMT and inexplicably limited its analysis only to the warehouse employees' daily commutes. Following legal challenges, the City of American Canyon enacted a resolution setting a 10,000 MT CO2e per year threshold to determine if a project has a significant GHG impact, including truck emissions. (Am. Canyon, Cal. Municipal Code § 19.01.061.) American Canyon subsequently applied this resolution in the DEIR for DG Commerce 220 Project to include emissions from both passenger VMT and truck VMT. (DEIR DG Commerce at 3.13-2.)

The same assessment of emissions from truck VMT should happen here. And the City has much to draw from: warehouse projects, as a matter of course, disclose and study the impact of truck trips in their greenhouse gas impacts analysis, in part because truck trips are the greatest source of GHG emissions.[2] The California Attorney General, in its Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act for Warehouse Projects,

[2] *See* Renaissance Ranch DEIR at 4.8-23-24; Speedway Commerce Center II Specific Plan DEIR at 4.8-16-17; Hesperia Commerce Center II DEIR at 4.6-26-27; Beaumont Summit Station Specific Plan DEIR at 4.7-24-25. The Center does not here comment on the adequacy of the GHG analysis in any of these EIRs beyond noting that they did not choose significance thresholds that foreclosed consideration of GHG emissions from trucks.

even highlights the necessity of fully analyzing impacts from truck trips. (AGO 2021.) The City must add this critical analysis to the final EIR in determining the significance of GHG emissions.

K-9 con't

ii. The DEIR Fails to Support Trip Estimates with Substantial Evidence.

K-10

The DEIR also provides numerous unsupported estimates of vehicle trips associated with the Project, another key driver of the Project's air quality and GHG impacts. Specifically, the DEIR and its appendices fail to provide any support for the DEIR's estimate of 15 truck trips per day during Phase I. (DEIR at 3.10-18.) Even assuming Phase I *does* involve a "speculative" data center, the City neither draws this number from Contra Costa Transportation Authority nor the Institute of Transportation Engineers, nor does it attempt to provide a citation. And furthermore, based on other EIRs for data centers, it grossly underestimates this impact. (SCAQMD at 12; RCTC Truck Study at 45.)

Additionally, Appendix D's estimates of trips per day for Phases II and III also lack substantial evidence. Appendix D provides a model of 1.75 trips/employee/day for manufacturing and 3.64 trips/employee/day for office, provided from CCTA documents. (DEIR, Appendix D at 6.) However, CCTA does not provide its own trip estimates; rather, CCTA's policy is to use the ITE method. (CCTA Analysis Guidelines at 21.) Typical numbers used in CEQA analyses for warehouses include 1.68 total trips per one thousand square feet, which, applied here, would suggest a potential of more than 1800 trips per day during Phases II and III, considerably more than the estimated 1568 and 1670. (SCAQMD at 12; DEIR, Appendix D at 6.) Rates per day could range even higher, depending on the warehouse's use. (*See* RCTC Truck Study at 45.) CEQA requires that the City substantiate and assess total trips in its final EIR.

iii. The DEIR Fails to Assess Reduced Carbon Sequestration Potential.

K-11

The DEIR also omits one of the key sources of the Project's GHG emissions: vegetation removal and wetland filling. (DEIR at 3.3-38; *id*. at 3.3-50.) Nowhere does the DEIR estimate anticipated loss of sequestered carbon as a result of grading the Project area. California's wetland and grassland ecosystems serve as significant carbon sinks (Bohlman et al., 2018; Dass et al., 2018; Janzen, 2004; Wohlfahrt et al., 2008), and ecosystem removal and degradation result in the loss of both above- and below-ground carbon storage. (*e.g.* Austreng 2012.) With much of the stored carbon located in their roots and soils, these ecosystems allow for long-term storage, resilient to changing environmental conditions. (Aranjuelo et al., 2011; Booker et al., 2013; Evans et al., 2014; Vicente-Serrano et al., 2013.)

The City must consider this in its final EIR, especially considering that, at a minimum, CalEEMod, the land use emissions model used in the DEIR, provides a module to estimate the changes in carbon sequestration capacity resulting from changes in vegetation on-site. (CalEEMod 2021.) The City thus has no excuse for entirely overlooking emissions associated with the loss of vegetation, topsoil, and wetlands, all of which sequester carbon. The DEIR must make a good faith effort to estimate these emissions and include them in the overall estimated GHG footprint.

iv. The City Failed to Support Emissions from Backup Generators with Substantial Evidence.

K-12

Finally, the City must adequately assess emissions from backup diesel generators for the "speculative" Phase I data center. Appendix C to the DEIR admits that testing and maintaining backup generators will emit approximately 2,862 metric tons of CO2e per year, falling below the BAAQMD threshold for stationary sources of 10,000 metric tons per year of CO2 for stationary sources. (DEIR Appendix C, at 4.8-7.) But nowhere does the analysis provide support for this assumption that backup generator emissions will *only* come from routine testing and maintenance. To the contrary, BAAQMD reported that between September 1, 2019, and September 30, 2020, nearly half of the identified Bay Area data centers it studied operated backup diesel generators for reasons other than routine testing and maintenance, some operations approaching 50 hours for *one* generator during *one* event. (BAAQMD.) Data centers require backup generators more often as a result of climate change induced crises and grid operational challenges. As such, the City must consider the total emissions of operating the emergency backup diesel generators in its final EIR.

D. The DEIR's Mitigation Measures for Greenhouse Gas Impacts Are Inadequate.

K-13

In light of the proposed Project's substantial GHG emissions, the City should require, at a minimum, common GHG emission mitigation measures for new warehouse developments that have been used throughout the state. Examples of such measures include those listed in the Fontana Ordinance No. 1891, which were specifically formulated to mitigate impacts from warehouse development and protect residents and the air basin from cumulative environmental impacts. (City of Fontana 2022.) The California Office of the Attorney General also has published a document entitled "Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act" to help lead agencies comply with these requirements. (AGO 2021.) Nearly all the example mitigation measures in this document have been adopted in a warehouse project in California, demonstrating their feasibility.

Idling times

K-14

The DEIR fails to adopt any mitigation measure for idling trucks. The California Airborne Toxics Control Measure requires a five-minute idling restriction; however, the California Attorney General recommends a two-minute limit. (AGO 2021.) The City should adopt a two-minute limit to mitigate truck emissions.

100% Rooftop Solar

K-15

Installing solar on the roofs of large warehouses in California is a crucial opportunity to use miles of flat, sunny space that would otherwise be wasted. The technology exists now to require all future building sites to install enough rooftop solar photovoltaic panels to meet 100% of projected energy needs or be built with the capacity for these panels to be added later. In order to meet its decarbonization targets, California needs to double its clean energy generation in the next decade, which will require a "record-breaking" expansion of clean energy infrastructure.

(California Energy Commission.) The Joint Agency SB 100 Report calls for building 2.8 GW/year of solar every year for 25 years, which is higher than the previous maximum annual build. (Joint Agencies at 116.) The biggest obstacle to increasing solar energy capacity as fast as needed is the large amount of flat, sunny land that solar farms require. (Groom.) Building solar infrastructure across undeveloped land is an imperfect solution that hurts important ecosystems, eliminates opportunities for natural carbon sinks, and is often opposed by local residents. (Groom, Courage.)

K-15 con't

However, despite this potential, the DEIR does not require solar panels; rather, just an energy conservation plan, which "*may* include solar or other non-fossil fuel sources." (DEIR at 3.6-37 [emphasis added].) This is insufficient: each warehouse built with the capacity to provide 100% of its own clean energy via rooftop solar brings California closer to the clean energy targets we must meet to avoid the climate crisis's most devastating effects. The California Attorney General recommends that new warehouses are built with this capacity, and companies and municipalities are realizing it makes sense. (AGO 2021.) The City of Fontana already requires that every warehouse over 400,000 square feet get all its power from rooftop solar. (City of Fontana at 9-73.) Because this is a feasible mitigation measure, the EIR should require rooftop solar to meet 100 percent of each building's energy needs.

Electric Truck Infrastructure

K-16

The EIR must require concrete, enforceable measures that prepare the Project to operate with an all-electric fleet, as it will soon be required to do. CARB has developed strategies to achieve 100% zero-emissions from medium and heavy-duty on-road vehicles in the State by 2045 everywhere feasible, and specifically to achieve 100% zero-emissions drayage trucks by 2035. (CARB 2022b.) The FEIR should offer more electric truck charging infrastructure to meet the demands of the fleet mix of 2040. Otherwise, the Project will lag sorely behind the much-needed transition and will cement diesel emissions for decades.

Specifically, the Project must have electric truck charging stations sufficient to allow every truck that serves the Project to charge. Additionally, the Project must have electric plugs for electric transport refrigeration units at every dock door, if the warehouse use could include refrigeration. Accordingly, the City should add the projected energy use of an all-electric fleet to the Project's projected electricity use and provide it with on-site solar panels.

Reduce Diesel Emissions

K-17

The Project's Phase I data center would include 37 diesel back-up generators, which would predominantly use renewable diesel, made from vegetable oil or other biomass feedstock such as wood, agricultural waste, and ultra-low sulfur diesel. (DEIR, Appendix C at 4.6-5; *id*. at 4.8-14.) But biodiesel does not provide a climate change solution. Rather, refining biodiesel feedstocks can prove more carbon intensive than crude oil refining. (Fleming.) Biodiesel also require massive amounts of vegetable oil and animal fat, which in turn require significant land dedicated to agriculture, fertilizer, pesticides, and other energy intensive resources. There is broad census in scientific literature that increased demand for food crop biofuel feedstocks drives climate environmental harms and climate change. (Zhou.) Additionally, biofuel refineries draw

from the same feedstock pool; therefore, each refinery competes in the same markets for limited quantities of feedstock. (Kelly.) Increased demand for purpose-grown biofuel crops raises food prices and generates food insecurity in the United States and around the world. (Tenenbaum.)

K-17 con't

Instead, to meet climate goals, particularly BAAQMD's Diesel Free by '33 goal to eliminate diesel emissions from our communities, the City should require the cleanest available technologies such as solar battery power.

III. THE EIR MUST ADEQUATELY ASSESS AND MITIGATE THE PROJECT'S IMPACT ON LOCAL TRAFFIC.

K-18

Along with a thorough climate change impact assessment, CEQA requires that an EIR include a thorough assessment of the warehouse's impact on transportation and local traffic. (Pub. Res. Code § 21099.) The DEIR's conclusion that transportation impacts will be less than significant ignores several aspects of the Project's impacts on the local community and environment.

First, the DEIR ignores that during construction, all the materials, heavy machinery, and construction workers dedicated to this over one million square foot warehouse project will drive through the community daily, creating disruptive and unpredictable traffic patterns during construction. And upon completion, additional traffic will continue disrupting the area, as trucks pick up goods and at least 1500 employees complete daily commutes. (Betancourt et al. at 4; DEIR at 3.12-10.) Trucks serving facilities often idle on public streets and clog local roads when warehouses are at capacity, creating traffic congestion and hazards to local drivers who depend on these roads. (Betancourt et al. at 5.) As explained *supra*, the DEIR's reliance on the same unsupported estimate that the "speculative" Phase I data center will only generate fifteen truck trips per day is misplaced. (DEIR at 3.10-18.) And nowhere does the DEIR explain the numbers used for employee trips, as ITE estimates indicate hundreds more trips per day from employees during Phases II and III. (DEIR, Appendix D at 6.) The City must expand this analysis and require mitigation to avoid congestion caused by truck staging on local roads as well as limit the number of trucks travelling during normal commuting hours to avoid serious harm to locals who rely on nearby roads.

Second, the City's FEIR must assess how traffic increases associated with this project will affect the species in the surrounding area. (Pub. Res. Code § 21099.) As discussed in later sections, traffic congestion degrades air quality and harms habitat through generating waste, which stormwater runoff carries into waterways. The agency must carefully consider potential harms of increased runoff in the FEIR, as well as mitigation measures. Such additional mitigation measures could include the mandatory use of highly efficient or electric trucks to transport goods.

K-19

Finally, the DEIR relies on a road extension and roadway construction to mitigate local traffic impacts. But the DEIR fails to analyze the environmental impacts of extending Golf Club Road as well as constructing three emergency vehicle access roadways in order to mitigate the Project's impacts. (*See* DEIR at 3.13-26.) This construction will undoubtedly result in habitat

K-20

destruction and impaired wildlife connectivity, and the final EIR must fully assess and mitigate these impacts.

K-20 con't

IV. THE EIR SHOULD CAREFULLY ASSESS AND MITIGATE THE PROJECT'S IMPACTS ON AIR QUALITY.

K-21

The EIR must also carefully consider the effects of a project of this scale on air quality for local communities. Warehouse projects are well-documented sources of air quality degradation that can create serious, negative health outcomes for communities. (Betancourt et al. 4-5.) Particulate emissions from diesel vehicles that carry freight to and from warehouses can pose health problems including cancer, asthma, decreased lung function and capacity, and harm to reproductive health. (*Id*. at 5.) These concerns are particularly critical here, as the Project area is just 640 feet south of a middle school; half a mile from two elementary schools; 200 feet south of a church; within 250 feet of a park; and adjacent to residential areas. (DEIR at 3.2-8; *id*. at 3.12-4.)

Air pollution and its impacts are felt most heavily by young children, the elderly, pregnant women, and people with existing heart and lung disease. People living in poverty are also more susceptible to air pollution as they are less able to relocate to less polluted areas, and their homes and places of work are more likely to be located near sources of pollution, such as freeways or ports, as these areas are more affordable. (ALA 2022.) According to the American Lung Association's 2022 "State of the Air" report, Contra Costa County received a "Fail" grade for both particulate matter and ozone levels. (*Id*.) The air quality impacts of warehouses throughout the state have become so dire that numerous cities in California have imposed moratoriums on warehouse development. (Lee 2022.) In 2022, a bill was proposed to prohibit all warehouse development within 1,000 feet of residences within California. (Assem. Bill No. 2840 (2021-2022 Reg. Sess.) as amended February 18, 2022.)

The region is already in nonattainment for ozone and particulate matter, and "a guarantee cannot be made that emissions from future development of the Plan Area [will] not exceed the thresholds of significance." (DEIR, Appendix D at 3-3; DEIR at 3.2-27.) Ozone (commonly referred to as smog) is created by the atmospheric mixing of chemicals released from fossil fuel combustion such as VOC and NOx and sunlight. Ozone poses one of the greatest health risks, prompting the EPA to strengthen its National Ambient Air Quality Standard for Ozone in 2015. (ALA 2022.) It has been linked to an increased incidence and risk of cancer, birth defects, low birth weights, and premature death, in addition to a variety of cardiac and lung diseases such as asthma, COPD, stroke, and heart attack. (Laurent 2016; ALA 2020.)

The City should pay careful attention to the cumulative impacts of additional air pollution in an area with a high existing pollution burden when drafting the FEIR. An EIR must discuss the cumulative impacts of a project when the project's incremental effect is cumulatively considerable. (14 CCR § 15130(a).) Even if a project only represents a relatively small contribution to a condition like poor air quality, the EIR must still assess the cumulative impacts of Project completion on unacceptable environmental conditions. (*See Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 693, 728.) The City must fully consider the

Project's effects on the air quality in an area with existing pollution and adopt mitigation should this Project move forward.

K-21 con't

V. THE DEIR FAILS TO ADEQUATELY ASSESS AND MITIGATE THE IMPACTS OF THE PROJECT ON WATER QUALITY.

K-22

Water quality is a key factor in wetland health. It is therefore extremely important that any new development in or near wetlands or other aquatic habitats fully mitigate any potential impacts to water quality. The DEIR fails to adequately assess and mitigate the Project's effects on the wetlands located on the property and connected bodies of water and must detail conservation measures that will protect these waters. (DEIR at 3.9-1; *id*. at 3.3-4-5.)

The Project is a warehouse development and will experience high volumes of vehicle travel to and from Project facilities. Trucks and other vehicles will introduce vehicle-related toxins to the area, and into the surrounding waterways via runoff. One pollutant source of particular importance is rubber tires. Tire particles, including the chemical 6PPD-quinone ("6PPD"), have been shown to have significant negative impacts—including mortality—on multiple species of fish, including developmental abnormalities, morbidity, and mortality. (Brinkmann et al., 2022; Chang et al., 2023; McIntyre et al., 2021; Tian et al., 2021.) Research on non-fish species is limited, although tire particles have been shown to inhibit growth and cause mortality in one plant and one invertebrate species, respectively. (Kim et al., 2023.) When it rains, stormwater flushes bits of aging vehicle tires left on roads into neighboring streams and watersheds, and 6PPD and other tire materials leach into the water. Leaching of 6PPD in particular has directly been implicated in widespread death of coho salmon before they can spawn. (Tian et al., 2021.) The DEIR fails to even mention this important potential source of toxicants that is likely to diminish water quality in and around the Project area.

Additionally, stormwater runoff from the Project's construction and operation can carry sediments from erosion, oils from car operation, heavy metals from exhaust, and other chemicals into streams and riparian habitat. (*See* Nixon & Saphores at 1-2.) The warehouse construction will also likely leave behind significant quantities of loose sediment from grading and excavation that can run off into water and increase creek and wetland turbidity, harming plant growth and destroying fish habitat. (*See id*. at 1-2.) Additional pollutants would come from construction and operation of the Project as well. As a result, the final EIR must detail the associated impacts on sensitive biological resources, habitat connectivity, and the efficacy of proposed mitigation measures.

Specifically, mitigation measures for preserving the on-site wetlands should include adequate buffer zones between built features (like roads and buildings) and the wetland habitat. The terrestrial land surrounding wetlands is essential for both preserving water quality by serving as a water filter and providing upland habitat for wetland-dwelling species. (Semlitsch & Bodie at 1220.) The EIR must fully detail the potential risks to water quality the Project may cause and adopt binding mitigation measures to minimize these harms.

VI. THE DEIR FAILS TO ADEQUATELY ANALYZE AND MITIGATE THE PROJECT'S IMPACT ON WATER SUPPLY.

K-23

The DEIR's analysis of the Project's water supply fails to adequately consider potential impacts and to include adequate mandatory or enforceable water mitigation strategies for two reasons. First, if developers *do* move ahead with the "speculative" data center, water usage will pose a concern. A mid-sized data center consumes on average around 300,000 gallons of water a day, about as much as 1,000 U.S. households (Copley), while a large data center uses 1-5 million gallons per day. (Osaka.) This is because data centers produce a considerable amount of heat, requiring air conditioning to cool the servers or water for evaporative cooling. (*Id*.) Indeed, data centers rank among the top 10 water-consuming commercial industries in the United States. (Siddik.) And with the advent of artificial intelligence, each year they require even more: Google's data centers used 20 percent more water in 2022 than in 2021, while Microsoft's water use rose by 34 percent. (Berreby.) The DEIR must consider this massive water demand instead of relying on the SPPE application's speculative plans for the Phase I data center and mitigate appropriately.

K-24

Second, the DEIR fails to analyze climate change's effects on water supply in determining water supply impacts. The IPCC specifically identified the American West as vulnerable to water shortages, warning, "Projected warming in the western mountains by the mid-21st century is very likely to cause large decreases in snowpack, earlier snow melt, more winter rain events, increased peak winter flows and flooding, and reduced summer flows . . . ." (IPCC 2007b.) Recently, researchers found that an increase in atmospheric greenhouse gases has contributed to a "coming crisis in water supply for the western United States. . . ." (Barnett 2008.) Using several climate models and comparing the results, researchers found that "warmer temperatures accompany" decreases in snowpack and precipitation, as well as the timing of runoff, impacting river flow and water levels. (Barnett 2008.) These researchers concluded with high confidence that up to 60 percent of the "climate related trends of river flow, winter air temperature and snowpack between 1950-1999" are human induced. (Barnett 2008.) This, the researchers wrote, is "not good news for those living in the western United States." (Barnett 2008.)

The California Center on Climate Change has also recognized the problem climate change presents to the state's water supply and predicts that if GHG emissions continue under the business-as-usual scenario, snowpack could decline up to 70-90 percent, affecting winter recreation, water supply, and natural ecosystems. (Cayan 2007.) Climate change will affect snowpack and precipitation levels, and California will face significant impacts, as its ecosystems depend upon relatively constant precipitation levels, and water resources are already under strain. (Cayan 2007.) The decrease in snowpack in the Sierra Nevada will lead to a decrease in California's already "over-stretched" water supplies. (Cayan 2007.) All of this means "major changes" in water management and allocation will have to be made. (Cayan 2007.) Thus, climate change may change how the Project will utilize water, and it may also impact other activities outside the Project area.

Climate change will also impact water quality, as changes in precipitation, flow, and temperature will likely exacerbate water quality problems. (NRDC 2007.) Changes in

precipitation affect water quantity, flow rates, and flow timing. (Gleick 2000.) Shifting weather patterns are also jeopardizing water quality and quantity in many countries, where groundwater systems are overdrawn. (Epstein 2005.) Accordingly, the FEIR must contain a realistic assessment regarding climate change's effects on the Project's planned water supplies.

K-24 con't

VII. THE EIR SHOULD COMPLETELY ASSESS AND OUTLINE MITIGATION MEASURES FOR THE PROJECT'S IMPACT ON BIOLOGICAL RESOURCES.

K-25

The EIR must also adequately assess and mitigate impacts on biological resources. The Project site encompasses an area of significant ecological value and provides important open space for native wildlife and plants. Many sensitive and rare California plants and animals thrive in this area of Contra Costa County, and the construction of the Project will further encroach on their shrinking available habitat. The EIR must fully analyze the direct and indirect impacts on these biological resources and provide adequate mitigation.

A. The City Failed to Adequately Assess and Mitigate Impacts to Wildlife Connectivity.

K-26

Habitat connectivity is vital for wildlife movement and biodiversity conservation. Limiting movement and dispersal with barriers (*e.g.*, development, roads) can affect animals' behavior, movement patterns, reproductive success, and physiological state, which can lead to significant impacts on individual wildlife, populations, communities, and landscapes. (Ceia-Hasse et al., 2018; Cushman, 2006; Haddad et al., 2015; Trombulak & Frissell, 2000; van der Ree et al., 2011.) Individuals can die off, populations can become isolated, sensitive species can become locally extinct, and important ecological processes like plant pollination and nutrient cycling can be lost. In addition, connectivity between high quality habitat areas in heterogeneous landscapes is important to allow for range shifts and species migrations as the climate changes. (Cushman et al., 2013; Heller & Zavaleta, 2009.) Lack of wildlife connectivity results in decreased biodiversity and degraded ecosystems.

In addition to providing habitat connectivity, buffer zones around the City's aquatic habitats are essential to protect the City's high diversity of plants, fish, aquatic invertebrates, birds, amphibians, and reptiles. Species that rely on these aquatic habitats also rely on the adjacent upland habitats (*e.g.*, riparian areas along streams, grassland habitat adjacent to wetlands). In fact, 60% of amphibian species, 16% of reptiles, 34% of birds, and 12% of mammals in the Pacific Coast ecoregion depend on riparian-stream systems for survival. (Kelsey & West, 2001.) Many other species use riparian areas and natural ridgelines as migration corridors or foraging habitat (Dickson et al., 2005; Hilty & Merenlender, 2004; Jennings & Lewison, 2013; Jennings & Zeller, 2017.) Additionally, fish rely on healthy upland areas to influence suitable spawning habitat. (Lohse et al., 2008.) Thus, to preserve the City's valuable biodiversity in these habitats, it is important to develop and implement effective buffer widths informed by the best available science.

Here, the DEIR acknowledges that the stream and crossing over the Contra Costa Canal connecting the Diablo Range hills to the bayland edge (DEIR, Appendix E at 63) provides a

"potentially significant wildlife passage" (DEIR at 3.3-51) but maintains that the Project will not result in significant impacts to the movement of wildlife. (*Id*.) This conclusion lacks substantial evidence. It ignores the likelihood that development adjacent to the stream and canal crossing will affect its function as a wildlife corridor, even if the stream itself is not directly paved over. And it ignores disruptions that will occur when a portion of the Contra Costa Canal crossing is reconstructed to extend Golf Club Road to Phases II and III of the Plan Area. (*Id*.) The edge effects from human activity, such as traffic, lighting, and noise have been found biologically significant up to 300 meters (~1000 feet) away from anthropogenic features in terrestrial systems (Environmental Law Institute, 2003.) The edge effects will undoubtedly impact wildlife connectivity in and around the Project site. K-26 con't

Specifically, the DEIR fails to account for the existing Golf Club Road's impact and an extension of Golf Club Road on the ability of wildlife to safely use the stream or land crossing. Increased traffic and construction on this road will undoubtedly deter wildlife from crossing, as well as impact the health of the stream and associated wetlands. The EIR must include an analysis of how development will affect connectivity between wetlands and upland habitat and must adequately mitigate these impacts.

The DEIR also fails to take into account the need for connectivity between aquatic resources and upland and riparian habitat within the Project area. The Project area comes very close to aquatic features, which could have negative effects on the existing wetlands' functionality. But the DEIR fails to require buffers around aquatic resources, with the General Plan requiring only 50-150 foot setback buffers around wetlands (50-150 feet on each side). (DEIR at 3.3-22.) This is insufficient: a literature review found that recommended buffers around aquatic resources for wildlife often far exceed 100 meters (~325 feet) (Robins, 2002.) For example, Kilgo et al. (1998) recommends more than 1,600 feet of riparian buffer to sustain bird diversity. In addition, amphibians, which are considered environmental health indicators, have been found to migrate over 1,000 feet between aquatic and terrestrial habitats through multiple life stages. (Cushman, 2006; Fellers & Kleeman, 2007; Semlitsch & Bodie, 2003; Trenham & Shaffer, 2005.)

Specific to this proposed project area, California red-legged frogs, a federally threatened species (DEIR at 3.3-29), have been found to migrate about 600 feet between breeding ponds and non-breeding upland habitat and streams, with some individuals roaming over 4,500 feet from the water. (Fellers & Kleeman, 2007.) Western pond turtles, a proposed federally threatened species, whose "movement habitat" is documented adjacent to the proposed project area (DEIR at 3.3-31) have been found to nest up to 1,919 feet from aquatic habitats, and individuals have been documented to move regularly between aquatic habitats with long-distance movements of up to 2,018 feet. (Sloan, 2012.) Therefore, any wetlands preserved in the proposed project area should have designated setbacks or buffers appropriate for the species that are known to occur or have the potential to occur in or near the proposed project area. K-27

Further, extensive buffers provide resiliency in the fact of climate change-driven alterations to these habitats, which will cause shifts in species ranges and distributions. (Cushman et al., 2013; Heller & Zavaleta, 2009; Warren et al., 2011.) This research emphasizes the need for sizeable riparian and upland buffers around streams and wetlands in Contra Costa

County, as well as connectivity corridors between heterogeneous habitats. The EIR should consider the steps that need to be taken to protect potential habitat, while supporting regional biodiversity by minimizing impacts of development on crucial riparian habitats and adjacent terrestrial habitats.

K-27 con't

It is widely recognized that the continuing fragmentation of habitat by humans threatens biodiversity and diminishes our (humans, plants, and animals) ability to adapt to climate change. In a report for the International Union for Conservation of Nature (IUCN), world-renowned scientists from around the world stated that "[s]cience overwhelmingly shows that interconnected protected areas and other areas for biological diversity conservation are much more effective than disconnected areas in human-dominated systems, especially in the face of climate change" and "[i]t is imperative that the world moves toward a coherent global approach for ecological connectivity conservation, and begins to measure and monitor the effectiveness of efforts to protect connectivity and thereby achieve functional ecological networks." (J. Hilty et al., 2020.) The EIR erroneously concludes that the Project's impacts to wildlife movement would be less than significant and fails to adequately assess and mitigate impacts to wildlife connectivity.

B. The DEIR Fails to Mitigate Impacts to Red-Tailed Hawk and Other Raptors.

K-28

Raptors are a valuable resource to the State of California, and all raptors are protected under State law. (Fish and G. Code, §§ 3503, 3503.5, 3505 and 3513, and 14 CCR §§ 251.1, 652, 783-786.6.) The DEIR readily acknowledges that an active red-tailed hawk nest was recently documented within the study area and that Cooper's hawk was recently documented foraging in the study area. (DEIR, Appendix E at Appendix D.) The Project would pave over and therefore destroy part of this suitable foraging and nesting habitat, impacting the local hawks' ability to thrive and successfully reproduce. (CDFW 1988-1990.) The DEIR asserts that pre-construction nesting surveys for all these species, and buffers around any existing nests, will reduce impacts to less than significant. However, this analysis ignores the impacts of the loss of nesting habitat, as well as edge effects from Project operations on these special-status species. The DEIR offers no mitigation to offset the loss of habitat and must incorporate habitat mitigation to offset the impacts to red-tailed hawk and other species into the final Project EIR.

C. The DEIR Does Not Adequately Mitigate the Project's Impacts to Rare Plants.

K-29

The DEIR fails to adequately assess and mitigate the Project's impacts to sensitive and rare plants. The DEIR reports numerous rare plant species and potential impacts to some of those species from the proposed Project. Many of these plants are associated with the unique grasslands on the site. The proposed Project could impact numerous populations of the Keck's checkerbloom, California androsace, big tarplant, and 21 others. (DEIR at 3.3-8-9.) However, the DEIR relies on MM 3.3-4 for all these species to mitigate the impacts from the development of the proposed project to less than significant levels. (DEIR 3.3-40-43.) MM 3.3-4 defers surveys of mitigation lands to confirm the presence and population numbers or absence of the species to

the future (DEIR at 3.3-40-43) and requires a Plant Salvage and Mitigation Plan if harm proves unavoidable.

K-29 con't

However, the DEIR does not provide a specific plan for any necessary re-establishment. While the criteria laid out is helpful, it still does not inform the public and decision-makers on how those criteria will be addressed successfully and if the plan is actually feasible, as CEQA requires. Different species have vastly different habitat requirements, ecological relationships (including pollinator associations), and growth forms. Some plants are extremely difficult to transplant or grow from seed, while others are hardy and can survive more disturbance. For some sensitive species, even with such intensive horticultural methods, success of transplanting is not guaranteed. The EIR must provide a re-establishment plan with concrete details on re-establishment sites for each species necessary, methods of re-establishment, metrics to measures success, detailed monitoring requirements, and adequate funding. The DEIR thus fails to provide sufficient information on the proposed mitigation to determine whether it will be effective for any sensitive plant species.

Additionally, edge effects from the adjacent residential area, such as trampling by humans and pets, herbicide, and invasive weeds, will likely have a negative impact on remaining sensitive plants and will make establishment of additional individuals for mitigation even more difficult. The DEIR has provided no specific plan to account for these challenges. For these reasons and others, the proposed mitigation is insufficient.

Many special-status plants are also likely to be highly affected by climate change. A recent study predicted that 2/3 of all endemic California plant species will experience range reductions of 80% or greater within a century due to climate change effects, including increased temperatures and changes in precipitation. (Loarie et al., 2008.) Connectivity among heterogeneous habitats is critical for the long-term persistence of any sensitive plants present in the Project area and must be incorporated into any conservation area or replanting program. The DEIR failed to consider connectivity in its proposed mitigation for special-status plants.

This improperly deferred and overly vague mitigation violates CEQA. (*See San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 670 [EIR inadequate where the success or failure of mitigation efforts "may largely depend upon management plans that have not yet been formulated and have not been subject to analysis and review within the EIR"].) In the limited circumstances in which deferred mitigation is appropriate, the agency must meet all of the following elements: (1) practical considerations prevented the formulation of mitigation measures during the planning process; (2) the agency committed itself to developing mitigation measures in the future; (3) the agency adopted specific performance criteria prior to project approval; and (4) the EIR lists the mitigation measures to be considered, analyzed, and possibly incorporated into the mitigation plan. (*See POET, LLC v. State Air Resources Bd.* (2013) 218 Cal.App.4th 681, 736-37 [review denied].) Here, the DEIR fails to meet these criteria.

VIII. THE DEIR FAILS TO ADEQUATELY ASSESS THE PROJECT'S NOISE IMPACTS.

K-30

Finally, despite admitting the Project will potentially create significant increases in noise for sensitive receptors (DEIR at 3.10-15), the DEIR's mitigation measures fall short of CEQA's enforceability standards. Mitigation must be binding and enforceable to be valid. (Guidelines § 15126.4, subd. (a)(2).) The project proponent therefore cannot defer formulating enforceable mitigation that would reduce impacts until after project approval. (CEQA Guidelines § 15126.4, subd. (a)(1)(B); (*Ctr. for Biological Diversity v. Dep't of Fish & Wildlife* (2015) 234 Cal. App. 4th 214, 240) ["[A]n agency goes too far when it simply requires a project applicant to obtain a [] report and then comply with any recommendations that may be made in the report."].); (*Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, 793.) But here the mitigation measures regarding noise impacts do not provide decision-makers or the public with any concrete information, as required by CEQA. (Guidelines § 15126.4(a)(2); *Federation of Hillside & Canyon Ass'ns v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1261 (mitigation measures must be "fully enforceable through permit conditions, agreements, or other measures" so "that feasible mitigation measures will actually be implemented as a condition of development").)

A. The DEIR Fails to Adequately Assess Construction and Operation Noise Impacts.

K-31

First, the DEIR fails to adequately support its claim that mitigation will render construction noise levels less than significant. Specifically, the DEIR bases its conclusion on estimated noise levels at certain distances from the construction zone (DEIR at 3.10-16); however, the Noise Technical Report admits that "the distance between construction noise sources and sensitive receptors (e.g., parks, paths, picnic areas) is *not known* at this time." (DEIR, Appendix J at 20 [emphasis added].) And were it known and found significant, the DEIR requires only that "measures to reduce construction noise impacts *should* be incorporated to reduce noise levels," not that they must. (DEIR at 3.10-16 [emphasis added].) Here, several sensitive receptors are within two hundred feet, including a proposed park just 80 feet away, a church 200 feet away, and a low-density residential area 85 feet away. (DEIR at 3.2-8.) As a result, construction noise requires detailed analysis in the FEIR and enforceable mitigation.

Relatedly, despite these nearby sensitive receptors, the DEIR fails to provide a satisfactory description of mitigation measures for reducing operational and construction noise. MM 3.10-1 and MM 3.10-2 propose only to combat significant noise impacts from operation and construction by requiring the project proponent to complete noise analyses and mitigation plans if it cannot provide evidence of adherence to noise limits. (DEIR 3.10-19.) But CEQA requires more than a report and vague future mitigation plans. Nowhere does the DEIR provide standards outlining how decision-makers will determine whether any future mitigation measures are effective. As a result, the mitigation measures provided fail to meet basic CEQA requirements.

B. The DEIR Fails to Adequately Assess General Plan Consistency and Noise.

K-32

Second, the DEIR fails to adequately assess the Project's consistency with the General Plan. Appendix J provides that the 2040 General Plan allows noise levels from stationary sources of 55 DBA during the day and 45 at night. (DEIR, Appendix J at 10.) But the DEIR somehow concludes, without explanation, that operational noise will be lower than those levels, with the caveat that "[t]he following uses are not anticipated: Energy, warehouse and distribution, data center" and that use of generators is "not anticipated." (DEIR, Appendix J at 21.) This makes little sense: the DEIR otherwise makes plain that Phase I involves a data center with backup generators (DEIR at 2.0-1), with that specific Phase I area directly adjacent to a residential area and church. (DEIR at 3.10-10.) It is unclear how the DEIR reached the conclusions regarding stationary noise in Table 3.10-8 without considering the intended use of the warehouse facilities or the generators required. (DEIR at 3.10-17.) As a result, the DEIR fails to support its conclusion with substantial evidence.

IX. CONCLUSION

K-33

Thank you for the opportunity to submit comments on the Draft Environmental Impact Report for the Pittsburg Technology Park Specific Plan. We urge the City to correct these substantial omissions and errors in its final EIR.

Given the possibility that the Center will be required to pursue legal remedies in order to ensure that the City complies with its legal obligations including those arising under CEQA, we would like to remind the City of its statutory duty to maintain and preserve all documents and communications that may constitute part of the "administrative record" of this proceeding. (§ 21167.6(e); *Golden Door Properties, LLC v. Superior Court* (July 30, 2020, Nos. D076605, D076924, D076993) ___Cal.App.5th___ [2020 Cal. App. LEXIS 710.) The administrative record encompasses any and all documents and communications that relate to any and all actions taken by the City with respect to the Project, and includes "pretty much everything that ever came near a proposed [project] or [] the agency's compliance with CEQA . . . ." (*County of Orange v. Superior Court* (2003) 113 Cal.App.4th 1, 8.) The administrative record further includes all correspondence, emails, and text messages sent to or received by the City's representatives or employees, that relate to the Project, including any correspondence, emails, and text messages sent between the City's representatives or employees and the Applicant's representatives or employees. Maintenance and preservation of the administrative record requires that, inter alia, the City (1) suspend all data destruction policies; and (2) preserve all relevant hardware unless an exact replica of each file is made.

Please add the Center to your notice list for all future updates to the Project and do not hesitate to contact the Center with any questions at the number or email listed below.

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RESPONSE TO LETTER K: CENTER FOR BIOLOGICAL DIVERSITY

Response K-1: The commenter provides introductory statements to the comment letter and does not state a specific concern related to the adequacy of the DPEIR and therefore does not require a detailed response.

Response K-2: The comment restates the Project description as described in Chapter 2.0 of the PDEIR and expresses concern that the DPEIR does not fully disclose significant concerns which should be addressed in the Final PEIR. The comment is introductory in nature and does not disclose any specific significant concerns at this point in the letter, and therefore does not require a detailed response.

Response K-3: The comment states the DPEIR failed to analyze all reasonably foreseeable impacts of approvals for other warehouse uses such as manufacturing and distribution which the comment concludes would cause a greater impact than analyzed in the DPEIR. Please refer to GR-1, as it describes the level of review under a Program EIR and illustrates subsequent project level review. As described throughout Chapter 3, mitigation measures would require future projects to adhere to thresholds within the Scope if this DPEIR and would require project-level environmental review and mitigation if proposed projects (warehouse included) could not achieve acceptable levels of impacts.

Response K-4: The comment provides introductory comments regarding the thresholds of significance for the Project's GHG emissions analysis and states they lack substantial evidence. Furthermore, the commenter states BAAQMD is intended for residential uses. However, as described in Section 3.6.3, BAAQMD has not developed a quantitative threshold of significance for GHG emissions. Instead, the BAAQMD recommends that jurisdictions rely on a "fair share" analysis to look at how a new land use development project needs to be designed and built to ensure consistency with California's net neutrality by 2045. Please see Response J-5 for further information regarding BAAQMD thresholds of significance. Additionally, BAAQMD thresholds were not intended for residential uses exclusively, rather, are intended to help lead agencies evaluate and mitigate air quality and climate impacts from proposed land-use projects and plans.

Response K-5: The commenter provides introductory statements related to climate change and does not state a specific concern related to the adequacy of the DPEIR and therefore does not require a detailed response.

Response K-6: The comment concludes that the DPEIR utilized thresholds of significance that are insufficient for industrial uses, citing the American Canyon Municipal and refers to the Phase I GHG emissions threshold. As the Lead Agency, each City has the discretion in determining the significance threshold, where BAAQMD as the responsible agency has adopted CEQA Guidelines, discussed further in Response J-5. These guidelines are intended for projects for use in all land use categories and are not limited to residential projects. While the DPEIR describes the emissions during Phase I as 84,979 MTCO2e per year, and up to 90,768 per year during Phases II and III, these estimates are based on a programmatic DPEIR, as described in GR-1. On a project-level, where project design is final rather than conceptual, projects would be required to be screened for emissions per MM 3.2-1 and MM 3.2-4, located in Section 3.2, *Air Quality*.

Response K-7: This comment states the data center should be held to the significance criteria for an industrial use. As described in GR-2, the Pittsburg Data Hub remains speculative and the Specific Plan does not provide authorization, therefore the DPEIR provides a programmatic review, rather than a project-level environmental analysis. To review the entire SPPE application, including a detailed analysis of potential project impacts, please see Appendix C to the DPEIR.

Response K-8: The comment states the DPEIR fails to assess several sources of GHG emissions; truck VMT, reduced potential of carbon sequestration due to grading the site, and the failure of assessing diesel backup generators are not addressed in the DPEIR. These are project-level details that would be disclosed as projects are proposed, even though they are conceptually analyzed here in the programmatic DEIR (see GR-1). This level of detail is not available or determined at the program-level DEIR, and therefore could not be addressed. However, future implementing projects would be required to go through additional environmental review as applicable.

Response K-9: The comment states the DPEIR omits the assessment of truck generated VMT emissions in that the industrial/warehouse uses involve high rates of truck/trailer/delivery van VMT. Generally, vehicle miles traveled is the most appropriate measure of transportation impacts. For the purposes of this section, VMT refers to the amount and distance of automobile travel attributable to a project." Pursuant to Section 15064.3, a land use project may have a significant effect on the environment if it would result in additional VMT. Future development under the Specific Plan could allow for warehouse uses. However, the exact nature and type of development that could potentially occur is unknown at this time. Phasing and buildout assumptions for purposes of the analysis are described in Section 2.4 of the DPEIR. Please see GR-1 and Response J-9 for further information.

Response K-10: The comment states the DPEIR fails to provide supportive evidence for trip generation rates. The mobile emissions calculated in the AQ and GHG sections of the DPEIR were estimated using CalEEMod2022. This model in turn relies on EMFAC2021 data to generate a default fleet mix based on the land use type and sizing information as provided to the model. The EMFAC model was developed by CARB and is the state-recommended model used to estimate the official emissions inventories of on-road mobile sources in California. As such, the fleet mix assumptions used to estimate the AQ and GHG emissions in the DPEIR are well-substantiated.

The trip generation for Phase I of the Specific Plan was calculated using rates from the Institute of Transportation Engineers (ITE), *Trip Generation Manual, 11th Edition*. This approach was used as the land-use proposed for development in the phase is accurate and well defined, a data center. The travel characteristics of future, currently undefined, phases of the Specific Plan's implementation were assessed using the Contra Costa County Transportation Authority's (CCTA) travel demand model. This approach is the standard and required practice for the assessment of long-range land use plans in the City of Pittsburg and within CCTA's jurisdiction. The model's trip generation rates are calibrated to match the travel characteristics of similar local land uses, whereas the ITE rates reflect a national sample, which may not reflect local conditions. As part of periodic conformance practices the model is validated to accurately reflect travel behavior and actual trip generation characteristics within the Plan Area.

Response K-11: The comment states that the DPEIR failed to include vegetation removal and wetland filling as key sources of GHG emissions, due to the loss of above- and below-ground carbon storage.

Per Section 3.3.1 of the DPEIR, the biological study area analyzed is approximately 151.8 acres, which includes the entire Pittsburg Technology Park Specific Plan Area as well as a 250-foot buffer. The study area is primarily composed of the former Delta View Golf Course, and accordingly consists of formerly managed turf, as well as smaller areas of trees, wetlands, and paved areas. In total, of the 151.8 acres, 143.38 acres are upland habitat, including 125.17 acres of annual grassland. This is by far the largest habitat onsite as it comprises over 82 percent of the Plan Area and associated buffer. The Plan Area also includes approximately 2.44 acres of riparian habitat on-site, 3.248 total acres of potentially jurisdictional waters, including wetlands and aquatic habitats, and 2.357 acres of artificially constructed aquatic features, such as landscaping ponds and detention basins.

While there are some wetlands and natural aquatic habitats within the Plan Area, the building envelopes shown in Figure 2-3 in the DPEIR were specifically planned to exclude the majority of these wetland areas, as identified in Figure 3.3-2 of the DPEIR. Accordingly, there is no intent to fill these wetlands as part of future development projects. However, if future development projects interfere with wetlands, any impacts are expected to be de minimis and would be subject to compensatory mitigation of at least 1:1. As discussed in Section 3.3.2 of the DPEIR, the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP) is provides regional conservation and development guidelines to protect natural resources while improving and streamlining the permit process for endangered species and wetland regulations. The DPEIR outlines several mitigation measures, including MM 3.3-3, which ensures that future project applicants will comply with conservation measures listed in the HCP/NCCP, which are designed to minimize and avoid impacts to wetlands, ponds, and streams.

The proposed Specific Plan project also intends to limit impacts to on-site trees. As discussed on page 3.3-25 of the DPEIR, in the event that that a protected tree does have to be removed, replacement planting is required as part of tree removal permits pursuant to PMC Section 18.84. This section of the PMC states that for every one tree removed, four 24-inch box trees or twelve 15-gallon trees must be planted in its place. Again, this measure serves to reduce the impacts to onsite vegetation as much as possible.

The Specific Plan provides a framework for future development relative to landscape design. As described under GR 1, the Zoning Administrator would require Landscape Standards as described in the Specific Plan (Appendix B) and ordinance compliance to be demonstrated in future development applications.

Conversion of the site's upland habitat into the proposed commercial development has the potential to have a net negative effect on carbon sequestration; however, these impacts are expected to be minimal (<150 MT per year) and would not significantly alter the GHG inventory of the project from what was presented in the DPEIR.

Response K-12: The commenter states that the City should reconsider the emissions associated with backup generators for the PDH in Phase I, as the backup generators may be used for reasons other than

routine testing and maintenance. Please refer to GR-2, as it describes the level of analysis required for this DPEIR and discretion in analyzing the PDH as a project-level EIR.

Response K-13: The comment suggests the City require GHG emission mitigation measures for new warehouse developments and provides examples of these referred measures. Please refer to GR-1, as it addresses project- versus program-level review. Because the implementing projects are not through final design, specific, project-level mitigation measures are yet to be determined per development. However, all future development projects will be required to adhere to the mitigation measures and design guidelines set forth in this Final PEIR and Specific Plan. Future development projects will also be required to comply with the policies set forth in the 2040 General Plan. This comment is noted and will be considered by City decision makers.

Response K-14: The commenter suggests the City adopt a two-minute limit to mitigate truck emissions based on the California Attorney General recommendation. Idling time for trucks must comply with California Air Resources Board limit time for diesel-fueled CMVs to five minutes or less, per 13 CCR § 2485: Airborne Toxic Control Measure. Reducing idling times as suggested by the commenter is a policy decision and is not needed to mitigate impacts disclosed in the DPEIR. This comment is noted and will be considered by City decision makers.

Response K-15: The commenter recommends the installation of rooftop solar on future building sites. The comment does not raise any specific issues related to the adequacy of the DPEIR and therefore does not require a detailed response. Impacts related to GHG emissions and design features required are addressed in the DPEIR. This comment is noted and will be considered by City decision makers.

Response K-16: The commenter suggests the FEIR offer more electric truck charging infrastructure to meet the demands of fleet mix to achieve 100% zero-emissions by 2045. Although the comment does not raise any specific issues related to the adequacy of the DPEIR, it should be noted that the Draft Specific Plan states that future development projects will be required to comply with the current, at the time of application, California Green Building Standards Code “CalGreen” Tier 2 standards under the Bay Area Air Quality Management District (BAAQMD) guidelines, and any other applicable State guidelines in effect at the time of application, regarding electric vehicle charging infrastructure. This comment is noted and will be considered by City decision makers.

Response K-17: The commenter refers to Phase I diesel back-up generators and use of renewable diesel. The commenter further cites literature that suggests biodiesel refining drives climate environmental harms and climate change from the required amounts of lands dedicated to agriculture, fertilizer, and pesticides necessary for vegetable oil and animal fat for process. The commenter recommends the City require the cleanest available technologies such as solar battery power. While project development for Phase I would require further project-level analysis (see GR-1), the comment is noted and will be considered by City decision makers.

Response K-18: The commenter insists the City expand the analysis on truck trip and employee trip generated traffic, and that the City require mitigation to avoid congestion and limit truck traveling during peak hours. Please refer to GR-1, as it describes the process for subsequent project-level review. This project-level review would better inform mitigation that would reduce project-level impacts. As

discussed in Section 3.13.4 of the DPEIR, MM 3.13-2 would be implemented, which requires a level of service analysis to be performed in accordance with the City of Pittsburg's TIA Guidelines in effect at the time of application. If violations of the City's General Plan LOS policies are identified, improvement measures shall be developed and proposed to eliminate those violations. This comment is noted and will be considered by City decision makers.

Response K-19: The comment insists the Final PEIR assess how traffic would impact species in the area, specifically in regard to air quality and stormwater runoff. Please see Response K-17, and GR-1, as mitigation and analysis would be reviewed at the project-level for subsequent projects.

Response K-20: The commenter incorrectly states the DPEIR failed to analyze environmental impacts of extending Golf Club Road, which would result in habitat destruction. The DPEIR considered wildlife connectivity, and described in Section 3.3, *Biological Resources*, that the wildlife crossing to the east would remain intact and allow for continued wildlife connectivity. Thus, the issue that the commenter raises has been addressed.

Response K-21: The comment provides introductory comments related to air quality impacts from warehousing projects. The commenter insists the Final PEIR assess the cumulative impacts to air quality for the City to consider the Project's effects on air quality. The Project's impacts on air quality are analyzed on a programmatic-level (see GR-1), in Section 3.2, *Air Quality*, and cumulatively in Chapter 4.0, *Other CEQA Topics.* Mitigation Measures MM 3.2-1 through MM 3.2-4 would mitigate air quality impacts at a program-level. Please see GR-1, as it describes future development environmental review not provided in this DPEIR, consistent with CEQA Guidelines Sections 15168 and 15183.

Response K-22: The commenter states the DPEIR fails to assess and mitigate the Project's impacts on water quality and wetlands, specifically from trucks associated with warehouse projects. Section 3.3, *Biological Resources*, analyzes impacts on wetlands, and MM 3.3-1 through 3.3-3 would address by requiring wetland delineation and associated permitting and mitigation, and would also require setbacks from streams and off-site open space, stormwater best management practices, and the development of stormwater treatment controls. Furthermore, please see GR-1, as it describes subsequent projects and environmental review, where mitigation would be informed through site design details to further mitigate impact to water quality.

Response K-23: The commenter states the DPEIR fails to adequately analyze the water demand associated with the data center project. As stated in GR 2 and above under Response I-4, the data center project is being analyzed separately by the CEC. Please refer to Appendix C, Chapter 4.18, pages 13-15 , as it includes the analysis of data center water demand.

Response K-24: The commenter states the DPEIR fails to analyze climate change's effect on water supply, referring to water shortages. Consistent with CEQA Guidelines Appendix G, the analysis considers normal, dry and multiple dry years.

Response K-25: The commenter suggests the DPEIR must assess and mitigate impacts on biological resources; native wildlife and plants thrive on the project site and development would shrink available habitat, causing direct and indirect impacts. Section 3.3, *Biological Resources*, analyzes impacts and

mitigates potential impacts at a programmatic-level review, as is required given the nature of the Specific Plan and DPEIR.

Response K-26: The comment provides introductory statements regarding the importance of habitat connectivity for wildlife movement and biodiversity. Impact 3.3-4 analyzes the Project's impact on the existing corridor, and MM 3.3-1 through 3.3-3 would require design requirements for wildlife movement on roads outside of the Urban Development Area. As noted in Section 3.3, *Biological Resources*, a large portion of the existing crossing to the east would remain intact, allowing for continued wildlife connectivity. The PG&E transmission line corridor would also continue to provide a wildlife connectivity corridor.

Response K-27: The commenter remarks on the importance of buffers on shifts in species ranges and distributions, specifically in riparian habitats for minimizing impacts from development. The commenter specifically mentions the importance of buffers around aquatic habitat for California red-legged frog and western pond turtle, and states that the EIR should include buffers around wetlands and riparian areas. MM 3.3-3 explicitly incorporates relevant Conservation Measures from the HCP/NCCP. HCP Conservation Measure 1.7 sets buffers for riparian corridors based on stream size and location (summarized in HCP Table 6-2). HCP Conservation Measure 2.12 establishes significant protections for wetlands and waters, including "Buffer zones should be established where feasible between the aquatic resource and development." HCP Conservation Measure 1.6 "Minimize Development Footprint Adjacent to Open Space" is not explicitly quoted in the DPEIR, but is also incorporated by reference in MM 3.3-3, and further encourages avoidance buffers adjacent to sensitive species habitat. These measures adequately mitigate for indirect impacts to aquatic habitats by requiring incorporation of buffers, the sizes of which have been developed through the HCP/NCCP development process, and thus already subjected to CEQA review and approved.

With specific reference to California red-legged frog and western pond turtle, the HCP/NCCP takes the approach of prioritizing off-site conservation for these species, and so does not set any species-specific on-site conservation buffers. Instead, protection of these species is accomplished primarily through development fees used for preservation acquisition, which is incorporated into the DPEIR in MM 3.3-1. Again, this method of protection has already been approved as adequately mitigating impacts to these species through the approval of the HCP/NCCP.

Response K-28: The comment states the analysis ignores the impacts of the loss of nesting red-tailed hawk or other raptor habitat, and that there is no mitigation to offset the loss of habitat. The commenter insists the Final PEIR incorporate habitat mitigation to offset impacts to red-tailed hawk and other species. This would be attained through the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan (MM 3.3-1), that lays out a conservation strategy whose take is authorized through the HCP/NCCP process. The HCP includes an extensive preserve system compensating for habitat losses due to projects implemented under the HCP/NCCP. While Red-tailed Hawks are not a covered species, the HCP preserves nonetheless protect and benefit them. Per the HCP/NCCP, "Land in Zone 5 provides important breeding and foraging habitat for many raptors" (HCP/NCCP p.5-37), "The program will also benefit other wildlife, including raptors, migratory and resident songbirds, and native insects"

(HCP/NCCP p.5-96) and "Preserves will be managed to enhance the prey base for raptors" (HCP/NCCP p.5-106).

The legal code sections listed in the comment prohibit taking of active bird nests, or harassment of birds. MM 3.3-8 ensure protection for nests, and adequately mitigates the risk of take or harassment.

Response K-29: The comment states that "The DEIR reports numerous rare plant species and potential impacts to some of those species from the proposed Project". The DPEIR and Biological Evaluation Report (Appendix D) report that two years of protocol rare plant surveys have not documented any rare plants in the specific plan area, and that "the study area provides limited or no habitat for special-status plant species known from the region". The comment states that "The proposed Project could impact numerous populations of the Keck's checkerbloom, California androsace, big tarplant, and 21 others". This refers to the 24 species which were determined to have "Potential" or "Low Potential" to occur in the specific plan area; no populations of these species have actually been observed. However, the commenter is correct that presence of rare plants cannot be entirely ruled out, and, if present, rare plants may be impacted.

The comment states that the DPEIR does not contain a specific plan for sensitive and rare plant re-establishment and insists the Final PEIR include one. MM 3.3-4b and MM 3.3-4c Rare Plant Survey and Protection contain plant salvage operations requirements for special-status plants as described in HCP/NCCP Conservation Measure 3.10. This measure for rare plant re-establishment was reviewed and approved as adequate through the HCP/NCCP CEQA process.

The comment states that DPEIR mitigation for sensitive and rare plans are deferred and vague. The comment states that remaining avoided sensitive plant habitat would be subject to edge effects and to fragmentation, and that the DEIR plan for sensitive plant avoidance does not address these issues. Please see GR-1, as it describes the confines of a programmatic-level review. The commenter correctly states that different species have vastly different requirements, and a single plan cannot be sufficient for every possible species. No rare plant species have yet been detected within the specific plan area following two years of protocol surveys; the DPEIR measures are written to apply to any species which may be detected in the future. Which species this might be is unknown and speculative, and so to meet the commenter's request would require advance preparation of mitigation plans for every possible species, regardless of which might be found. Many of these species have never been propagated or re-established, and so their requirements are not known, and would require years of dedicated research to ascertain. Instead of preparing such a suite of hypothetical mitigation plans, the DPEIR adopts the approved Conservation Measure 3.10 from the HCP/NCCP, which provides a generalized set of requirements for any rare plant species, but nonetheless incorporates specific requirements for testing, monitoring, and adaptive management. This approach has already been determined to be adequate through HCP/NCCP review process.

Furthermore, the HCP/NCCP's approach to species preservation for covered plant species is to focus on off-site preservation rather than on-site avoidance. This approach focuses conservation in a planned preserve system rather than small, ad-hoc preserves in order to reduce the impacts of edge effects and fragmentation. The conservation strategy has, as an explicit goal, "Preserve major habitat connections linking existing and future protected private and public lands" (HCP/NCCP page 5-1).

Extremely rare species, which cannot be effectively protected with landscape-level measures, are treated as no-take species in the HCP/NCCP and protected by Conservation Measure 1.11, which requires "If a no-take plant population is found on a site, it is the responsibility of the property owner to adequately preserve the population in the development plan for the site (e.g., link to existing public lands, provide adequate buffers), prepare a long-term management and monitoring plan, and fund the implementation of this plan. This measure directly addresses edge effects and fragmentation.

This two-tiered approach to protect all special-status plant species from edge effects and fragmentation has been approved as adequate through the HCP/NCCP review process and is incorporated into the DPEIR through MM 3.3-1.

Response K-30: The comment suggests the DPEIR mitigation is unenforceable per CEQA enforceability standards. Please see GR-1 as it describes the confines of a programmatic-level review. Additionally, these mitigation measures are intended to mitigate for projects that cannot provide project level performance standards, through construction mitigation plans, and operational mitigation plans with accompanying operational noise analysis for subsequent noise impact determination.

Response K-31: The comment states the DEIR fails to adequately assess construction and operation noise impacts. Subsequent development accommodated by the Specific Plan shall be subject to the PMC. Please refer to GR-1, as it discerns project- versus program-level review. This comment is noted and will be considered by City decision makers.

Response K-32: The comment states that the DEIR fails to adequately assess consistency with General Plan policies related to noise. Please refer to GR 2 and comment response I-4 above . Furthermore, the DPEIR includes mitigation measures MM3.10-1 through 3.10-3 that require subsequent noise analysis for future development projects should certain conditions apply. Compliance with General Plan policy would be assured through implementation of the mitigation.

Response K-33: The comment provides conclusionary statements and requests that the Center for Biological Diversity be added to the public interest list. The comment also provides a list of references. This comment does not state a specific concern related to the adequacy of the DPEIR and therefore does not require a detailed response. This comment and the list of references are noted, and the Center for Biological Diversity will be added to the public interest list.

Comment Letter L: Nancy Parent

RECEIVED
AUG 19 2024
PLANNING DIVISION

Comments Re Draft EIR

Pittsburg Technology Park Specific Plan

Nancy Parent August 19, 2024

Table 2-1 Project Description

Considering this an EIR for more than Phase 1is irresponsible. What will be proposed for future is unknown and all projections are speculations. L-1

However, these speculations should be a wakeup to Planning Commissioners and Council to reign in the nature of development of this area.

Table 2-2

Side and rear setbacks of 10 feet from residences or any other building is inadequate. L-2

MAXIMUM height of 99 feet (9 stories) is far too high given near by maximums of 2 stories.

Section 2.5 Zoning

Allowing FUTURE development of Zones 2 and 3 to be approved with review by ONLY THE ZONING ADMINISTRATOR not the PLANNING COMMISSION and CITY COUNCIL of a development of this size is giving future owners ABSOLUTE CONTROL and is far too over reaching. L-3

Remember that these people do not live in the city and for the developer the only incentive is maximizing profit.

Section 3.1 Aesthetics and Visual Resources

The 2040 General Plan describes what may happen

Goal 4-2 aims to preserve the natural environment including hillsides and open space through building that respect natural features and VIEWSHEDS. L-4

While PHASE 1 as proposed is limited to a 2- story building and 30 DIESEL GENERATORS this review should be limited to that project.

Item 3.4.1 says that the general plan does not formally designate any vistas it seem, Alta Vista s to only count views from the freeway by only showing one picture.

The written view shed is from John Henry Johnson Parkway at Leland Road. Other impacted views include those from City Hall, Alta Vista, Crestview and all of the developed hillsides from San Marco to John Henry Johnson Parkway.

L-4 con't

Section 3.2 Air Quality

L-5

Phase 1 plan call for 33 DIESEL generators.

The reported impact 3.2.2 does not specify what the effect is and has a circuitous argument that assumes that somewhere there are standards and that those aren't exceeded. 3.2-26.

Section 3.3.1 Environmental Setting

L-6

The statement that the project is on the OUTSKIRTS of the city makes one wonder of the drafter has ever seen the sit .

It is in the middle of the city and immediately adjacent to residential neighborhoods and a school notwithstanding that there is ample property zoned industrial near other power sources.

No project is the suggested mitigation.

L-7

RESPONSE TO LETTER L: NANCY PARENT

Response L-1: The comment states what will be proposed for future development is unknown and all projections are speculations. Please refer to Global Response number 1.

Response L-2: The comment notes that City-designated setbacks are inadequate and maximum heights are too high. This comment does not state a specific concern related to the adequacy of the DPEIR and therefore does not require a detailed response. As described in Chapter 2.0, Project Description, of the DPEIR, The City rezoned areas designated as ECI by the 2040 General Plan with the "Limited Industrial with an Overlay (IL-O)" District. IL-O overlay zone allows for employment-generating and light manufacturing uses with specific development regulations to facilitate economic development within the City. The setbacks and height proposed for future development within the Plan Area are consistent with the development regulations for the IL-O (Limited Industrial with Limited Overlay District).

Response L-3: The comment states that future development of Phases II and III to be approved only by the zoning administrator is insufficient. As described in the Specific Plan section 8.7, the City shall conduct an analysis under CEQA Section 15162 for all subsequent development applications, and furthermore the Zoning Administrator shall be administering the provisions of the Specific Plan. This comment does not provide and conclusionary references to the adequacy of the DPEIR and does not need a detailed response. This comment is noted and will be considered by City decision makers.

Response L-4: The comment states the visual impact analysis should be limited to the Phase I project and identifies other impacted views. Please refer to Global Response 2 and response I-2.

Response L-5: The comment notes that impact 3.2.2 does not describe the effect of having 33 diesel generators and nowhere are the standards. Please refer to Global Response number 2.

Response L-6: The comment states the project is located adjacent to residential neighborhoods and a school. Chapter 2.0 of the DPEIR thoroughly describes the surrounding land use and particularly identifies residential areas to the north. Specifically, the DPEIR states the following, lands to the south and west of the Plan Area are vacant/open space and are additional portions of the former Delta View Golf Course. Lands to the east consist of open space containing a transmission owned by Pacific Gas and Electric (PG&E). To the north of the Plan Area are low- and medium-density residential development. The 2040 General Plan designates the land to north as Low Density Residential and Public/Institutional; to the east as a PG&E Corridor Conversion Overlay; to and to the west as Park. The Contra Costa County General Plan designates lands to the south as Open Space. Furthermore, only public viewing locations are protected under CEQA; therefore, private viewpoints were not analyzed. The visual impact analysis for this Program-level EIR is sufficient to analyze potential future impacts.

Response L-7: The comment states the No project is the suggested mitigation. The comment does not raise any specific issues related to the adequacy of the DPEIR and therefore does not require a detailed response. This comment is noted and will be considered by City decision makers.

This chapter includes minor edits to the Draft PEIR. These modifications resulted from responses to comments received during the Draft PEIR public review period.

Revisions herein do not result in new significant environmental impacts, do not constitute significant new information, and do not alter the conclusions of the environmental analysis that would warrant recirculation of the Draft PEIR pursuant to State CEQA Guidelines Section 15088.5. Changes are provided in revision marks with underline for new text and ~~strike out for deleted text~~.

3.1 REVISIONS TO THE DRAFT EIR

Table of Contents

No changes to the Table of Contents were made.

0.0 Executive Summary

No changes were made to the Executive Summary of the Draft PEIR.

1.0 Introduction

No changes were made to Chapter 1.0 of the Draft PEIR.

2.0 Project Description

Chapter 2.0, page 2.0-16

TENTATIVE MAP

The Specific Plan is accompanied by a tentative map that would subdivide the existing three parcels within the Plan Area into 12 new parcels for future phases of development. The tentative map also includes subdividing two adjacent parcels into 5 new parcels for administrative purposes and includes easements for public utilities and emergency vehicle access. The tentative map reserves the right to file multiple maps for the purposes of phasing. Following map recordation, the final maps will become the legal document that identifies the lots and backbone infrastructure to allow for future development.

3.1 AESTHETICS AND VISUAL RESOURCES

No changes were made to Section 3.1 of the Draft EIR.

3.2 AIR QUALITY

No changes were made to Section 3.2 of the Draft EIR.

3.3 BIOLOGICAL RESOURCES

No changes were made to Section 3.3 of the Draft EIR.

3.4 CULTURAL AND TRIBAL RESOURCES

No changes were made to Section 3.4 of the Draft EIR.

3.5 GEOLOGY AND SOILS

No changes were made to Section 3.5 of the Draft EIR.

3.6 GREENHOUSE GAS EMISSIONS , CLIMATE CHANGE, AND ENERGY

No changes were made to Section 3.6 of the Draft EIR.

3.7 HAZARDS AND HAZARDOUS MATERIALS

No changes were made to Section 3.7 of the Draft EIR.

3.8 HYDROLOGY AND WATER QUALITY

No changes were made to Section 3.8 of the Draft EIR.

3.9 LAND USE AND PLANNING

Section 3.9, page 3.9-27

TABLE 3.9-1: PROJECT CONSISTENCY WITH CITY PLANS

CITY OF PITTSBURG 2040 GENERAL PLAN	
GOALS AND POLICIES	*CONSISTENCY*
LAND USE	
Goal 2-1: Promote optimal, orderly, well-planned, and diverse land uses, including a compact urban form within the City's projected municipal boundary that provides a mix and distribution of uses to meet Pittsburg's needs, including mixed-use development, infill development, and reuse and revitalization of underutilized and brownfield sites.	**CONSISTENT** The proposed Specific Plan would guide development for a diverse employment center on a vacant portion of the former municipal Delta View Golf Course. The proposed Specific Plan serves as a policy document with guidelines to develop a technology park. The proposed Specific Plan would be consistent with the City's goal of providing a mix and distribution of uses and use an under-utilized site.
Policy 2-P-1.2: Promote land use compatibility through development standards, use restrictions, environmental review, and design considerations.	**CONSISTENT** The proposed Specific Plan is consistent with the land use designation identified by the 2040 General Plan. The proposed Specific Plan proposes land use, development standards, environmental review, and design considerations that would implement the General Plan and promote compatible land use.
Policy 2-P-1.5: Discourage development at urban densities or intensities in areas on the periphery of the City boundary.	**CONSISTENT** The proposed Specific Plan employee generation rates are estimated based on a ration of one employee per 500 sq ft of development, a number below an urban density or intensity.
Action 2-A-2.a: Amend the Zoning Ordinance to: • Employ planned development to achieve high community design standards and provide projects beneficial to Pittsburg, not to circumvent development intensity standards. • Development projects shall be designed to: ○ (i) Utilize density transitions, less intense non-residential land use designations, and buffers, including open space, drainage features, landscaping, and multi-use paths, in order to protect the integrity of existing land use patterns and minimize the impacts on existing uses and residents.	**CONSISTENT** Future development in the Plan Area would adhere to design standards outlined in the proposed Specific Plan that would consider materials, colors, textures, building size and proportions to blend into the natural character of the area. The proposed Specific Plan ensures adequate buffers and screening would be implemented between the Plan Area and residential areas that compliment building facades to maintain the existing surrounding character. Landscape design would also be used to soften the appearance of buildings and provide a buffer with open areas and the roadway to minimize the impacts on surrounding uses and residents.
Policy 2-P-3.1: Promote the provision of community amenities within large-scale developments, master-planned communities, and other planned developments, including parks and recreation facilities, neighborhood serving commercial uses, streetscaping and pedestrian paths, transit facilities, parking	**CONSISTENT** The proposed Specific Plan would guide development for a diverse employment center on a vacant portion of the former municipal Delta View Golf Course.

CITY OF PITTSBURG 2040 GENERAL PLAN	
GOALS AND POLICIES	*CONSISTENCY*
areas, and public safety facilities.	
Goal-2-4: Promote business development in a range of sectors that contribute to the local and regional economy, provide high-wage and skilled jobs for Pittsburg residents.	**CONSISTENT** Allowed uses under the proposed Specific Plan would generate employment in various industries, specifically in emerging sectors such as technology and innovation. Other employment opportunities include administrative offices, research and development, manufacturing, warehouse and distribution, energy, and automobile services, which are generally high-wage sectors.
Policy 2-P-4.1: Identify and allocate adequate lands in strategic locations throughout Pittsburg to accommodate and encourage employment growth, focusing on sectors that provide high-paid and high-quality jobs and continue to promote business development sites through Think Pittsburg and other local programs.	**CONSISTENT** The Plan Area is identified in the 2040 General Plan as a strategic site for economic development within the West Leland Subarea to encourage employment growth in the area.
Policy 2-P-4.2: Encourage the development and intensification of employment centers, including high quality, professional office campuses, business parks, and industrial parks, along with innovation districts, related mixed-use development and open spaces. The centers shall be located in areas fully served by public facilities and services, located along major arterials with easy freeway access and with access from public transit, and accessible to bicyclists and pedestrians.	**CONSISTENT** Development in the proposed Specific Plan would generate economic employment in various industries, specifically in emerging sectors including technology and innovation. The Plan Area is currently served by utilities and would require extensions of the existing public water main line along the extension of Golf Club Road. The Plan Area is served by regional access from State Route 4 and local access from West Leland Road and Golf Club Road. Transit services are provided in the vicinity of the Plan Area, including bus and fixed rail transit. Bicycle and pedestrian facilities in the vicinity of the Plan Area include Class II bicycle facilities, sidewalks, crosswalks, pedestrian signals, and multi-use trails.
Policy 2-P-4.3: Promote large-scale office/business development, and reserve sites for Business Commercial uses in designated locations accessible from regional transportation systems.	**CONSISTENT** The proposed Specific Plan would guide economic generating uses to support business development in the Plan Area consistent with the 2040 General Plan ECI designation. The ECI permitted uses include offices and could be proposed as a future development project. The Plan Area is accessible by the regional transportation system. The Pittsburg-Bay Point BART Transfer Substation is the closest rail station to the Plan Area approximately 1.3 miles away. Bus Routes 388 and 390 operate along West Leland Road.

CITY OF PITTSBURG 2040 GENERAL PLAN	
GOALS AND POLICIES	*CONSISTENCY*
Policy 2-P-4.5: Support office, business, and industrial land uses that will improve the City's employment base through high-quality, well-paid jobs that attract the technology, energy, and industrial sectors desired by the community.	**CONSISTENT** Allowed uses within the proposed Specific Plan would generate employment in emerging sectors, including technology, energy, and industrial sectors, which would generate economic opportunity within the city.
Policy 2-P-4.6: Encourage the development of "clean" industries, such as research and development, technology and specialized manufacturing, and similar uses, that limit environmental impacts and health risks commonly associated with industrial uses.	**CONSISTENT** Allowed uses within the proposed Specific Plan include research and development, technology and innovation including data centers, energy, focusing on clean-tech uses.
Policy 2-P-4.10: Ensure that employment-generating development, such as industrial, warehouse, distribution, logistics, and fulfillment projects, does not result in adverse impacts (including health risks and nuisances), particularly to residential uses and other sensitive receptors, including impacts related to the location and scale of buildings, lighting, noise, smell, and other environmental and environmental justice considerations. When development is incompatible, require adequate buffers and/or architectural consideration to protect residential areas, developed or undeveloped, from intrusion of nonresidential activities that may degrade the quality of life in such residential areas.	**CONSISTENT** Goal 3 of the proposed Specific Plan aims to incorporate development into the existing landscape while minimizing impacts to the environment and sensitive receptors. The Proposed project would employ buffers between the Plan Area and residential districts. For more information on how future development would ensure no adverse impacts to the environment or communities, please refer to Section 3.1, *Aesthetics and Visual Resources*, 3.2, *Air Quality*, and 3.10, *Noise*.
Action 2-A-4.a: Update the City's Zoning Ordinance and Subdivision Regulations to: • Require new employment centers and industrial development to incorporate such accessory uses as public open space, amenities, transit amenities, child care facilities, and non-office retail uses based on the size and location of the development and the availability and capacity of existing accessory uses. • Require new and renovated employment center development be designed to accommodate safe and convenient walking, biking, and transit use, and provide an attractive, high-quality "campus environment."	**CONSISTENT** The Plan Area would include an integrated sidewalk and roadway network meant to encourage movement of vehicles, pedestrians, and cyclists as stated in Section 6.3 of the proposed Specific Plan. Future development would be required to adhere to the City's zoning Ordinance and Subdivision Regulations.

CITY OF PITTSBURG 2040 GENERAL PLAN	
GOALS AND POLICIES	*CONSISTENCY*
Action 2-A-4.b: As part of the City's development review process, continue to ensure that employment-generating projects are designed to minimize conflicts with residential uses, sensitive receptors, and disadvantaged communities. Review of employment-generating projects should ensure that the following design concepts are addressed in projects that abut residential areas, sensitive receptors, or disadvantaged communities: • Appropriate building scale and/or siting; • Site design and features to protect residential uses and other sensitive receptors, developed or undeveloped, from impacts of non-residential development activities that may cause unwanted nuisances and health risks and to ensure that disadvantaged communities are not exposed to disproportionate environmental or health risks. The site design and features shall be based on best management practices as recommended by CARB, Bay Area Air Quality Management District (BAAQMD), and the California Attorney General; • Site design and noise-attenuating features to avoid exposure to excessive noise due to long hours of operation or inappropriate location of accessory structures; • Site and structure design to avoid excessive glare or excessive impacts from light sources onto adjacent properties; and • Site design to avoid unnecessary loss of community and environmental resources (archaeological, historical, ecological, recreational, etc.).	**CONSISTENT** Future development in the Plan Area would incorporate design concepts that would reduce conflicts with surrounding uses and communities at the site level. Standards outlined in the proposed Specific Plan consider screening and buffering between equipment and residential districts, truck ingress and egress located at the back of buildings, and materials that are textured as to reduce glare onto other properties. Landscape design would be used to soften the appearance of buildings and provide a buffer with open areas and the roadway to minimize the impacts on surrounding uses and residents. Future projects would be required to comply with air quality mitigation measures **(MM) 3.2-1** through **MM 3.2-4** and noise measures **MM 3.10-1** through **3.10-3** to minimize unwanted nuisances and health risks to adjacent sensitive receptors. Future development projects would also be required to implement biological mitigation measures **MM 3.3-1** through **3.3-10** to protect special status species and habitat. Furthermore, future development would implement **MM 3.4-1** through **3.4-3** and **3.5-1** through **3.5-3** to avoid unnecessary loss of archaeological, historical, and paleontological resources.
Action 2-A-4.c: When industrial projects and other higher intensity use projects, including warehouse projects, fulfillment centers, and other projects that may generate high volumes of truck trips and/or air quality emissions are proposed within 1,000 feet of existing or planned residential uses or other sensitive receptors, the City shall require: • The preparation of a Health Risk Assessment (HRA) that meets the	**CONSISTENT** Future development within the Plan Area would be required to conform to the 2040 General Plan, PMC, and proposed Specific Plan zoning, development standards and design guidelines. More detail on how future development would adhere to air quality conformance standards can be found in Section 3.2, *Air Quality*.

CITY OF PITTSBURG 2040 GENERAL PLAN	
GOALS AND POLICIES	*CONSISTENCY*
standards established by the Office of Environmental Health Hazard Assessment (OEHHA, and BAAQMD. Projects shall not be approved until it can be demonstrated that the project would not result in an exceedance of the established thresholds of significance for public health risks at nearby sensitive receptors; and • The implementation of best management practices (BMPs) to reduce pollution exposure to sensitive receptors, particularly diesel particulate matter (DPM). The appropriate BMPs shall be established on a case-by-case basis, will be based on BMPs recommended by CARB, BAAQMD, and the California Attorney General, including the Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act and Good Neighbor Guidelines for Warehouse Distribution Facilities, and shall consider the following tools, methods, and approaches: o Creating physical, structural, and/or vegetative buffers that adequately prevent or substantially reduce pollutant dispersal between warehouses and any areas where sensitive receptors are likely to be present, such as homes, schools, daycare centers, hospitals, community centers, and parks. o Providing adequate areas for on-site parking, on-site queuing, and truck check-in that prevent trucks and other vehicles from parking or idling on public streets. o Placing facility entry and exit points from the public street away from sensitive receptors, e.g., placing these points on the north side of the facility if sensitive receptors are adjacent to the south side of the facility. Exceptions can be made for emergency vehicle access (EVA) points. o Locating warehouse dock doors and other onsite areas with significant truck traffic and noise away from sensitive	

CITY OF PITTSBURG 2040 GENERAL PLAN	
GOALS AND POLICIES	*CONSISTENCY*
receptors, e.g., placing these dock doors on the north side of the facility if sensitive receptors are adjacent to the south side of the facility. o Screening dock doors and onsite areas with significant truck traffic with physical, structural, and/or vegetative barriers that adequately prevent or substantially reduce pollutant dispersal from the facility towards sensitive receptors. o Posting signs clearly showing the designated entry and exit points from the public street for trucks and service vehicles. o Posting signs indicating that all parking and maintenance of trucks must be conducted within designated on-site areas and not within the surrounding community or public streets.	
GROWTH MANAGEMENT	
Policy 3-P-1.2: Manage the City's growth to balance development of housing options and job opportunities, protection of open space and habit areas, construction of transportation improvements, and preservation of high quality high-quality public facilities.	**CONSISTENT** The proposed Specific Plan is consistent with the 2024 General Plan land use patterns, as it would provide job opportunities proximal to housing while preserving hillside open space, sensitive habitats, such as drainages (outside of building envelopes), and necessary transportation infrastructure to support the proposed project.
Policy 3-P-1.3: Provide a range of development intensities, with the highest intensities in Downtown and in areas proximate to transit and services, and lower intensities in hillside and at the City's southern edge, with an emphasis on land use patterns that make efficient use of the local and regional transportation systems and consider conservation of natural resources.	**CONSISTENT** The proposed Specific Plan would support land use patterns by providing job opportunities close to housing while at the same time preserving hillside open space, sensitive habitats, such as drainages (outside of building envelopes). Future development within the Plan Area would support transportation infrastructure and maintain connectivity from the Plan Area to the City and regional circulation systems.

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GOALS AND POLICIES	*CONSISTENCY*
Policy 3-P-1.10: Ensure that all Regional Routes of Significance, as designated by CCTA and TRANSPLAN, within the City maintain the following traffic levels of service (LOS) standards (applicable to non-freeway routes and routes not subject to a Traffic Management Program): • LOS and D (peak hour volume to capacity ratio less than or equal to 0.85) at intersections along major arterials, except for intersections along Bailey Road;	**CONSISTENT**. Future development would be required to perform a level of service in accordance with the City's Traffic Impact Analysis Guidelines. Any violations of the guidance shall result in improvement measures developed to eliminate those violations, per **MM 3.13-2**. See Section 3.13, *Transportation and Circulation*, of this PEIR for more detail.
Policy 3-P-1.11: Ensure that traffic studies prepared for development projects include an analysis of the impacts of project-related traffic and roadway improvements on pedestrians, bicyclists and transit users.	**CONSISTENT.** A VMT analysis was prepared for buildout of the Plan Area as detailed in Section 3.13, *Transportation and Circulation*. Results of the VMT analysis concludes that future development would result in VMT levels above the City's threshold. Travel Demand Management (TDM) Plans shall be prepared and implemented for future development to minimize impacts from increased VMT, per **MM 3.13-1**. TDM plans shall identify trip reduction strategies and the mechanisms for funding and monitoring of such programs and strategies.
Policy 3-P-1.15: As part of development approval, ensure that safe and contiguous routes for pedestrians and bicyclists are provided within new development projects and on any roadways that are impacted as a result of new development.	**CONSISTENT.** The proposed Specific Plan would extend Golf Club Road, which is intended to provide private access to the Plan Area. Additionally, three emergency vehicle access roadways would provide access to the Plan Area. Therefore, constructing these roadways to City standards to include safe and continuous routes for pedestrians and bicyclists would not be required.
Goal 3-2: Ensure that new residential, commercial, industrial, and other non-public growth contributes its share of the costs for the facilities needed to serve that growth.	**CONSISTENT.** Development impact fees will be required for public services and utilities to ensure fair-share funding of necessary improvements**.** See Section 3.12, *Public Services and Recreation*, and Section 3.14, *Utilities and Services Systems*, of this PEIR for more detail.
Policy 3-P-2.1: Require new development to demonstrate that all necessary infrastructure will be fully funded and constructed prior to certificates of occupancy through payment of development impact fees, funding fair-share of necessary improvements, or construction of improvements and coordinate with public service agencies and/or districts as necessary to confirm adequacy of existing and planned infrastructure.	**CONSISTENT.** See Goal 3-2 above.

CITY OF PITTSBURG 2040 GENERAL PLAN	
GOALS AND POLICIES	*CONSISTENCY*
URBAN DESIGN	
Policy 4-P-1.2: Encourage and support high-quality design that evokes Pittsburg's history and unique character through ensuring standards and guidelines for residential, commercial, industrial, mixed use, civic, and other uses incorporate features and materials design that reinforces Pittsburg's community character.	**CONSISTENT** Future development would be required to adhere to design standards identified in the proposed Specific Plan, which are intended to ensure buildings would blend with the character of the existing environment. See Section 3.1, *Aesthetics and Visual Resources*, of this PEIR for more detail.
Policy 4-P-1.4: Seek methods to improve the visual character and design of Pittsburg, including establishing design standards for gateways, key corridors, residential uses, and non-residential uses, promoting high-quality redevelopment and reuse projects, and addressing features that may adversely affect views of gateways, ridgelines, open space, and other identified visual resources.	**CONSISTENT**. Future development would be required to adhere to design standards in the proposed Specific Plan, which are intended to ensure buildings would blend with the character of the Plan Area. Landscaping throughout the Plan Area would soften the appearance of buildings and blend with the natural environment. Landscape design would be used as buffering between open areas and roadways. See Section 3.1, *Aesthetics and Visual Resources*, of this PEIR for more detail.
Goal 4.2: Encourage preservation of the City's unique natural environment, including hillsides, distinct geologic and topographic landforms, open space, and the waterfront, through a built environment that respects the City's natural features and viewsheds.	**CONSISTENT**. Future development would be required to adhere to design standards in the proposed Specific Plan, which are intended to ensure buildings would blend with the character of the Plan Area and minimize the potential impacts of future development on visual and aesthetic resources. See Section 3.1, *Aesthetics and Visual Resources*, of this PEIR for more detail.
Policy 4-P-2.2: In areas not addressed under Policy 4-P-2.1, encourage development that preserves unique natural features, such as topography, rock outcroppings, mature trees, creeks, designated major and minor ridgelines, and views of such areas (as delineated in Figure 4-1) in new development as well as redeveloped sites.	**CONSISTENT**. Future development would be required to adhere to design standards in the proposed Specific Plan, which are intended to ensure buildings would blend with the character of the Plan Area and minimize the potential impacts of future development on visual and aesthetic resources and scenic vistas. See Section 3.1, *Aesthetics and Visual Resources*, of this PEIR for more detail.
Policy 4-P-2.3: Preserve significant visual resources that include skyline ridges, intermediate ridges, hilltops, and rock outcroppings, creeks, lakes, and open space areas in a natural state, to the extent possible (see also Downtown Policy 5-P-3.1 and Resource Conservation and Open Space Policy 9-P-5.4).	**CONSISTENT.** See response to Policy 4-P-2.2 above.

CITY OF PITTSBURG 2040 GENERAL PLAN	
GOALS AND POLICIES	*CONSISTENCY*
Policy 4-P-2.4: Retain views of major and minor ridgelines within the southern hills, as designated in Figure 4-1.	**CONSISTENT.** See response to Policy 4-P-2.2, above.
Policy 4-P-2.7: Require new development to minimize impacts to, and avoid obstructing views of and from, significant visual resources including major and minor ridgelines through creative site planning, integration of natural features into the project, appropriate scale, materials, and design to complement the surrounding natural landscape, and clustering of development (see also Downtown Policy 9-P-3.2 and Resource Conservation and Open Space Policy 9-P-5.5).	**CONSISTENT**. Future development would be required to adhere to design standards in the proposed Specific Plan, which are intended to ensure buildings would blend with the character of the Plan Area and minimize the potential impacts of future development on visual and aesthetic resources and scenic vistas. Included in the Specific Plan are design guidelines related to building form, building materials, buffering and screening, and landscape design. See Section 3.1, *Aesthetics and Visual Resources*, of this PEIR for more detail.
Policy 4-P-2.10: Use revegetation as an erosion control measure to maintain the natural character of a hillside; utilize hydro-seed, silt traps, and other engineering solutions where erosion potential exists during development.	**CONSISTENT** Landscaping would be used as storm water management best practices to reduce stormwater related erosion. Landscape design standards also require ground cover to reach 100 percent within one year. See Section 3.8, *Hydrology and Water Quality*, for more detail.
ECONOMIC DEVELOPMENT	
Policy 6-P-2.9: Encourage new development in areas where growth and investment have the potential to catalyze revitalization of existing uses.	**CONSISTENT** Allowed uses within the proposed Specific Plan would facilitate economic development and employment in an area that is surrounded by supportive uses including residential and community commercial. The proposed Specific Plan would re-purpose and revitalize the former golf course, which has been closed for over six years.
Policy 6-P-2.11: Provide appropriate incentives for infill and redevelopment projects that have the potential to revitalize existing neighborhoods or commercial areas.	**CONSISTENT** The proposed Specific Plan would redevelop the former municipal Delta View Golf Course, which is currently closed and vacant, providing increased opportunity to revitalize the surrounding area.
Policy 6-P-2.14: Encourage new businesses and project development under the Employment Center Industrial land use classification.	**CONSISTENT** The proposed Specific Plan would permit land uses under the Employment Center Industrial land use classification, generating new business opportunities and future development.
Action 6-A-5.c: Undertake a detailed study to assess the true costs of development and establish an appropriate impact fee schedule to ensure that new development "pays its own way" with respect to infrastructure and servicing.	**CONSISTENT** Future development allowed by the proposed Specific Plan would be required to adhere to the City's development impact fee standards.

CITY OF PITTSBURG 2040 GENERAL PLAN	
GOALS AND POLICIES	*CONSISTENCY*
CIRCULATION AND TRANSPORTATION	
Policy 7-P-1.1: Ensure that the City's circulation network is a well-connected system of streets, roads, highways, sidewalks, trails, and paths that effectively and safely accommodate all users in a manner that considers the context of surrounding land uses, the needs of all roadway users, and is maintained and improved over time to support buildout of the General Plan.	**CONSISTENT** The proposed Specific Plan would provide connections from the Plan Area to the City's existing circulation network via Golf Club Drive. Future development would be required to pay Transportation Impact Mitigation Fees (TIMF) to pay its fair share for a well-connected system, per **MM 3.13-3**. See Section 3.13, *Transportation and Circulation*, of this PEIR for more detail.
Policy 7-P-1.5: Implement and continue to increase efforts to reduce regional vehicle miles traveled (VMT) by supporting land use patterns and site designs that promote active modes of transportation, and public transit.	**CONSISTENT** The proposed Specific Plan includes standards that encourage pedestrian circulation through an integrated sidewalk network with access points at Golf Club Road. Future development would adhere to CalGreen code, which includes standards for bike and pedestrian facilities. Furthermore, Transportation and Circulation **MM 3.13-1** would require future development to create and implement a Travel Demand Management Plan (TDM Plan) to encourage a reduction in regional VMT. See Section 3.13, *Transportation and Circulation*, of this PEIR for more detail.
Policy 7-P-1.6: Design streets to operate with vehicle speeds that are safer for all users, especially pedestrians and bicyclists, while providing adequate access for emergency vehicles. Speed reductions strategies should include reduced lane widths and application of traffic calming measures on local and collector streets and especially near parks, schools, trails, and in the Downtown core.	**CONSISTENT** As described in the proposed Specific Plan and Section 3.13 of this PEIR, the proposed Specific Plan would allow for an extension of Golf Club Road to serve the Plan Area, which is intended to provide private access to the Plan Area. Additionally, three emergency vehicle access roadways would provide access to the Plan Area. These roadways are private and only used when necessary by emergency responders. Therefore, constructing these roadways to City standards to include traffic calming and speed-reduction features would not be required.
Policy 7-P-1.7: Strive to maintain delay-based level of service (LOS) D for motor vehicle traffic as the minimum acceptable service standard for all signalized and stop-controlled intersections at all times (including during peak periods) unless maintenance of LOS would, in the City's judgement, be infeasible and/or conflict with the achievement if other City goals identified in this General Plan. Congestion in excess of LOS D may be acceptable in these	**CONSISTENT** Future development would be required to perform a level of service in accordance with the City's Traffic Impact Analysis Guidelines. Any violations of the guidance shall result in improvement measures developed to eliminate those violations, per **MM 3.13-2.** See Section 3.13, *Transportation and Circulation*, of this PEIR for more detail.

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GOALS AND POLICIES	*CONSISTENCY*
cases, provided that provisions are made to improve traffic flow and/or promote multimodal or non-vehicular transportation as part of a development project or City-initiated project. In the designated Downtown core, as defined by the City's General Plan and illustrated by the City's Subdivision map, LOS E would be considered as an acceptable service standard to account for the more urban, pedestrian-oriented character of the area.	
Policy 7-P-1.9: Implement transportation improvements to maintain and enhance roadway operations and safety while striving to improve accessibility and comfort for all users.	**CONSISTENT** As previously described, future development accommodated by the proposed Specific Plan would be required to pay all applicable TIMFs to support future transportation improvements within the City, per **MM 3.13-3**.
Action 7-A-1.a: Evaluate projects traffic and Vehicle Miles Traveled (VMT) impacts of development projects based on the City's Transportation Impact Analysis Guidelines to determine transportation impacts to all users, including pedestrians, bicyclists, transit riders, and motorists, and to require projects to address impacts consistent with the requirements of CEQA.	**CONSISTENT** A VMT analysis was prepared for buildout of the Plan Area as detailed in Section 3.13. Results of the VMT analysis concludes that future development would result in VMT levels above the City's threshold. Travel Demand Management (TDM) Plans shall be prepared and implemented for future development to minimize impacts from increased VMT, per **MM 3.13-1**. TDM plans shall identify trip reduction strategies and the mechanisms for funding and monitoring of such programs and strategies.
Action 7-A-1.b: Require proposed development projects with VMT levels above the City's threshold to consider reasonable and feasible project modifications and other measures during the project design and review stage and the environmental review stage that would reduce VMT effects in a manner consistent with the City's sustainability goals, the City's Transportation Impact Analysis Guidelines, and with State guidance on VMT reduction.	**CONSISTENT** See response to Action 7-A-1.a above.
Action 7-A-1.d: Require new development to pay its fair share of the costs of street and other transportation improvements in conformance with the goals and policies established in this Circulation Element and the Transportation Impact Mitigation Fee (TIMF) program.	**CONSISTENT** Future development accommodated by the proposed Specific Plan would be required to pay TIMFs, per **MM 3.13-3.**

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GOALS AND POLICIES	*CONSISTENCY*
Action 7-A-1.e: Use traffic calming tools and speed reduction strategies in new development and the design of roadway improvements to assist in implementing complete street principles and encouraging active transportation. Possible tools include roundabouts, raised intersections, curb extensions, reduced roadway width, high visibility crosswalks, and rapid flashing beacons.	**CONSISTENT** The proposed Specific Plan would extend Golf Club Road, which is intended to provide private access to the Plan Area. Additionally, three emergency vehicle access roadways would provide access to the Plan Area. These roadways are private and only used when necessary by emergency responders. Therefore, constructing these roadways to City standards to include traffic calming and speed-reduction features would not be required.
Policy 7-P-2.2: Encourage employers to provide programs for carpooling/transit/biking/walking subsidies, bicycle facilities, alternative work schedules, ridesharing, telecommuting, working at home, employee education, and preferential parking for carpools/vanpools.	**CONSISTENT** Future Travel Demand Management (TDM) Plans shall be prepared and implemented for future development, per **MM 3.13-1**. TDM plans shall identify trip reduction strategies and the mechanisms for funding and monitoring of such programs and strategies. These strategies may include but are not limited to car-sharing programs and alternate work schedules.
Policy 7-P-2.4: Ensure that safe and continuous routes for pedestrians and bicyclists are provided within new development projects and on any roadways that are impacted as a result of new development.	**CONSISTENT** The proposed Specific Plan would extend Golf Club Road, which is intended to provide private access to the Plan Area. Additionally, three emergency vehicle access roadways would provide access to the Plan Area. Therefore, constructing these roadways to City standards to include safe and continuous routes for pedestrians and bicyclists would not be required.
Action 7-A-2.e: Preserve options for future transit use when designing improvements for roadways. Ensure that developers provide bus turnouts and/or shelters, where appropriate, as part of projects.	**CONSISTENT** Transit stops are already located directly north of the Plan Area near its entrance along west Leland Road. Future development within the Plan Area would be required to preserve and replace or provide options for future transit use should additional stops be needed in the future, as outlined in future TDM Plans.
Action 7-A-2.f: Require new developments to provide public access and infrastructure, as appropriate, that support internal connectivity, multimodal transportation, and integration into the surrounding transportation networks.	**CONSISTENT** Future development within the Plan Area would provide connections to the City's existing circulation network to facilitate efficient access to surrounding streets and transportation networks, including roadways, bicycle, and pedestrian improvements.

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GOALS AND POLICIES	*CONSISTENCY*
Action 7-A-2.h: Require mitigation for development projects that increase transit demand above the service levels provided by public transit operators and agencies, or, create conflicts with existing transit operations.	**CONSISTENT** Future development would not conflict with transit, pedestrian, or bicycle facilities. Future development would be required to pay TIMFs, per **MM 3.13-3**.
Action 7-A-2.i: As part of development approval, ensure that safe and contiguous routes for pedestrians and bicyclists are provided within the development projects and on any roadways that are impacted as a result of new development.	**CONSISTENT** The proposed Specific Plan would extend Golf Club Road, which is intended to provide private access to the Plan Area. Additionally, three emergency vehicle access roadways would provide access to the Plan Area Therefore, constructing these roadways to City standards to include safe and continuous routes for pedestrians and bicyclists would not be required.
Action 7-A-2.k: Encourage developers to provide enhanced TDM programs and alternative transportation infrastructure that exceeds minimum requirements, as per 7-A-2.j, in exchange for reduced parking requirements, with a focus on priority development areas and locations in proximity to high capacity transit.	**CONSISTENT** Travel Demand Management (TDM) Plans shall be prepared and implemented for future development, per **MM 3.13-1**. TDM plans shall identify trip reduction strategies and the mechanisms for funding and monitoring of such programs and strategies.
Action 7-A-2.m: Encourage major employers to establish designated carpool parking areas, designated electric vehicle (EV) / Clean Air Vehicle (CAV) parking, and secure on-site bicycle facilities.	**CONSISTENT** Future development accommodated by the proposed Specific Plan would be required to comply with the current California Building Code at the time of application, including the "CalGreen" code for electric vehicle parking standards. In addition, bike facilities would be required and determined based on a ratio to the number of parking required. Furthermore, per **MM 3.13-1**, TDM Plans shall identify additional details on bicycle facility improvements for each subsequent phase of development.
Action 7-A-2.o: Require development projects to provide or fund their fair-share of bicycle and pedestrian facilities improvements in order that sufficient facilities for pedestrians and bicyclists may be constructed throughout the City.	**COSISTENT** Future development accommodated by the proposed Specific Plan would be required to pay TIMFs, per **MM 3.13-3.**
Policy 7-P-3.4: Ensure continued compliance with Title 24 of the California Building Code, requiring the removal of all barriers to disabled persons on City streets, and compliance with the Americans with Disabilities Act (ADA) to allow mobility-impaired users such as the disabled and elderly to safely and effectively use the City's circulation network.	**CONSISTENT** All future development accommodated by the proposed Specific Plan would be required to comply with the current California Building Code.

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GOALS AND POLICIES	*CONSISTENCY*
Policy 7-P-3.5: Encourage secure bicycle facilities and other alternative transportation facilities to be provided as part of new developments, especially future employment sites, public facilities, and multi-family residential complexes.	**CONSISTENT** Future development accommodated by the proposed Specific Plan would be required to comply with the current California Building Code at the time of application, including the "CalGreen" code for electric vehicle parking standards. In addition, bike facilities would be required and determined based on a ratio to the number of parking required. Furthermore, per **MM 3.13-1**, TDM Plans shall identify additional details on bicycle facility improvements for each subsequent phase of development.
Policy 7-P-4.2: Use the adopted regional and local Transportation Impact Mitigation Fee (TIMF) ordinances to ensure that all new developments pay a fair share of the cost of transportation improvements, or require mitigation for development proposals that are not part of the TIMF program which contribute more than one percent of the volume to an existing roadway or intersections.	**CONSISTENT** Future development would be required to pay TIMFs to contribute to the necessary capital for improvement projects for a well-connected system, per **MM 3.13-3**.
Action 7-A-4.c: Continue to collect fees, plan, and design for the future construction of the improvements shown in Figure 7-1, including new roadways and roadway extensions, and improvements identified in Table 7-2 (Bailey Road and West Leland Road and Railroad Avenue and SR-4 WB On-Ramp).	**CONSISTENT** Future development accommodated by the proposed Specific Plan would be required to pay applicable TIMFs, per **MM 3.13-3.**
COMMUNITY HEALTH & ENVIRONMENTAL JUSTICE	
Policy 8-P-1.4: Consider the effects of planning decisions on the overall health and well-being of the community and its residents and specifically upon disadvantaged communities and vulnerable populations, such as areas with concentrated populations of seniors, persons with a disability, and low income residents.	**CONSISTENT** Future development within the Plan Area would be required to adhere to best management practices established by the Bay Area Air Quality Management District (BAAQMD) to reduce pollution exposure to sensitive receptors. Furthermore, air quality mitigation measures **MM 3.2-1** through **3.2-3** would be implemented as applicable, to ensure air quality thresholds are not exceeded (see **MM 3.2-1** through **MM 3.2-4**). Development projects accommodated by the proposed Specific Plan shall not be approved until it can be demonstrated that the proposed project would not result in an exceedance of the thresholds as advised by the Office of Environmental Health Hazard Assessment and Bay Area Air Quality Management District for public health risks at nearby sensitive receptors.

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	Additionally, future development accommodated by the proposed Specific Plan would be required to reduce noise levels to acceptable thresholds during construction and operations. If noise levels are anticipated to be above acceptable thresholds, **MM 3.10-1** through **3.10-3** would be implemented. See Sections 3.2, *Air Quality* and 3.10, *Noise*, of this PEIR for more detail.
Policy 8-P-1.6: Consider the effects on sensitive populations when siting industrial and other intensive uses, designating Citywide truck routes, and considering uses and projects that may have adverse impacts on disadvantaged and vulnerable communities.	**CONSISTENT** Development accommodated by the proposed Specific Plan would incorporate best management practices that would consider certain tools, methods, and approaches in reducing pollution, particularly diesel particulate matter, on disadvantaged and vulnerable communities. Air quality mitigation measures **MM 3.2-1** through **3.2-3** would be implemented as applicable to ensure air quality thresholds are not exceeded. Similarly, noise measures **MM 3.10-1** through **3.10-3** would be implemented as applicable to ensure noise thresholds are not exceeded. Refer to Sections 3.2, *Air Quality* and 3.10, *Noise*, of this PEIR for more detail.
Policy 8-P-1.12: Identify and assess disproportionate impacts of environmental pollution and work to remedy these impacts.	**CONSISTENT** Future development accommodated by the proposed Specific Plan would be required to conduct a project-level air quality analysis to determine potential construction air quality impacts. Identification of mitigation measures necessary to reduce any significant impacts shall be developed in coordination with the BAAQMD (**MM 3.2-1**). See Section 3.2, *Air Quality*, of this PEIR for more detail. Similarly, future development accommodated by the proposed Specific Plan would be required to reduce noise levels to acceptable thresholds. If noise levels are anticipated to be above acceptable thresholds, **MM 3.10-1** through **3.10-3** would be implemented. Refer to Section 3.10, *Noise*, of this PEIR for further discussion.

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Action 8-A-1.b: Review all development proposals, planning projects, and infrastructure projects to ensure that potential adverse impacts to disadvantaged communities, such as exposure to pollutants, including toxic air contaminants, are not disproportionate, and are reduced to the greatest extent feasible.	**CONSISTENT** Future development accommodated by the proposed Specific Plan would incorporate best management practices and measures, such as air quality **MM 3.2-1** through **3.2-4** to ensure development would not have an adverse impact**.**
Action 8-A-1.c: Promote and implement the goals, policies, and actions for each strategy of the Pittsburg Sustainability Plan, including: • C-1 Cornerstone to Climate Action Planning • E-1 Electrify the Building Stock • E-2 Decarbonize Electricity and Inase Use and Storage of Local Renewable Energy • T-1 Reduce Passenger Car Vehicle Miles Traveled • T-2 Increase Zero-Emission Vehicle and Equipment Use • W-1 Increase Water Conservation and Local Water Supply • W-2 Minimize Water Loss System-wide • SW-1 Organic Waste Diversion • SW-2 Reduce Community Waste Generation • CS-1 Carbon Sequestration • M-1 Commit to Climate Action • M-2 Reduce Municipal Reliance on Natural Resources	**CONSISTENT** The Sustainability Plan contains goals and policies to guide the City towards a sustainable future by meeting the needs of the community. This includes promoting economic viability, environmental protection, and social responsibility, all while lowering GHG emissions. Allowable uses and the location of the Plan Area ensures access to a diverse economy, while incorporating TDM strategies to lower GHG emissions. Future development would adhere to CalGreen code, including site design standards that support bike and pedestrian facilities, and electric charging stations for a shift from non-renewable energy dependency. Allowable uses within the Plan Area include sustainable energy sectors, which would promote clean energy while promoting economic growth for a viable and sustainable future.
Policy 8-P-2.2: Require future planning decisions, development, and infrastructure and public projects to consider the effects on the overall health and well-being of the community and its residents, with specific consideration provided to ensure disadvantaged communities have equitable access to services and amenities and to reduce exposure to hazardous materials, industrial activity, vehicle exhaust, other sources of pollution, and excessive noise on residents, with an emphasis on reducing exposure of any disadvantaged communities to such exposure.	**CONSISTENT** Subsequent development within the Plan Area would be required to incorporate best management practices that would minimize pollution exposure, particularly diesel particulate matter, on nearby sensitive receptors (see **MM 3.2-1** through **3.2-3**). Furthermore, if future development cannot adhere to the applicable noise level thresholds, a construction and/or operation noise mitigation plan shall be submitted prior to development (see **MM 3.10-1** through **3.10-3**). Refer to Sections 3.2, *Air Quality* and 3.10, *Noise*, of this PEIR for more detail.

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Action 8-A-2.a: Review all development proposals, planning projects, and infrastructure projects to ensure that potential adverse impacts to disadvantaged communities, such as exposure to pollutants, including toxic air contaminants, and unacceptable levels of noise and vibration are reduced to the extent feasible and that measures to improve quality of life, such as connections to bicycle and pedestrian paths, community services, schools, and recreation facilities, access to healthy foods, and improvement of air quality are included in the project. The review shall address both the construction and operation phases of the project.	**CONSISTENT** see response to Policy 8-P-2.2 above.
RECREATION & YOUTH	
Policy 9-P-1.5: Maintain park and recreation facility standards for new development to serve both residents and employees, attainable through, in order of priority: 1) provision of fully developed parks, 2) dedication of parkland, or 3) payment of in-lieu fees dedicated to the provision of new park sites or enhancing existing facilities.	**CONSISTENT** Future development accommodated by the proposed Specific Plan would be required to pay development impact fees that would contribute to the maintenance of park and recreation facilities throughout the City. Refer to Section 3.12, *Public Services and Recreation*, of this PEIR for more detail.
Policy 9-P-2.2: Development projects adjacent to open space, shoreline, hillside, and other recreational areas shall provide public connections and linkages.	**CONSISTENT** Development within the Plan Area would not preclude future connections by the City or other agencies to adjacent open space or recreational areas, including the potential future bikeway along the Contra Costa Canal, as identified in the 2040 General Plan.
Policy 10-P-1.7: Provide, and encourage access to, public and private open space within urbanized parts of Pittsburg, in order to provide for the recreational and public health needs of residents and provide visual contrast with the built environment.	**CONSISTENT** See response to Policy 9-P-2.2 above.

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Policy 10-P-1.8: Require development projects to maximize the potential for open space, visual experiences, and passive and active recreation.	**CONSISTENT** As described above, development in the Plan Area would not preclude future connections by the City or other agencies to development of the future Contra Costa Canal bikeway connection, as described in the 2040 General Plan. Future development of this bikeway could maximize the potential for open space and active recreation by linking the Plan Area to adjacent recreational facilities such as the John Henry Park and Stoneman Trail. Additionally, proposed Specific Plan guidelines incorporate landscape materials for visual interest and blending the natural and built environment within the Plan Area.
Action 10-A-1.c: Require all new development to provide linkages to existing and planned open space that would logically be connected through the project.	**CONSISTENT** See response to Policy 9-P-2.2 above.
RESOURCE CONSERVATION & OPEN SPACE	
Policy 10-P-1.8: Require development projects to maximize the potential for open space, visual experiences, and passive and active recreation.	**CONSISTENT** Future development would be required to adhere to urban design and resource conservation & open space policies that encourages the preservation of ridgeline views, as described further in Section 3.1, *Aesthetics and Visual Resources*, of this PEIR.
Policy 10-P-2.5: Conserve natural terrain, native vegetation, and sensitive habitats and recognize the role of native vegetation, natural terrain and green infrastructure in natural resource and watershed management.	**CONSISTENT** Siting of future development would be encouraged to be placed in areas that are feasible for ground stability and erosion control. Hillside placement would be avoided, and the natural terrain would be preserved. Additionally, landscape design standards in the proposed Specific Plan would ensure a blend of the natural environment by utilizing native vegetation as landscape materials. Furthermore, native vegetation would serve as stormwater best management practices, contributing to the reduction in stormwater pollution on watersheds.
Policy 10-P-2.8: Require new development projects and expansion of existing uses to conserve sensitive habitat, including special status species.	**CONSISTENT** Future development projects would be required to adhere to the East Contra Costa HCP/NCCP requirements. This includes preconstruction surveys for Golden Eagle, Burrowing Owl, Swainson's Hawk, and San Joaquin kit fox, per **MM 3.3-3**. Additionally, future development would be required to conduct preconstruction surveys by a

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	qualified entomologist for several special-status species including candidate bumble bee, monarch butterfly, western pond turtle, candidate nesting birds, bald eagle, candidate bats, San Joaquin pocket mouse, and American badger, per **MM 3.3-5** through **MM 3.3-12**, respectively.
Policy 10-P-2.14: Collaborate with developers to maintain, and where feasible establish enhancements to, creeks, marshes, wetlands, and riparian corridors in the design of new development.	**CONSISTENT** The proposed Specific Plan establishes envelopes for future development, which preserve stream corridors and riparian habitat within the Plan Area.
Policy 10-P-2.15: Protect and restore threatened natural resources, such as wildlife, estuaries, tidal zones, marine life, wetlands, and waterfowl habitat.	**CONSISTENT** As described in response to Policy 10-P-2.8 above, future development would protect and restore biological resources by complying with the East Contra Costa HCP/NCCP requirements. Refer to Section 3.4, *Biological Resources*, of this PEIR for more detail.
Policy: 10-P-2.16: Limit dredging and filling of wetlands and marshlands, particularly adjacent to Browns Islands Preserve.	**CONSISTENT** Future development would be encouraged to preserve existing wetlands in the Plan Area as described in response to Policy 10-P-2.14 above. Any dredging or filling of wetlands required by development would be required to adhere to the East Contra Costa HCP/NCCP requirements details in Section 3.4, Biological Resources, of this PEIR.
Policy 10-P-2.18: Recognize that climate change impacts may influence future guidance, and best available data, and continue to ensure that up-to-date information is consulted when reviewing projects for potential impacts to biological resources, including the Bay, Delta, and sensitive habitats.	**CONSISTENT** During the development review process, applicants would be required to provide supportive documents for project approval that indicate biological conformance, such as proof of East Contra Costa HCP/NCCP fee payment and copies of regulatory resource agency permits.
Action 10-A-2.g: Intermix areas of pavement with naturally vegetated infiltration sites to minimize the concentration of stormwater runoff from pavement and structures.	**CONSISTENT** Landscape design standards require the use of native vegetation at stormwater best management practices sites, which are typical of biological infiltration. Additionally, future development will be required to submit detailed landscape design plans as part of the design review process.
Action 10-A-2.h: Require an encroachment permit from Contra Costa Water District (CCWD) for any storm drain facility or increase in runoff, as determined by a hydrological study, that will add load to existing facilities crossing or encroaching onto Contra Costa Canal rights-of-way.	**CONSISTENT** Future development projects would be required to obtain all applicable permits, including an encroachment permit from CCWD.

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Policy 10-P-3.1: Require development to use best management practices (BMPs) to minimize the runoff and erosion caused by earth movement.	**CONSISTENT** As described in Section 3.8, *Hydrology and Water Quality,* of this PEIR, future development project applicants must develop and implement a Storm Water Pollution Prevention Plan (SWPPP) that includes BMPs to minimize runoff and erosion.
Policy 10-P-3.2: Encourage preservation of natural creeks and riparian habitat as best as possible.	**CONSISTENT** See response to Policy 10-P-2.14.
Policy 10-P-4.4: Address soil and groundwater pollution during development, redevelopment, and reuse projects.	**CONSISTENT** As discussed in Section 3.8 of this PEIR, impacts to groundwater recharge and stormwater drainage would be evaluated at the project-level in association with subsequent development projects. As future development and infrastructure projects are considered, each project will be evaluated for conformance with the General Plan, PMC, and other applicable regulations.
Policy 10-P-4.5: Reduce sedimentation and erosion of waterways by minimizing site disturbance and vegetation removal.	**CONSISTENT** As described in Section 3.8, *Hydrology and Water Quality,* of this PEIR, future development project applicants must develop and implement a Storm Water Pollution Prevention Plan (SWPPP) that includes BMPs to minimize sedimentation and erosion of waterways.
Policy 10-P-4.6: Encourage rehabilitation and revegetation of riparian corridors and wetlands throughout the City to contribute to bioremediation and improved water quality.	**CONSISTENT** As described in Section 3.3, *Biological Resources*, of this PEIR, future development projects accommodated by the proposed Specific Plan would implement **MM 3.4-1** and **MM 3.4-3**, ensuring that effects to riparian corridors and wetlands are avoided and/or compensated.
Policy 10-P-4.8: Protect water quality by reducing non-point sources of pollution and the dumping of debris in and near creeks, storm drains, and Contra Costa Canal. All drainage from new development should either be directed to an appropriate storm drain system that avoids CCWD facilities and Contra Costa Canal right-of-way, or obtain an encroachment permit from CCWD consistent with Action 10-A-2.h.	**CONSISTENT** As future development and infrastructure projects are considered, each project will be evaluated for conformance with the General Plan, PMC, and other applicable regulations. Implementation of BMPs identified in the approved SWPPP will further protect water quality.
Policy 10-P-4.9: Require projects to comply with best management practices for development and construction on sites where the erosion potential is moderate to severe or which may affect riparian areas, which may include: • Use of bench terraces where areas of long slopes may create a	**CONSISTENT** As future development and infrastructure projects are considered, each project will be evaluated for conformance with the General Plan, PMC, and other applicable regulations. Implementation of BMPs identified in the approved SWPPP will further protect water quality.

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stormwater gradient flow; • Construction of berms between any riparian corridor and the construction site to preclude sediment in stormwaters and sheet-floods from entering riparian zones; and • Completing the storm drainage system in the early phase of construction to manage stormwater runoff during construction.	
Action 10-A-4.d: Review and update BMPs as necessary to promote state-of-the-art construction practices to ensure that development projects consider the effects of construction debris and sediment on local water supplies.	**CONSISTENT** Future development projects accommodated under the proposed Specific Plan would comply with design specifications and BMPs as required by applicable regulations and policies.
Action 10-A-4.e: Monitor land uses discharging into groundwater recharge areas to prevent potential contamination from hazardous or toxic substances.	**CONSISTENT** Future development would be required to comply with the applicable NPDES permit, which regulates trash, pollutants of concern, and excessive hydrologic runoff which can carry sediment and cause flooding. Additionally, if accidental release of hazardous materials were to occur, the local CUPA and emergency management agencies would response. The release of hazardous or toxic substances would be managed through the implementation of California Code of Regulations, California Health and Safety Code, California Fire Code, DTSC regulations, RCRA regulations. See Section 3.8, *Hydrology and Water Quality*, and 3.7, *Hazards and Hazardous Materials*, of this PEIR for more detail.
Policy 10-P-5.5: Require new development to avoid obstructing views of, and to minimize impacts to, significant visual resources through the following: creative site planning; integration of natural features into the project; appropriate scale, materials, and design to complement the surrounding natural landscape; clustering of development to preserve open space vistas and natural features; minimal disturbance of topography; and creation of contiguous open space networks.	**CONSISTENT** New development would be required to adhere to the 2040 General Plan policy that supports high quality design to protect visual resources and proposed Specific Plan design guidelines regarding building form, materials, landscaping, and screening. Refer to Section 3.1, *Aesthetics and Visual Resources*, of this PEIR for more detail.
Policy 10-P-5.6: Ensure that the visibility of new development from natural features and open space areas is minimized to preserve the landforms and ridgelines that provide a natural backdrop to the open space systems.	**CONSISTENT** Future development would be required to adhere to urban design and resource conservation & open space policies that encourages the preservation of ridgeline views, as described further in Section 3.1, *Aesthetics and Visual Resources*, of this PEIR.

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Goal 10-6: Support Federal, State, and regional efforts to reduce air pollution in order to protect human and environmental health and restore air quality in the area to a more healthful level.	**CONSISTENT** Future development is consistent with the City's Sustainability Plan, as described in Section 3.2, *Air Quality,* and 3.6, *Greenhouse Gases, Climate Change, and Energy*, of this PEIR. Additionally, implementation of **MM 3.2-1, MM 3.2-2**, and **MM 3.2-3** would ensure steps would be taken to reduce construction and/or operational criteria pollutant emissions to allowable thresholds. Any proposed development project that exceeds significance levels would be required to implement mitigation measures to minimize air quality impacts.
Policy 10-P-6.1: Support the principles of reducing air pollutants and greenhouse gas emissions through comprehensive and sustainable land use, transportation, and energy planning and addressing opportunities to decrease emissions associated with local government operations.	**CONSISTENT** Future development is consistent with the City's Sustainability Plan, as described in Section 3.2, and 3.6 of this PEIR. In addition, TDM Plans would be required for future development, as described further in Section 3.13, *Transportation and Circulation,* of this PEIR.
Policy 10-P-6.2: Ensure that new development is consistent with the energy objectives and targets identified by the City's Sustainability Plan.	**CONSISTENT** Future development would adhere to the objectives and targets identified by the City's Sustainability Plan, as described in 3.6, Greenhouse Gas Emissions and Energy, of this PEIR.
Policy 10-P-6.3: Encourage transportation modes that minimize toxic air contaminants (TACs) and greenhouse (GHG) gas emissions from motor vehicle use.	**CONSISTENT** The proposed Specific Plan includes standards that encourage pedestrian circulation through an integrated sidewalk network with access points at Golf Club Road. Future development would adhere to CalGreen code, which includes standards for bike and pedestrian facilities. Furthermore, Transportation and Circulation **MM 3.13-1** would require future development to create and implement a Travel Demand Management Plan (TDM Plan) to encourage a reduction in regional VMT. See Section 3.13, *Transportation and Circulation,* of this PEIR for more detail.
Policy 10-P-6.4: Encourage and support infill, mixed use, and higher density development, where appropriate, in order to reduce GHG emissions associated with vehicle travel.	**CONSISTENT** The proposed Specific Plan proposes employment generating uses on an infill site in close proximity to housing and transit.

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Policy 10-P-6.6: Reduce the generation of TACs such as ozone, carbon monoxide, lead, and particulate matter to work toward improving air quality and meeting all Federal and State ambient air quality standards.	**CONSISTENT** Subsequent development in the Plan Area would be required to adhere to 2040 General Plan policies that limit or avoid the exposure of toxic contaminants, odors, and dust on receptors, with guidance from the Bay Area Air Quality Management District. These policies are further described in Section 3.2, *Air Quality*, of this PEIR.
Policy 10-P-6.7: Reduce the potential for human discomfort or illness due to local concentrations of toxic contaminants, odors, and dust.	**CONSISTENT** Subsequent development in the Plan Area would be required to adhere to 2040 General Plan policies that limit or avoid the exposure of toxic contaminants, odors, and dust on receptors, with guidance from the Bay Area Air Quality Management District. These policies are further described in Section 3.2, *Air Quality*, of this PEIR.
Policy 10-P-6.9: Coordinate and review at the time of submittal of land use planning applications and development project BMPs and standards to prevent odors and odor complaints	**CONSISTENT** Future development would adhere to all applicable standards for project approval, as directed by the City as further described in Section 3.2, *Air Quality*, of this PEIR.
Policy 10-P-6.10: Require and condition all new public and privately constructed buildings to exceed, where feasible, and comply with construction and design standards that promote energy conservation, including the most current "green" development standards in the California Green Building Standards Code.	**CONSISTENT** Future development accommodated by the proposed Specific Plan would be required to comply with the current California Building Code at the time of application, including the "CalGreen" code for electric energy conservation, as further described in Section 3.6, *Greenhouse Gases, Climate Change and Energy*, of this PEIR.
Policy 10-P-6.11: Require expanded innovative and green building best practices, where feasible, including, but not limited to, LEED certification for all new development and retrofitting existing uses, and encourage public and private projects to exceed the most current "green" development standards in the California Green Building Standards Code.	**CONSISTENT** Future development accommodated by the proposed Specific Plan would be required to comply with the current California Building Code at the time of application, including the "CalGreen" code for electric energy conservation, as further described in Section 3.6, *Greenhouse Gases, Climate Change and Energy*, of this PEIR.
Policy 10-P-6.12: Require and condition construction and operation of new development to be managed to minimize fugitive dust and air pollutant emissions.	**CONSISTENT** Future development would adhere to any air quality standards, including minimizing fugitive dust and air pollutant emissions standards during construction and operation, as further described in Section 3.2, *Air Quality*, of this PEIR.
Policy 10-P-6.13: Implement development standards, mitigation measures, and best practices that require energy conservation and the reduction in greenhouse gases, including:	Future development accommodated by the proposed Specific Plan would be required to comply with the following requirements as part of the design review process.

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• Require new development to incorporate energy-efficient features through passive design concepts (e.g., techniques for heating and cooling, building siting orientation, street and lot layout, landscape placement, and protection of solar access); • Require construction standards which promote energy conservation including window placement, building eaves, and roof overhangs; • Require all projects to meet or, when feasible, exceed the most current "green" development standards in the California Green Building Standards Code; • Require projects to implement applicable Sustainability Plan strategies and actions; • Encourage projects to incorporate enhanced energy conservation measures, electric-only appliances, and other methods of reducing energy usage and greenhouse gas emissions; and • Require large energy users to implement an energy conservation plan, which may include solar or other non-fossil fuel sources to meet the operation's full power demand and 100% fleet electrification, as part of the project review and approval process, and develop a program to monitor compliance with and effectiveness of that plan.	• Incorporate energy-efficient features through design concepts, including but not limited to, techniques for heating and cooling, building siting orientation, street and lot layout, landscape placement, and protection of solar access. • Incorporate construction standards that promote energy conservation, including but not limited to, window placement, building eaves, and roof overhangs. • Incorporate enhanced energy conservation measures and other methods of reducing energy usage and GHG emissions. • Large energy-consuming development projects would be required to develop and implement an energy conservation plan to meet the operation's full power demand. The energy conservation plan would be required to also include a monitoring program to ensure compliance with and effectiveness of that plan. Furthermore, future development accommodated by the proposed Specific Plan would be required to comply with the current California Building Code at the time of application, including the "CalGreen" code for electric energy conservation. Future projects would also be required to comply with the Sustainability Plan as described above and as further described in Section 3.6, *Greenhouse Gases Emissions and Energy*, of this PEIR.
SAFETY	
Policy 11-P-1.12: Ensure that City regularly reviews the local Hazard Mitigation Plan (HMP) recommendations and implements projects to protect critical facilities and infrastructure and to reduce risk of exposure to identified hazards.	**CONSISTENT** Future development projects would be required to comply with the City's HMP. See Section 3.7, *Hazards and Hazardous Materials*, of this PEIR for more detail.

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Policy 11-P-2.1: Consider climate change impacts and adaptive responses in long-term planning and current development decisions consistent with the policies and programs of the City's Sustainability Plan and Local Hazard Mitigation Plan.	**CONSISTENT** Future development would be required to comply with the City's current Sustainability Plan and Local Hazard Mitigation Plan. More detail on compliance with these plans can be found in Section 3.6, *Greenhouse Gas Emissions and Energy*, and 3.7, *Hazards and Hazardous Materials*, of this PEIR.
Policy 11-P-2.8: Make allowances for climate change in flood risk assessments to help minimize vulnerability and provide resilience to flooding and coastal change where protection, accommodation and managed relocation strategies should be considered.	**CONSISTENT** Future development projects accommodated by the proposed Specific Plan would be required to conform to the applicable 2040 General Plan, PMC, and proposed Specific Plan guidelines and standards, including those intended to respond to any emergency disaster such as flooding.
Policy 11-P-3.4: Ensure that development projects mitigate impacts to the City's storm drainage capacity from storm water runoff occurring from the property. Project applicants shall demonstrate that projects implement Best Management Practices (BMPs) and Low Impact Development measures (LID) to treat stormwater before discharge from the site project and that project implementation would not result in increases in the peak flow runoff to adjacent lands or drainage facilities that would exceed the design capacity of the drainage facility or result in an increased potential for off-site flooding.	**CONSISTENT** Future development within the Plan Area would be required to comply with City grading, erosion, and sediment control standards to reduce and treat stormwater runoff to adjacent lands or drainage facilities. Refer to Section 3.8, *Hydrology and Water Quality*, of this PEIR for more detail.
Policy 1-P-3.7: Ensure that new developments comply with all applicable requirements of Municipal Code Chapter 15.80 - Floodplain Management, the California Building Code as adopted by the City, and the latest promulgated FEMA standards for development in the flood hazard areas.	**CONSISTENT** Future development within the Plan Area would be required to comply with all applicable PMC.
Policy 11-P-4.7: Ensure that Bay Area Air Quality Management District requirements are implemented in construction projects to reduce soil and particulate matter transport.	**CONSISTENT** Future development within the Plan Area would be required to adhere to best management practices established by the Bay Area Air Quality Management District. See Section 3.2, *Air Quality*, of this PEIR for more detail.
Policy 10-P-6.14: Encourage development of green and clean energy infrastructure and maintain land use designations to support and accommodate energy infrastructure projects that assist in meeting the State's goals to reduce carbon in the energy supply and reduce carbon-related emissions.	**CONSISTENT** Future development accommodated by the proposed Specific Plan would be required to comply with the following requirements as part of the design review process. • Incorporate energy-efficient features through design concepts,

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	including but not limited to, techniques for heating and cooling, building siting orientation, street and lot layout, landscape placement, and protection of solar access. • Incorporate construction standards that promote energy conservation, including but not limited to, window placement, building eaves, and roof overhangs. • Incorporate enhanced energy conservation measures and other methods of reducing energy usage and GHG emissions. • Large energy-consuming development projects would be required to develop and implement an energy conservation plan to meet the operation's full power demand. The energy conservation plan would be required to also include a monitoring program to ensure compliance with and effectiveness of that plan. Furthermore, future development accommodated by the proposed Specific Plan would be required to comply with the current California Building Code at the time of application, including the "CalGreen" code for electric energy conservation.
COMMUNITY FACILITIES	
Policy 12-P-2.1: Continue water district and user conservation efforts to help reduce demand in light of drought patterns, groundwater management, raw water availability, and the potential for unforeseen shortfalls.	**CONSISTENT** The use of recycled water for future development would be encouraged and considered at the project-level. Furthermore, the proposed Specific Plan outlines guidelines for using drought-tolerant plants.
Policy 12-P-2.2: Continue water conservation efforts from industrial facilities, including continued enforcement of the City's water-efficient landscape standards and participation in a wastewater reclamation efforts.	**CONSISTENT** See response to Policy 12-P-2.1 above.

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Policy 12-P-3.4: Maintain environmentally appropriate wastewater management practices.	**CONSISTENT** Wastewater treatment and conveyance facilities would be evaluated at the project-level in association with subsequent development projects. Future development projects would be subject to compliance review with building code standards of the PMC and other applicable regulations that pertain to wastewater utilities and building standards for plumbing design.
Policy 12-A-3.f: Require that all wastewater dischargers within the City conform to Delta Diablo standards.	**CONSISTENT** Future development projects would be required to conform to Delta Diablo Standards. For more detail, refer to Section 3.14, *Utilities and Service Systems*, of this PEIR.
Policy 12-P-4.3: Reduce municipal waste generation by increasing recycling, on-site composting, and mulching, where feasible, at municipal facilities, as well as using resource efficient landscaping techniques in new or renovated medians and parks.	**CONSISTENT** Future development projects would be required to comply with Assembly Bill 341, which requires businesses to arrange for recycling services, in order to reuse, recycle, compost or otherwise divert solid waste from disposal. For more detail, refer to Section 3.14, *Utilities and Services Systems*, of this PEIR. Furthermore, the proposed Specific Plan includes guidelines for efficient, drought-tolerant landscaping to be incorporated throughout the Plan Area.
Policy 12-P-6.3: Require development in areas of high fire hazard to be designed and constructed to minimize potential losses and maximize the ability of fire personnel to suppress fire incidents.	**CONSISTENT** Future development would be required to adhere to PMC and proposed Specific Plan guidelines related to fire management. These requirements include ensuring adequate defensible space, brush management, landscape design standards, heat island reduction, and overall energy reduction methods to reduce fire risk. See Section 3.15, *Wildfires*, of this PEIR for more detail.
Policy 12-P-6.4: Require existing and new development in or adjacent to high and very high fire hazard severity zones, wildland urban interface zones, and State Responsibility Areas to maintain defensible space zones, landscape using native, fire-resistant plants and fire-resistant materials, abate weeds, and, where feasible, harden structures and infrastructure against fires.	**CONSISTENT** See response to Policy 12-P-6.3 above.
Policy 12-P-7.1: Require all development projects to demonstrate how storm water runoff will be detained or retained on-site and/or conveyed to the nearest drainage facility as part of the development review process, including	**CONSISTENT** Future development within the Plan Area would be required to comply with City grading, erosion, and sediment control standards to reduce and treat stormwater runoff to adjacent lands or drainage facilities.

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consideration of the near-term and cumulative capacity of the system serving the drainage area, and as required by the City's NPDES Municipal Regional Permit. Project applicants shall mitigate any drainage impacts as necessary and shall demonstrate that the project will not result in any increase in off-site runoff during rain and flood events.	Furthermore, each future development and infrastructure project within the Plan Area would be required to prepare a detailed project-specific drainage plan, Water Quality Management Plan, and a Storm Water Pollution Prevention Plan (SWPPP) that will control storm water runoff and erosion, both during and after construction. Refer to Section 3.8, *Hydrology and Water Quality*, of this PEIR for more detail.
Policy 12-P-7.2: Assure through the City standards, including the Master Drainage Plan and development ordinances, that proposed new development (residential, commercial, or industrial) adequately provides for on-site and downstream mitigation of potential flood hazards, including construction of required drainage improvements.	**CONSISTENT** As discussed in Section 3.8, *Hydrology and Water Quality*, of this PEIR, mitigation of potential flood hazards would be evaluated at the project-level in association with subsequent development projects. As future development and infrastructure projects are considered, each project will be evaluated for conformance with the General Plan, PMC, and other applicable regulations.
Policy 12-P-7.3: Ensure adequate minimum setbacks to reduce potential for property damage from storm flooding.	**CONSISTENT** Future development projects accommodated by the proposed Specific Plan would comply with design specifications and BMPs as required by applicable regulations and policies.
Policy 12-P-7.4: Reduce the risk of localized and downstream flooding and runoff through the use best management practices to minimize runoff from the site to the storm drainage system, including: • High infiltration measures, including the maximization of permeable landscape, • Using permeable surfaces for parking lots, sidewalks, and bike paths, • Where feasible, using roof runoff as irrigation.	**CONSISTENT** As described in Section 3.8, *Hydrology and Water Quality*, of this PEIR, future development projects must develop and implement a Storm Water Pollution Prevention Plan (SWPPP) that includes BMPs to minimize stormwater runoff.
Policy 12-P-7.5: During the review of development plans, require all commercial projects to construct on-site retention facilities. Such facilities could be in the form of landscape features or underground swells.	**CONSISTENT** Construction of on-site retention facilities would be evaluated at the project-level in association with subsequent development projects. As future development projects are considered, each project will be evaluated for conformance with the 2040 General Plan, PMC, and other applicable regulations.

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Policy 12-P-7.6: Allow the construction of detention basins as mitigation in new developments. Ensure that detention basins located in residential neighborhoods, schools, or child-care facilities are surrounded by a gated enclosure, or protected by other safety measures.	**CONSISTENT** Construction of detention basins as mitigation would be evaluated at the project-level in association with subsequent development projects. As future development and infrastructure projects are considered, each project will be evaluated for conformance with the 2040 General Plan, PMC, and other applicable regulations.
Action 12-A-7.a: As part of project review and CEQA documentation, require an assessment of downstream drainage (creeks and channels) and City storm-water facilities impacted by potential project runoff and require development to include measures, including on-site improvements, to ensure that off-site runoff is not increased during rain and flood events.	**CONSISTENT** Future development projects accommodated by the proposed Specific Plan would evaluate impacts to downstream drainage and City storm-water facilities on a project-level basis. As future development and infrastructure projects are considered, each project will be evaluated for conformance with the 2040 General Plan, PMC, and other applicable regulations.
NOISE	
Policy 13-P-1.2: Require development projects, including new uses, to meet the noise standards.	**CONSISTENT** Future development within the Plan Area would be required to adhere to performance standards (described in Section 3.10, *Noise,* of this PEIR) which would bring noise to acceptable noise levels. During development review, applicants would be required to provide evidence that the proposed project can meet standards, and any exceedance would require site-specific construction and operational mitigation plans, per **MM 3.10-1** and **MM 3.10-2**.
Policy 13-P-1.5: Continue efforts to incorporate noise considerations into land use planning decisions, including measures to control noise at the source through site design, building design, landscaping, hours of operation, and other techniques, for new development deemed to be noise generators, and guide the location and design of transportation facilities to minimize the effects of noise on adjacent land uses.	**CONSISTENT** Subsequent development accommodated by the proposed Specific Plan would be required to adhere to performance standards for operational generated noise. If during development review, it is determined that a project would exceed performance standards (described in Section 3.10, *Noise,* of this PEIR), a site-specific operational mitigation plan would be required, per **MM 3.10-2**. The plan would incorporate noise control techniques to the site-design such as proper site layout that would distance noise generating uses away from sensitive receptors as feasible.
Policy 13-P-1.7: Limit generation of loud noises on construction sites adjacent to existing development to normal business hours between 8:00 AM and 5:00 PM.	**CONSISTENT** Any subsequent development accommodated by the proposed Specific Plan would adhere to PMC, which limits construction noise of 65 dBA to daytime hours only. Furthermore, it is not anticipated

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	that proposed project implementation would require nighttime construction activity.
Policy 13-P-1.8: Reduce the impact of truck traffic noise on residential areas by limiting such traffic to appropriate truck routes. Consider methods to restrict truck travel times in sensitive areas.	**CONSISTENT** West Leland Road is a designated Route of Regional Significance and a City designated truck route. Other designated truck routes in the Plan Area proximity include Railroad Avenue and Bailey Road. Truck traffic would primarily use designated truck routes. In addition, as described in Section 3.10, *Noise*, of this PEIR, traffic modeling predicts noise impacts along West Leland Road would not increase by 5 dBA.
Policy 13-P-1.12: Require development projects to reduce adverse construction vibration impacts to sensitive receptors, as feasible, when vibration-related construction activities are to occur within 100 feet from existing sensitive receptors. Measures to reduce noise and vibration effect may include, but are not limited to: • Phase demolition, earth-moving and ground-impacting operations so as not to occur in the same time period. • The pre-existing condition of all buildings within a 100-foot radius will be recorded in order to evaluate damage from construction activities. Fixtures and finishes within a 100-foot radius of construction activities susceptible to damage will be documented (photographically and in writing) prior to construction. All damage will be repaired back to its pre-existing condition. • Substituting vibration-generating equipment with equipment or procedures that would generate lower levels of vibration. For instance, in comparison to impact piles, drilled piles or the use of a sonic or vibratory pile driver are preferred alternatives where geological conditions would permit their use. • Other specific measures as they are deemed appropriate by the implementing agency to maintain consistency with adopted policies and regulations regarding vibration.	**CONSISTENT** Subsequent development within the Plan Area would be required to adhere to performance standards (described in Section 3.10, *Noise,* of this PEIR) which would bring construction related noise impacts to acceptable standards, per **MM 3.10-1**. During the time of application, applicants must show adherence to performance standards, which include significant source of vibration (impact pile driving, etc.) in relation to acceptable levels. Considering the closest noise-sensitive receptor is 800 feet away, a pile driver would not be a significant source of vibration even at 500 feet away, per Caltrans' vibration thresholds.

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Action 13-A-1.a: As part of development review, require projects to submit to meet the City's noise standards identified in Policies 13-P-1.1 through 13-P-4 and 13-P-9. Where projects would cause and/or be subject to noise levels in excess of the City's standards, require an acoustical analysis prepared by a qualified acoustical engineer that includes measures to reduce exposure to noise levels in excess of City standards and encourage use of noise-attenuating measures that avoid sound walls, except where uses are affected by State Route 4.	**CONSISTENT** Future development within the Plan Area would be required to comply with performance standards that would keep noise levels below significance per the 2040 General Plan. Any exceedance would be required to adhere to **MM 3.10-1** and **MM 3.10-2**, which would reduce project-specific noise levels to acceptable standards.
Action 13-A-1.b: Develop noise attenuation programs for mitigation of noise adjacent to existing residential areas, including such measures as wider setbacks, intense landscaping, double-paned windows, and building orientation muffling the noise source, and avoid sound walls where feasible.	**CONSISTENT** Subsequent development accommodated by the proposed Specific Plan would be required to adhere to performance standards for operational generated noise. If during development review, it is determined that a project would exceed performance standards (described in Chapter 3.10 *Noise* of this EIR), a site-specific operational mitigation plan would be required, per **MM 3.10-2**. The plan would incorporate noise control techniques to the site-design such as proper site layout that would distance noise generating uses away from sensitive receptors as feasible.
Policy 13-A-1.e: In making a determination of impact significance under the California Environmental Quality Act (CEQA), a substantial increase will occur if ambient noise levels experience a substantial permanent increase. Generally, a 3 dB increase in noise levels is barely perceptible, and a 5 dB increase in noise levels is clearly perceptible. Therefore, increases in noise levels shall be considered to be substantial when the following occurs: • When existing noise levels are less than 60 dB, a 5 dB increase in noise will be considered substantial; • When existing noise levels are between 60 dB and 65 dB, a 3 dB increase in noise will be considered substantial; • When existing noise levels exceed 65 dB, a 1.5 dB increase in noise will be considered substantial. Additional or alternative criteria can be used for determining a substantial increase in noise levels. For instance, if the overall increase in noise levels	**CONSISTENT** Noise monitoring at adjacent receptor sites capture noise level at less than 60 dB. The noise study prepared for the proposed Specific Plan predicts that noise associated with future traffic on West Leland Road would not create increased noise levels by 5 dBA. Furthermore, future development would be considered by the City during the development review process and would adhere to any additional requirements the City may require.

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occurs where no noise-sensitive uses are located, then the City may use its discretion in determining if there is any impact at all. In such a case, the following alternative factors may be used for determining a substantial increase in noise levels: • the resulting noise levels; • the duration and frequency of the noise; • the number of people affected; • conforming or non-conforming land uses; • the land use designation of the affected receptor sites; • public reactions or controversy as demonstrated at workshops or hearings, or by correspondence; and prior CEQA determinations by other agencies specific to the project.	

3.10 NOISE

No changes were made to Section 3.10 of the Draft EIR.

3.11 POPULATION AND HOUSING

No changes were made to Section 3.11 of the Draft EIR.

3.12 PUBLIC SERVICES AND RECREATION

No changes were made to Section 3.12 of the Draft EIR.

3.13 TRANSPORTATION AND CIRCULATION

No changes were made to Section 3.13 of the Draft EIR.

3.14 UTILITIES AND SERVICE SYSTEMS

No changes were made to Section 3.14 of the Draft EIR.

3.15 WILDFIRE

No changes were made to Section 3.15 of the Draft EIR.

4.0 OTHER CEQA-REQUIRED TOPICS

No changes were made to Chapter 4.0 of the Draft EIR.

5.0 ALTERNATIVES

No changes were made to Chapter 5.0 of the Draft EIR.

6.0 REPORT PREPARERS

No changes were made to Chapter 6.0 of the DEIR.

7.0 REFERENCES

No changes were made to Chapter 7.0 of the DEIR.

Appendices

APPENDIX A

No changes were made to Appendix A.

APPENDIX B

Section 1.2 Plan Area Description, Page 3

To achieve internal consistency between the 2040 General Plan adopted on May 6, 2024, and the City's Zoning Ordinance, the City ~~must adopt~~ adopted Zoning Map Amendments, as required by Government Code 65860, on July 15, 2024. One of the Zoning Map Amendments ~~will rezone~~ rezoned the Plan Area from "Open Space (OS)" Zoning District to "Limited Industrial with Limited Overlay (IL-O)" Zoning District to allow for employment generating and light manufacturing uses with specific development regulations.

Section 2.4 Land Use, Page 5

To achieve internal consistency between the 2040 General Plan adopted on May 6, 2024, and the City's Zoning Ordinance, the City ~~must adopt~~ adopted Zoning Map Amendments, as required by Government Code 65860, on July 15, 2024. One of the Zoning Map Amendments ~~will rezone~~ rezoned the Plan Area from "Open Space (OS)" Zoning District to "Limited Industrial with Limited Overlay (IL-O)" Zoning District to allow for employment generating and light manufacturing uses with specific development regulations.

Section 4.5 Landscape Design, Page 14

The landscape concept design for Phase I is shown in Figure ~~5~~4 to provide further guidance on the landscape design for all phases of the Plan Area.

APPENDIX C

No changes were made to Appendix C.

APPENDIX D

No changes were made to Appendix D.

APPENDIX E

No changes were made to Appendix E.

APPENDIX F

No changes were made to Appendix F.

APPENDIX G

No changes were made to Appendix G.

APPENDIX H

No changes were made to Appendix H.

APPENDIX I

No changes were made to Appendix I.

APPENDIX J

No changes were made to Appendix J.

APPENDIX K

No changes were made to Appendix K.

APPENDIX L

No changes were made to Appendix L.

REFERENCES:

City of Pittsburg. 2024. 2040 General Plan Draft Environmental Impact Report. Available at https://www.pittsburgca.gov/services/community-development/planning/advanced-planning-special-projects/general-plan-update. Accessed February 2024.

California Air Pollution Control Officers Association. 2021*, Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity, Final Draft*. https://www.airquality.org/ClimateChange/Documents/Final%20Handbook_AB434.pdf. Retrieved August 2024.