

2.0 RESPONSE TO COMMENTS

This section of the Final EIR contains comment letters received during the public review period for the Draft EIR, which concluded September 9, 2009. In conformance with State CEQA Guidelines Section 15088(a), written responses to comments on environmental issues received from reviewers of the Draft EIR were prepared and provided in this document.

2.1 LIST OF COMMENTS ON THE DRAFT EIR

Table 2-1 indicates each comment letter received, the author of the comment letter, the comment letter date, the comment number, and the comment topic.

Table 2-1: Written Comments Received on the Draft EIR

Commenter	Date	Comment Number	Comment Topic
Native American Heritage Commission	August 25, 2009	1-1	Cultural Resources
		1-2	Cultural Resources
		1-3	Cultural Resources
		1-4	Cultural Resources
United Auburn Indian Community	September 1, 2009	2-1	Cultural Resources
Department of Transportation	August 31, 2009	3-1	General
		3-2	Traffic Operations
		3-3	Travel Forecasting
		3-4	Travel Forecasting
		3-5	Hydrology
		3-6	Hydrology
Placer County Flood Control and Water Conservation District	September 2, 2009	4-1	Stormwater Runoff
South Placer Municipal Utility District	September 8, 2009	5-1	Wastewater
Placer County Air Pollution Control District	September 9, 2009	6-1	Air Quality
		6-2	Air Quality
		6-3	Air Quality
		6-4	Air Quality
		6-5	Air Quality
		6-6	Air Quality
		6-7	Air Quality

Commenter	Date	Comment Number	Comment Topic
		6-8	Air Quality
		6-9	Air Quality
		6-10	Air Quality
		6-11	Air Quality
		6-12	Air Quality
		6-13	Air Quality
		6-14	GHG
Donald B. Mooney	September 9, 2009	7-1	General
		7-2	Traffic
		7-3	Traffic
		7-4	Urban Decay
		7-5	Urban Decay
		7-6	Global Warming
Town of Loomis	September 8, 2009	7-7A	Traffic
		7-7B	Traffic
		7-7C	Traffic
		7-7D	Traffic
		7-7E	Traffic
		7-7F	Traffic
		7-8	Traffic
		7-9	Traffic
		7-10	Traffic
		7-11	Traffic
		7-12	Traffic
		7-13	Traffic
		7-14	Traffic
		7-15	Traffic
Applied Development Economics	September 8, 2009	7-16	Economic Impact
		7-17	Economic Impact
		7-18	Economic Impact
		7-19	Economic Impact
		7-20	Economic Impact
		7-21	Economic Impact
Sierra Club	September 7, 2009	8-1	Hydrology and Water Quality
		8-2	Hydrology and Water Quality
		8-3	Hydrology and Water Quality
		8-4	Hydrology and Water Quality
		8-5	Traffic
		8-6	Traffic
		8-7	Traffic

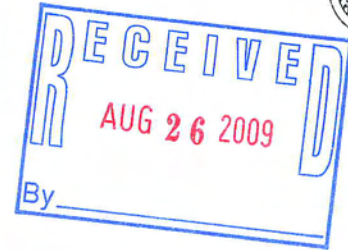
Commenter	Date	Comment Number	Comment Topic
		8-8	Traffic
		8-9	Traffic
		8-10	Water Entitlements and Demands
		8-11	Biological Resources
		8-12	Biological Resources
		8-13	Biological Resources
		8-14	Biological Resources
		8-15	Biological Resources
		8-16	Biological Resources

2.2 COMMENTS AND RESPONSES ON THE DRAFT EIR

The written comments received on the Draft EIR and the responses to those comments are provided in this section. Each comment letter is reproduced in its entirety and is followed by the response(s) to the letter. Where a commenter has provided multiple comments, each comment is indicated by a line bracket and an identifying number in the margin of the comment letter.

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-4082
(916) 657-5390 - Fax



August 25, 2009

David Mohlenbrok
City of Rocklin
3970 Rocklin Road
Rocklin, CA 95677

RE: Rocklin Commons, SCH# 2008082121, Placer County

Dear Mr. Mohlenbrok:

The Native American Heritage Commission (NAHC) has reviewed the Notice of Completion (NOC) referenced above. The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resource, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA Guidelines 15064(b)). To comply with this provision the lead agency is required to assess whether the project will have an adverse impact on historical resources within the area of project effect (APE), and if so to mitigate that effect. To adequately assess and mitigate project-related impacts to archaeological resources, the NAHC recommends the following actions:

1-1

- ✓ Contact the appropriate regional archaeological Information Center for a record search. The record search will determine:
 - If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources.
 - If any known cultural resources have already been recorded on or adjacent to the APE.
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
 - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- ✓ Contact the Native American Heritage Commission for:
 - A Sacred Lands File Check. **USGS 7.5-minute quadrangle name, township, range, and section required.**
 - A list of appropriate Native American contacts for consultation concerning the project site and to assist in the mitigation measures. **Native American Contacts List attached.**
- ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
 - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
 - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
 - Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

1-2

1-3

1-4

Sincerely,

Katy Sanchez
Rob Wood
Environmental Specialist III

Native American Contact
Placer County
August 24, 2009

Rose Enos
15310 Bancroft Road
Auburn , CA 95603
(530) 878-2378

Maidu
Washoe

April Wallace Moore
19630 Placer Hills Road
Colfax , CA 95713
530-637-4279

Nisenan - So Maidu
Konkow
Washoe

United Auburn Indian Community of the Auburn Rancheria
Jessica Tavares, Chairperson
10720 Indian Hill Road
Auburn , CA 95603
530-883-2390
530-883-2380 - Fax

Maidu
Miwok

Todd Valley Miwok-Maidu Cultural Foundation
Christopher Suehead, Cultural Representative
PO Box 1490
Foresthill , CA 95631
tvmmcf@foothill.net

Miwok
Maidu

United Auburn Indian Community of the Auburn
Tribal Preservation Committee
10720 Indian Hill Road
Auburn , CA 95603
530-883-2320
530-883-2380 - Fax

Maidu
Miwok

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the propos SCH# 2008082121 Rocklin Commons; Placer County.

Native American Heritage Commission Letter (August 25, 2009)

Response to Comments:

Response 1-1

A records search and literature review was carried out at the North Central Information Center of the California Historical Resources Information System maintained by the California Office of Historic Preservation on January 23, 2003 and August 4, 2004 in conjunction with the cultural resources inventory of the project area. The results of the records search indicated that:

- only part of the APE had been previously surveyed for cultural resources
- one previously recorded site has been recorded in the APE: CA-PLA-1078H, the Takahashi Farm
- there was a high probability of cultural resources inside the APE
- a survey was required to determine whether or not previously unrecorded cultural resources are present

Response 1-2

Following the completion of a pedestrian survey, ECORP prepared a technical archaeological survey report that detailed the findings and recommendations of the records search and field survey. Following the completion of the test program, ECORP prepared a technical evaluation report. The complete citations of the survey and evaluation reports are as follows:

ECORP Consulting, Inc.

2007a Cultural Resources Inventory: Rocklin Commons (AKA Rocklin Pavilions), Placer County, California. Prepared for Rocklin Pavilions LLC. Prepared by ECORP Consulting, Inc., Rocklin California.

2007b Test Program Results and Evaluation for Archaeological Site CA-PLA-1901 in the Rocklin Pavilions Project APE, Rocklin, Placer County, California. Prepared for Rocklin Pavilions LLC. Prepared by ECORP Consulting, Inc., Rocklin California.

- The final reports containing site forms, site significance, and mitigation measures were submitted to the City planning department by the project applicant on February 28, 2008. All information regarding site locations and site records was presented in confidential attachments, which were marked as restricted from public distribution. No Native American human remains or associated funerary objects were documented inside the APE.
- The final inventory and evaluation reports were submitted to the North Central Information Center on February 26, 2007, with a revised inventory report submitted September 18, 2007.

Response 1-3

ECORP contacted the NAHC on August 4, 2005 by letter with a project area map, and township, range and section location, requesting consultation.

- The NAHC responded by letter on August 9, 2005 and indicated that a search of the sacred lands file failed to indicate the presence of Native American cultural resources in the immediate project area.
- In its August 9, 2005 response letter, the NAHC provided a list of Native American contacts (Rose Enos, Jeff Murray of Shingle Springs, Nicolas Fonesca of Shingle Springs, Christopher Suehead of the Todd Valley Miwok-Maidu Cultural Foundation, and Jessica Taveras of the United Auburn Indian Community of the Auburn Rancheria), who were subsequently contacted individually by letter on August 30, 2005 and telephone on March 14 and 15, 2006. Telephone correspondence continued with the United Auburn Indian Community on August 15 and 22, 2007 and September 11 and 12, 2007. While the contact list the commenter has provided with its comment letter on the DEIR differs from the August 2005 contact list, ECORP satisfied its duty to consult based on the information provided.

Response 1-4

The Initial Study for the Project concluded that the Project was unlikely to have a significant effect on cultural resources; therefore, the subject was not analyzed further in the Draft EIR. (See Draft EIR, Appendix A, p. 17 of Exhibit 2 to Initial Study.) As noted in the Initial Study, however, all applicable mitigation measures from prior relevant EIRs for cultural resources impacts incorporated as goals and policies in the General Plan EIR will be applied to the project as uniformly applied development policies and standards and/or as conditions of approval in the course of processing to ensure consistency with the General Plan and compliance with City rules and regulations. (See Draft EIR, Appendix A, p. 16 of Exhibit 2 to Initial Study.) Thus, to address the potential discovery of unknown resources, the following mitigation measure will be applied to the project:

If an inadvertent discovery of cultural materials (e.g., unusual amounts of shell, charcoal, animal bone, bottle glass, ceramics, burned soil, structure/building remains) is made during project-related construction activities, ground disturbances in the area of the find shall be halted and a qualified professional archaeologist and the United Auburn Indian Community (UAIC) shall be notified regarding the discovery. The archaeologist shall determine whether the resource is potentially significant as per CEQA (i.e., whether it is a historical resource, a unique archaeological resource, or a unique paleontological resource) and shall develop specific measures to ensure preservation of the resource or to mitigate impacts to the resource if it cannot feasibly be preserved in light of costs, logistics, technological considerations, the location of the find, and the extent to which avoidance and/or preservation of the find is consistent or inconsistent with the design and objectives of the project. Specific measures for significant or potentially significant resources would include, but are not necessarily limited to, preservation in place, in-field documentation, archival research, subsurface testing, and excavation. The specific type of measure necessary would be determined according to evidence indicating degrees of resource integrity, spatial and temporal extent, and cultural associations, and would be developed in a manner consistent with CEQA guidelines for preserving or otherwise mitigating impacts to archaeological and cultural artifacts.

The above-noted mitigation measure will be applied to the project as a condition of approval. To address the concern related to the inadvertent discovery of human remains, the condition of approval shall be modified to include the language below:

In the event of the accidental discovery or recognition of any human remains, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains, until compliance with the provisions of Section 15064.5 (e)(1) and (2) of the CEQA Guidelines, as well as Public Resources Code Section 5097.98, has occurred.

If any human remains are discovered, all work shall stop in the immediate vicinity of the find and the County Coroner shall be notified, according to Section 7050.5 of the California Health and Safety Code. The City's Community Development Director shall also be notified. If the remains are Native American, the Coroner will notify the Native American Heritage Commission, which in turn will inform a most likely descendant. The descendant will then recommend to the landowner appropriate disposition of the remains and any grave goods, and the landowner shall comply with the requirements of AB 2641.

MIWOK
MAIDU

United Auburn Indian Community
of the Auburn Rancheria

JESSICA TAVARES
CHAIRPERSON

JOHN SUEHEAD
VICE CHAIR

DAVID KEYSER
SECRETARY

DOLLY SUEHEAD
TREASURER

GENE WHITEHOUSE
COUNCIL MEMBER

August 26, 2009

City of Rocklin
David Mohlenbrok
3970 Rocklin Road
Rocklin, CA 95677



Subject: Rocklin Commons - Draft Environmental Impact Report (DEIR)

Dear Mr. Mohlenbrok,

Thank you for requesting information regarding the above referenced project. The United Auburn Indian Community (UAIC) is comprised of Miwok and Maidu people whose traditional homelands include portions of Placer and Nevada counties, as well as some surrounding areas. The Tribe is concerned about development within ancestral territory that has potential to impact sites and landscapes that may be of cultural or religious significance. We appreciate the opportunity to comment on the proposed project.

We have reviewed the DEIR for the above referenced project. We understand that there are no recorded cultural resource within the project area, and in the event of an inadvertent discovery of prehistoric cultural resources or human burials, the UAIC will be contacted immediately to provide input on the appropriate course of action.

If you have any questions, please contact Shelley McGinnis, Analytical Environmental Services, at (916) 447-3479.

Sincerely,

Greg Baker
Tribal Administrator

CC: Shelley McGinnis, AES

2-1

United Auburn Indian Community Letter (September 1, 2009)

Response to Comments:

Response 2-1

Comment noted.

DEPARTMENT OF TRANSPORTATION

DISTRICT 3

703 B STREET

P. O. BOX 911

MARYSVILLE, CA 95901-0911

PHONE (530) 741-4233

FAX (530) 741-4245

TTY (530) 741-4509



*Flex your power!
Be energy efficient!*

August 31, 2009

Rocklin Commons Draft Environmental Impact Report
09PLA0015
PLA80 PM 7.421

City of Rocklin
3970 Rocklin Road
Rocklin, CA 95677

Mr. David Mohlenbrok:

Thank you for the opportunity to review and comment on the Rocklin Commons Draft Environmental Impact Report. This proposed project includes the construction of a regional shopping center on approximately 39.13 acres at the northwest quadrant of Interstate-80 (I-80) and Sierra College Boulevard. A variety of retail uses are proposed for the center, including major tenants, grocery stores, smaller retail tenants and restaurants. The department of Transportation and its internal division's comments are as follows:

3-1

Traffic Operations

The future slip on ramp volumes from southbound (SB) Sierra College Blvd to westbound (WB) I-80 are missing from the analysis. The analysis shows the existing configuration correctly, but not the future, which is currently being built. The new slip on ramp volumes should be provided, as well an analysis of the onramp/merge operation.

3-2

Please include the additional analysis and modification of future, and amended documents.

Travel Forecasting

The Traffic Impact Study (TIS) did not provide the information on the Truck percentages used for the Freeway and Ramp LOS Analysis for I-80 mainlines and ramps.

3-3

The existing peak-hour traffic volumes used in the TIS ramp locations listed below are lower than 2006 Caltrans counts reported from count stations in the Caltrans Transportation System Network (TSN) database:

3-4

Mr. David Mohlenbrok

August 28, 2009

Page 2

I-80 WB on ramp from Rocklin Road (Intersection #3) AM peak hour reported as 753 in the TIS (Caltrans TSN 2006 peak hour volume =1324)

I-80 WB on ramp from Rocklin Road (Intersection #3) PM peak hour reported as 1021 in the TIS (Caltrans TSN 2006 peak hour volume =1374)

I-80 WB off ramp to Horseshoe Bar Rd (Intersection #15) AM peak hour reported as 183 in the TIS (Caltrans TSN 2006 peak hour volume =261)

I-80 EB off ramp (loop off) to Horseshoe Bar Rd (Intersection #16) PM peak hour reported as 367 in the TIS (Caltrans TSN 2006 peak hour volume =570)

3-4
Cont.

These volumes need to be verified and/or revised. Forecast volumes and Level of Service (LOS) reported in Traffic Impact Study may change accordingly.

Hydrology

Draft EIR on page 4-72 identifies that mitigation for increase in storm water runoff will be achieved through detention basins located near the southwest corner of the site, north of the adjacent to Interstate-80. The project site will receive water from our R/W and will then route it along with their own water to detention basin and then ultimately to Sucker Ravine Creek. I do not expect any adverse impacts to State drainage facilities from this project.

3-5

Please provide us any further traffic analysis that may be completed for the project and ensure the Final EIR is sent to us for our review.

3-6

If you have any questions regarding these comments please do not hesitate to contact Aaron Cabaccang, Aaron.Cabaccang@dot.ca.gov, (530)741-5174.

Sincerely,



William A. Davis, Chief
Office of Transportation Planning - East

c: Caltrans Travel Forecasting – Steven Vo
Caltrans Traffic Operations – Michael Smith
Caltrans Hydrology – Jim Phillips

Department of Transportation (August 31, 2009)

Response to Comments:

Response to Comment 3-1

Comment noted.

Response to Comment 3-2

The intersection of Sierra College Boulevard/I-80 WB Ramps was analyzed in the existing and future conditions using the correct (as built) configuration. The future condition configuration includes a slip on-ramp from southbound Sierra College Boulevard to westbound I-80, which is located just south of the intersection of Sierra College Boulevard/I-80 WB Ramps. Hence the southbound traffic along Sierra College Boulevard destined for the I-80 WB slip on-ramp is included in the through volumes because this traffic has to cross the intersection before it diverges to the slip ramp. The traffic volume utilizing the slip ramp (intersection # 10) can be seen in the level of service (Synchro) worksheets for each scenario, which are included in the appendices (Appendix C and E through J) for the Traffic Impact Analysis (TIA) in Appendix E of the DEIR. The total volume using the slip on-ramp is a combination of traffic from Rocklin Commons (eastbound right turn at the intersection of Sierra College Boulevard/I-80 WB Ramps) and southbound traffic along Sierra College Boulevard. Attached Table A shows the traffic volume on the slip on-ramp, which connects southbound Sierra College Boulevard to I-80 westbound. As shown in the table, traffic volumes on the slip ramp are less than 400 vehicles per hour (vph) which is far below the capacity of the on-ramp (900-1500 vph).

Although the City of Rocklin did not require a ramp/merge operational analysis in the project's traffic impact study, and the Caltrans Traffic Impact Study (TIS) guidelines do not require a traffic study to include ramp merge operation analysis, such analysis is presented below to specifically address the Caltrans comment requesting ramp/merge analysis for this slip ramp for various 2025 (cumulative) scenarios. The attached Table B and worksheets document demonstrate that all ramp/merge operations result in a level of service of D or better.

It should also be noted that the traffic operations analysis (January 2003) conducted for the Sierra College Boulevard/I-80 interchange improvement project included the ramp merge operation analysis for the future 2025 conditions and included the traffic generated by the Rocklin Commons project. Based on the January 2003 operational analysis, the ramp junction (merge) was also projected to operate at acceptable LOS for 2025 conditions.

Response 3-3

The traffic volumes used in the freeway mainline analysis were based on the Caltrans Transportation System Network (TSN) 2006 counts. Since Caltrans is the only source for truck counts along freeway segments, the truck percentages used for the freeway mainline LOS analyses were also based on Caltrans 2006 truck counts. The analysis of the segments along I-80 assumed trucks constituted an average of 6% of traffic volume, while the analysis of the segments along SR-65 used a truck percentage of 15% of traffic volume. The Highway Capacity Software (HCS) worksheets for all the scenarios that are included in Appendices K through M of the Traffic Impact Analysis (TIA) (DEIR Appendix E) confirm the use of these truck percentages.

Response 3-4

The commenter is correct that the existing peak hour traffic volumes used in the project's traffic analysis for I-80 ramps were lower than 2006 Caltrans counts reported in the Transportation System Network (TSN). The existing peak-hour traffic volumes used in the traffic analysis were manually counted by an independent traffic count firm, All Traffic Data, Inc. (ATD), for the a.m. and p.m. peak hours at each intersection. Existing traffic counts at the 18 study intersections were collected in October 2006 (a.m. and p.m. peak hours) and September 2006 (Saturday peak hour). These counts were taken during a nonholiday period when schools were in session, and therefore include the traffic generated by Sierra College and all schools within the study area. The traffic count sheets are included in Appendix A of the Traffic Study for the Rocklin Commons Environmental Impact Report (EIR). The traffic count methodology is sound and accurate.

A review of several traffic studies for other contemporaneous developments (Sierra College Center, Lowe's, etc.) in the City of Rocklin shows that the existing condition (2006) counts conducted for the traffic analyses for these developments were also less than the existing condition counts used in the Rocklin Commons traffic study at the Interstate 80 (I-80) ramps on Rocklin Road (and less than those noted by Caltrans in their Transportation System Network). The traffic counts, forecast volumes, and levels of service (LOS) reported in the traffic studies conducted by other independent consultants were more consistent with those included in the Rocklin Commons traffic report as compared to the Caltrans Transportation System Network counts and as such, there is no need for revisions to the peak hour traffic volumes used in the traffic analysis conducted for the Rocklin Commons project.

In summary, the 2006 Caltrans counts were used for the truck percentages for analysis of I-80 mainlines and ramps because such data was the only available source for truck counts. In contrast, the turning movement counts for all the study area intersections that were collected in 2006 were used in the ramp analysis rather than using counts from the 2006 Caltrans TSN because these counts are specific to the study area and are consistent with counts collected by other consultants at similar locations and during a similar time period.

Response 3-5

Comment noted.

Response 3-6

The City will provide any further traffic analysis and ensure the Final EIR is sent to the commenter for review as requested.

Table A: Sierra College Boulevard Slip On-Ramp to I-80 Westbound -
Volumes

	From Rocklin Commons	From the North	Total
Existing plus Project			
AM	23	193	216
PM	136	142	278
Saturday	116	75	191
Existing plus Approved			
AM	n/a	255	255
PM	n/a	260	260
Saturday	n/a	169	169
Existing plus Approved plus Project			
AM	16	251	267
PM	93	233	326
Saturday	116	130	246
Without Dominguez			
2025 No Project			
AM	n/a	368	368
PM	n/a	229	229
Saturday	n/a	269	269
2025 Plus Project			
AM	14	335	349
PM	173	225	398
Saturday	170	177	347
With Dominguez			
2025 No Project			
AM	n/a	385	385
PM	n/a	235	235
Saturday	n/a	242	242
2025 Plus Project			
AM	14	352	366
PM	173	225	398
Saturday	170	150	320

Table B: Sierra College Boulevard Slip On-Ramp to I-80 Westbound - Ramp/Merge Operation Analysis

	Peak Hour Volume	Desnsity pc/mi/ln	LOS
Without Dominguez			
2025 Plus Project			
AM	349	31.0	D
PM	398	24.9	C
With Dominguez			
2025 Plus Project			
AM	366	31.1	D
PM	398	30.2	D

Notes:

pc/mi/ln - Passenger Car per Mile per Lane

Phone: Fax:
E-mail:

-----Merge Analysis-----

Analyst: PPD
 Agency/Co.:
 Date performed: 9/22/2009
 Analysis time period: AM Peak Hour
 Freeway/Dir of Travel: I-80 Westbound
 Junction: Sierra College Boulevard
 Jurisdiction: City of Rocklin
 Analysis Year: 2025 - Without Dominguez
 Description: Rocklin Commons

-----Freeway Data-----

Type of analysis	Merge		
Number of lanes in freeway	3		
Free-flow speed on freeway	70.0	mph	
Volume on freeway	4632	vph	

-----On Ramp Data-----

Side of freeway	Right		
Number of lanes in ramp	1		
Free-flow speed on ramp	45.0	mph	
Volume on ramp	349	vph	
Length of first accel/decel lane	250	ft	
Length of second accel/decel lane		ft	

-----Adjacent Ramp Data (if one exists)-----

Does adjacent ramp exist?	Yes		
Volume on adjacent Ramp	241	vph	
Position of adjacent Ramp	Upstream		
Type of adjacent Ramp	On		
Distance to adjacent Ramp	500	ft	

-----Conversion to pc/h Under Base Conditions-----

Junction Components	Freeway	Ramp	Adjacent Ramp	
Volume, V (vph)	4632	349	241	vph
Peak-hour factor, PHF	0.90	0.90	0.90	
Peak 15-min volume, v15	1287	97	67	v
Trucks and buses	6	6	0	%
Recreational vehicles	0	0	0	%
Terrain type:	Level	Level	Level	
Grade	%	%	%	
Length	mi	mi	mi	
Trucks and buses PCE, ET	1.5	1.5	1.5	
Recreational vehicle PCE, ER	1.2	1.2	1.2	

Heavy vehicle adjustment, fHV	0.971	0.971	1.000	
Driver population factor, fP	1.00	1.00	1.00	
Flow rate, vp	5301	399	268	pcph

----- Estimation of V12 Merge Areas -----

L = (Equation 25-2 or 25-3)

EQ

P = 0.585 Using Equation 1

FM

$v_{12} = v_F (P_{FM}) = 3098$ pc/h

12 F FM

----- Capacity Checks -----

	Actual	Maximum	LOS F?
v _{FO}	5700	7200	No
v _{R12}	3497	4600	No

----- Level of Service Determination (if not F) -----

Density, $D = 5.475 + 0.00734 v_R + 0.0078 v_{12} - 0.00627 L_A = 31.0$ pc/mi/ln

Level of service for ramp-freeway junction areas of influence D

----- Speed Estimation -----

Intermediate speed variable,	M = 0.427	
Space mean speed in ramp influence area,	S _R = 58.0	mph
Space mean speed in outer lanes,	S ₀ = 63.9	mph
Space mean speed for all vehicles,	S = 60.2	mph

Phone: Fax:
E-mail:

-----Merge Analysis-----

Analyst: PPD
 Agency/Co.:
 Date performed: 9/22/2009
 Analysis time period: PM Peak Hour
 Freeway/Dir of Travel: I-80 Westbound
 Junction: Sierra College Boulevard
 Jurisdiction: City of Rocklin
 Analysis Year: 2025 - Without Dominguez
 Description: Rocklin Commons

-----Freeway Data-----

Type of analysis	Merge		
Number of lanes in freeway	3		
Free-flow speed on freeway	70.0	mph	
Volume on freeway	3384	vph	

-----On Ramp Data-----

Side of freeway	Right		
Number of lanes in ramp	1		
Free-flow speed on ramp	45.0	mph	
Volume on ramp	398	vph	
Length of first accel/decel lane	250	ft	
Length of second accel/decel lane		ft	

-----Adjacent Ramp Data (if one exists)-----

Does adjacent ramp exist?	Yes		
Volume on adjacent Ramp	398	vph	
Position of adjacent Ramp	Upstream		
Type of adjacent Ramp	On		
Distance to adjacent Ramp	500	ft	

-----Conversion to pc/h Under Base Conditions-----

Junction Components	Freeway	Ramp	Adjacent Ramp	
Volume, V (vph)	3384	398	398	vph
Peak-hour factor, PHF	0.90	0.90	0.90	
Peak 15-min volume, v15	940	111	111	v
Trucks and buses	6	6	0	%
Recreational vehicles	0	0	0	%
Terrain type:	Level	Level	Level	
Grade		%	%	%
Length		mi	mi	mi
Trucks and buses PCE, ET	1.5	1.5	1.5	
Recreational vehicle PCE, ER	1.2	1.2	1.2	

Heavy vehicle adjustment, fHV	0.971	0.971	1.000	
Driver population factor, fP	1.00	1.00	1.00	
Flow rate, vp	3873	455	442	pcph

----- Estimation of V12 Merge Areas -----

L = (Equation 25-2 or 25-3)

EQ

P = 0.585 Using Equation 1

FM

$v_{12} = v_F (P) = 2264$ pc/h

12 F FM

----- Capacity Checks -----

	Actual	Maximum	LOS F?
v FO	4328	7200	No
v R12	2719	4600	No

----- Level of Service Determination (if not F) -----

Density, $D = 5.475 + 0.00734 v_R + 0.0078 v_{12} - 0.00627 L_A = 24.9$ pc/mi/ln

Level of service for ramp-freeway junction areas of influence C

----- Speed Estimation -----

Intermediate speed variable,	M = 0.358	
	S	
Space mean speed in ramp influence area,	S = 60.0	mph
	R	
Space mean speed in outer lanes,	S = 66.0	mph
	0	
Space mean speed for all vehicles,	S = 62.1	mph

Phone: Fax:
 E-mail:

-----Merge Analysis-----

Analyst: PPD
 Agency/Co.:
 Date performed: 9/22/2009
 Analysis time period: AM Peak Hour
 Freeway/Dir of Travel: I-80 Westbound
 Junction: Sierra College Boulevard
 Jurisdiction: City of Rocklin
 Analysis Year: 2025 - With Dominguez
 Description: Rocklin Commons

-----Freeway Data-----

Type of analysis	Merge		
Number of lanes in freeway	3		
Free-flow speed on freeway	70.0	mph	
Volume on freeway	4625	vph	

-----On Ramp Data-----

Side of freeway	Right		
Number of lanes in ramp	1		
Free-flow speed on ramp	45.0	mph	
Volume on ramp	366	vph	
Length of first accel/decel lane	250	ft	
Length of second accel/decel lane		ft	

-----Adjacent Ramp Data (if one exists)-----

Does adjacent ramp exist?	Yes		
Volume on adjacent Ramp	241	vph	
Position of adjacent Ramp	Upstream		
Type of adjacent Ramp	On		
Distance to adjacent Ramp	500	ft	

-----Conversion to pc/h Under Base Conditions-----

Junction Components	Freeway	Ramp	Adjacent Ramp	
Volume, V (vph)	4625	366	241	vph
Peak-hour factor, PHF	0.90	0.90	0.90	
Peak 15-min volume, v15	1285	102	67	v
Trucks and buses	6	6	0	%
Recreational vehicles	0	0	0	%
Terrain type:	Level	Level	Level	
Grade	%	%	%	
Length	mi	mi	mi	
Trucks and buses PCE, ET	1.5	1.5	1.5	
Recreational vehicle PCE, ER	1.2	1.2	1.2	

Heavy vehicle adjustment, fHV	0.971	0.971	1.000	
Driver population factor, fP	1.00	1.00	1.00	
Flow rate, vp	5293	419	268	pcph

----- Estimation of V12 Merge Areas -----

L = (Equation 25-2 or 25-3)

EQ

P = 0.585 Using Equation 1

FM

$v_{12} = v_{F} (P_{FM}) = 3094$ pc/h

12 F FM

----- Capacity Checks -----

	Actual	Maximum	LOS F?
v FO	5712	7200	No
v R12	3513	4600	No

----- Level of Service Determination (if not F) -----

Density, $D = 5.475 + 0.00734 v_R + 0.0078 v_{12} - 0.00627 L_A = 31.1$ pc/mi/ln

Level of service for ramp-freeway junction areas of influence D

----- Speed Estimation -----

Intermediate speed variable,	M = 0.429	
Space mean speed in ramp influence area,	S _R = 58.0	mph
Space mean speed in outer lanes,	S ₀ = 63.9	mph
Space mean speed for all vehicles,	S = 60.1	mph

Phone: Fax:
E-mail:

-----Merge Analysis-----

Analyst: PPD
 Agency/Co.:
 Date performed: 9/22/2009
 Analysis time period: PM Peak Hour
 Freeway/Dir of Travel: I-80 Westbound
 Junction: Sierra College Boulevard
 Jurisdiction: City of Rocklin
 Analysis Year: 2025 - With Dominguez
 Description: Rocklin Commons

-----Freeway Data-----

Type of analysis	Merge		
Number of lanes in freeway	3		
Free-flow speed on freeway	70.0	mph	
Volume on freeway	4390	vph	

-----On Ramp Data-----

Side of freeway	Right		
Number of lanes in ramp	1		
Free-flow speed on ramp	45.0	mph	
Volume on ramp	398	vph	
Length of first accel/decel lane	250	ft	
Length of second accel/decel lane		ft	

-----Adjacent Ramp Data (if one exists)-----

Does adjacent ramp exist?	Yes		
Volume on adjacent Ramp	348	vph	
Position of adjacent Ramp	Upstream		
Type of adjacent Ramp	On		
Distance to adjacent Ramp	500	ft	

-----Conversion to pc/h Under Base Conditions-----

Junction Components	Freeway	Ramp	Adjacent Ramp	
Volume, V (vph)	4390	398	348	vph
Peak-hour factor, PHF	0.90	0.90	0.90	
Peak 15-min volume, v15	1219	111	97	v
Trucks and buses	6	6	0	%
Recreational vehicles	0	0	0	%
Terrain type:	Level	Level	Level	
Grade	%	%	%	
Length	mi	mi	mi	
Trucks and buses PCE, ET	1.5	1.5	1.5	
Recreational vehicle PCE, ER	1.2	1.2	1.2	

Heavy vehicle adjustment, fHV	0.971	0.971	1.000	
Driver population factor, fP	1.00	1.00	1.00	
Flow rate, vp	5024	455	387	pcph

----- Estimation of V12 Merge Areas -----

L = (Equation 25-2 or 25-3)

EQ

P = 0.585 Using Equation 1

FM

v = v (P) = 2937 pc/h

12 F FM

----- Capacity Checks -----

	Actual	Maximum	LOS F?
v	5479	7200	No
FO			
v	3392	4600	No
R12			

----- Level of Service Determination (if not F) -----

Density, $D = 5.475 + 0.00734 v_R + 0.0078 v_{12} - 0.00627 L_A = 30.2$ pc/mi/ln

Level of service for ramp-freeway junction areas of influence D

----- Speed Estimation -----

Intermediate speed variable,	M = 0.414	
	S	
Space mean speed in ramp influence area,	S = 58.4	mph
	R	
Space mean speed in outer lanes,	S = 64.3	mph
	0	
Space mean speed for all vehicles,	S = 60.5	mph



PLACER COUNTY
FLOOD CONTROL AND WATER CONSERVATION DISTRICT

Ken Grehm, Executive Director
Brian Keating, District Engineer
Andrew Darrow, Development Coordinator

September 2, 2009

Sherri Abbas, Development Services Manager
Community Development Department
City of Rocklin
3970 Rocklin Road
Rocklin, CA 95677

RE: Rocklin Commons Project / Draft EIR

Sherri:

We have reviewed the Draft Environmental Impact Report (DEIR) dated July 2009 for the subject project and have the following comments.

The applicant is adequately proposing mitigation measures for the estimated increases in 10- and 100-year peak flow runoff discharging from the proposed development. The DEIR states that the subject project will mitigate these increases in stormwater runoff through the construction of an onsite detention basin with approximately 2.6 acre-feet of storage.

The District requests the opportunity to review both the project's drainage report and grading plans when they become available.

Please call me at (530) 745-7541 if you have any questions regarding these comments.

Andrew Darrow, P.E.
Development Coordinator

d:\data\letters\cn09-81.doc

4-1

Placer County Flood Control and Water Conservation District (September 2, 2009)

Response to Comments:

Response 4-1

The commenter's determination that the applicant is adequately proposing mitigation measures for the project runoff is noted. The commenter will be provided with the project's drainage report and grading plans, when available, as requested.



**SOUTH PLACER
MUNICIPAL UTILITY DISTRICT**

September 8, 2009

City of Rocklin
Community Development Department
3970 Rocklin Road
Rocklin, CA 95677



Attention: David Molenbrok

Subject: Rocklin Commons Project
Draft Environmental Impact Report
(SCH # 2008082121)

Dear David:

Thank you for the opportunity to review the above document. In response, SPMUD provides the following:

The above property is within the service area of the South Placer Municipal Utility District, and is eligible for sewer service.

All sewer service which the District may hereafter provide to said lands or any portion thereof will be subject to all ordinances, resolutions, rules and regulations, taxes, charges, fees, and assessments of the SPMUD which may now or hereafter be in effect.

The design and construction of all on-site and off-site facilities which may be required as a result of this project will be the responsibility of the developer/owner. All work shall conform to the Standard Specifications of SPMUD. Improvement plans shall be submitted to SPMUD for review and approval.

This letter does not constitute a reservation of capacity in the District's sewage treatment facilities, nor does it constitute the assumption of a utility obligation to said lands or any portion thereof by the District.

Wastewater treatment capacity is provided by SPMUD to Rocklin under a series of agreements entered into in October 2000 between SPMUD and the South Placer Wastewater Authority and other parties. The District may be rendered unable to provide sewer service to said lands due to prohibitions or restrictions which may be imposed upon it by federal or state regulatory agencies having jurisdiction or due to conditions caused by an Act of God. Prohibitions and/or restrictions may be imposed at the Regional Wastewater Treatment Plant on the plant's capacity in accordance with existing agreements; this may also impact the District's ability to accept new applications for sewer service for the project. No restrictions currently exist.

5-1

City of Rocklin
September 8, 2009
Page -2-

This letter shall be of no force or effect after the expiration of 365 calendar days from the date hereof, but may at the discretion of the District, be renewed or extended upon application of the developer/owner of the land referred to herein or their agent.

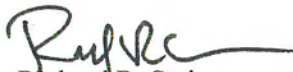
All non residential development within SPMUD is subject to the requirements of the City of Roseville Industrial Wastewater Ordinance in accordance with Chapter 14.26 of the Roseville Municipal Code, as adopted by SPMUD.

A correction should be made to the introductory paragraph, 4.8 "Utilities" (page 4-175). It should be noted that the June 2007 Wastewater Systems Evaluation was prepared by the South Placer Wastewater Authority and not by South Placer Municipal Utility District.

Under "Wastewater Treatment and Conveyance" (page 4-176), the second paragraph references SPMUD's 1986 Master Plan. It should be noted that SPMUD has a new 2009 Master Plan in effect. Nevertheless, its analysis and assumptions have included considerations for Rocklin's long-term plan projections (City of Rocklin, 2005 and Rocklin's 2008 General Plan Update).

If there are any questions, or a need for more information, please don't hesitate to call.

Sincerely,


Richard R. Stein
Engineering Manager

RRS:jag

5-1
Cont.

South Placer Municipal Utility District (September 8, 2009)

Response to Comments:

Response 5-1

The commenter's statements that sewer service for the proposed project would be subject to all ordinances, resolutions, rules and regulations, taxes, charges, fees, and assessments of the South Placer Municipal Utility District (SPMUD), and that the design and construction of sewer facilities to serve the project site would be the responsibility of the project applicant are noted.

The commenter states that sewer connection permits will not be issued by SPMUD until such time as all sewer facilities have been constructed and accepted by SPMUD. The commenter also identifies potential limitations that could affect the ability of SPMUD to provide sewer service to the site. These comments are noted.

As requested, a correction will be made to the introductory paragraph 4.8 "Utilities" (page 4-175) as follows:

This section describes existing conditions and discusses potential impacts to wastewater treatment services, sanitary sewer services and water supply services. Impacts are evaluated in relation to increased demand for utilities associated with the proposed project and actions needed to provide the services that could potentially lead to physical environmental effects. The information contained in this section on wastewater is largely based on the South Placer Regional Wastewater and Recycled Water Systems Evaluation, (June 2007) prepared by the South Placer Wastewater Authority ~~Municipal Utility District~~. The information on potable water contained in this section is largely based on the Placer County Water Agency Integrated Water Resources Plan (August 2006).

The release of SPMUD's 2009 Master Plan and the inclusion of considerations for Rocklin's long-term plan projections in the new plan are noted.

Revised



September 9, 2009

SENT VIA FAX (916) 625-5195

Sherri Abbas
Development Services Manager
City of Rocklin
3970 Rocklin Road
Rocklin, CA 95677-2720

David.mohlenbrok@rocklin.ca.us

Subject: Notice of Public Review of a Draft Environmental Impact Report for the Rocklin Commons Project (SCH# 2008082121)

Dear Ms. Abbas:

As you are aware, the City of Rocklin is located in the Sacramento Valley Air Basin, which is a non-attainment area for federal health based ambient air quality standards for ozone. In addition, this area is also classified as a non-attainment area for State ozone standards and non-attainment for State particulate matter standards.

6-1

Build out of this project will result in significant long-term air quality impacts and cumulative impacts in the City of Rocklin and Placer County.

The Placer County Air Pollution Control District (District) has specific comments on the Draft EIR as follows:

Chapter 6: Cumulative Impacts

The proposed mitigation measures to offset the project related emissions are not sufficient. The following mitigation measure should be included in the Cumulative Section to offset the project's contribution to emission of pollutants.

In order to mitigate the projects contribution to long-term emission of pollutants, the applicant shall: 1. participate in the Placer County Air Pollution District Offsite Mitigation Program by paying the equivalent amount of money, which is equal to the projects contribution of pollutants (ROG and NOx), which exceeds the cumulative threshold of 10 pounds per day. The estimated total amount of excessive ROG and NOx for this project is 14.31 tons. The estimated payment for the proposed project is \$204,633 based on \$14,300 per ton. The actual amount to be paid shall be determined, per current California Air Resource Board guidelines, at the time of recordation of the Final Map or building permit issuance.

6-2

2. Participate in an offsite mitigation program, coordinated through the Placer County Air Pollution Control District, to offset the project's long-term emission of pollutants. Examples include participation in a "Biomass" program, retrofitting mobile sources (i.e. busses, heavy duty diesel equipment), or any other program that is deemed acceptable by the Director of the Placer County APCD. Any proposed offsite mitigation shall be located within the same region as the proposed project. This condition shall be satisfied prior to recordation of a Final Map or building permit issuance.

Note: It is the District’s preference is to mitigate impacts “on-site” rather than to mitigate with the payment of a fee. The applicant should contact the District to discuss on-site mitigation measure options for this project.

6-2
Cont.

Although the above mitigation measure will not reduce the project’s related emissions to a less than significant level, this mitigation measure had been determined to be feasible and has been implemented by other projects within the County. The project’s related cumulative impacts will be significant and unavoidable.

The project, as proposed, does not adequately address climate change/greenhouse gas emissions and energy conservation and fails to analyze how the project proposes to reduce such emissions. The Draft EIR does include some energy-efficiency features that would reduce greenhouse gas emissions to a small degree. And while this is a good start, the measures are insufficient to offset a small fraction of the greenhouse gas emissions the project will generate. At a minimum, the proposed project shall include specific mitigation measures to ensure that all policies as stated in the General Plan, specifically Policy #5 of the Open Space, Conservation and Recreation Element, including the recommended mitigation measures discussed below, are incorporated within the environmental document.

6-3

The California Environmental Quality Act (CEQA) requires that lead agencies consider the reasonably foreseeable adverse environmental effects of projects being considered for approval. Emissions of greenhouse gases (GHG’s) have the potential to adversely affect the environment because such emissions contribute, on a cumulative basis, to global climate change. With the approval of AB32 and SB97, the State of California has established that GHG emissions, as they relate to climate change, are a source of adverse environmental impacts and should therefore be addressed under CEQA. In addition, the CA Attorney Generals Office has concluded that “even small, incremental emissions can be cumulatively considerable”, and that the absence of state thresholds is not an excuse to avoid determining significance. The ADEIR does not consider the entire GHG emission output of the project as required by the Governor’s Office of Planning and Research (OPR). A recently published scientific and factual analysis has been made available by CAPCOA regarding attainment of California GHG emission targets and should be used in the discussion and analysis of greenhouse gases in the cumulative impact of the project.

6-4

The project will result in an increased consumption of fossil fuels (natural gas, coal, gasoline, etc.) for energy production and transportation fuel, which has substantially increased atmospheric levels of greenhouse gases. The amount of GHG emission produced from commercial buildings is related to the amount of energy that is used to operate the buildings, such as electricity, natural gas, and fuel. As required by the OPR, in its CEQA and Climate Change: *Addressing Climate Change through California Environmental Quality Act (CEQA) Review (June 19, 2008)*, production of greenhouse gases shall also account for energy consumption and water usage. See 14.Cal. Code Regs § 15358(a)(1). The District recommends a complete analysis of the project’s contribution to greenhouse gases, including direct and indirect greenhouse gas emissions.

6-5

AQ -2: Long-term Operational (Regional) Criteria Pollutant and Precursor Emissions.

The District recommends the project incorporate energy efficient mitigation as part of the project design or list such mitigation measures within the document. This mitigation measure states that “...when determined to be feasible in consultation with City staff, shall incorporate...” This mitigation measure fails to identify the specific mitigation measures and timing of implementation related to the project.

6-6

In addition to the proposed mitigation measures listed in AQ-2, the District recommends the incorporation of the following mitigation measures to ensure the short-term construction emissions from the proposed project would be further reduced:

6-7

- All off-road equipment used for home improvement superstore and free-standing discount

superstore for material handling or maintenance shall be natural gas, propane, or electric powered.

- Only natural gas back-up generators can be installed.
- All truck loading and unloading docks shall be equipped with one 110/208 volt power outlet for every two dock doors. Diesel trucks shall be prohibited from idling more than five minutes and must be required to connect to the 110/208 volt power to run any auxiliary equipment. Signage shall be provided.
- Signage shall be posted in the receiving areas and the parking lot to prohibit idling of for more than 5 minutes.
- HVAC units shall exceed the Title 24 Energy Efficiency Standards.

6-7
Cont.

Table 6-5: Project Compliance with Greenhouse Gas Emission Reduction Strategies

Table 6-5 attempts to demonstrate the project's compliance with greenhouse gas emission reduction strategies. The District recommends the proposed reduction strategies be incorporated into the project description or proposed as mitigation measures. Further, the District recommends the mitigation measures be required prior to the approval of improvement plans and/or building permit issuance.

6-8

The Water Use Efficiency section proposes a single mitigation measure to offset project related emissions. This section should be expanded upon to include ultra low flush toilets and low-flow facets.

6-9

The Appliance Energy Efficiency Standard should require the HVAC units to exceed the Title 24 Energy Efficiency Standard at the time building permits are issued.

6-10

The District recommends the project include charging stations for each building in order to provide charging capabilities for electric cars once the technology is made available.

6-11

The Green Building Initiative (and other related sections) should include green building techniques. Title 24's energy efficient building design measures do not constitute a green building. The City should require the applicant to obtain a LEED Certification for the building in order to show the project's compliance with this initiative. The City should also require the applicant will exceed the Title 24 requirements, as suggested by the OPR. This has been done for several projects within the vicinity of the area.

6-12

Table 6-6: project Compliance with OPR Greenhouse Gas Emission Reduction Recommendations and list following.

The District does not see the relationship between the listed City programs and its mitigation measures in relation to project level emission reduction strategies. How does the project propose to incorporate such measures into the project?

6-13

The following are **recommended** conditions which can be utilized to reduce the projects impact on cumulative greenhouse gas emissions and climate change (source: Office of the Attorney General, state of California, recommended Global Warming Mitigation Measures):

Energy Efficiency

- Design buildings to be energy efficient. Site buildings to take advantage of shade, prevailing winds, landscaping and sun screens to reduce energy use.
- Install efficient lighting and lighting control systems. Use daylight as an integral part of lighting systems in buildings.
- Install light colored "cool" roofs, cool pavements, and strategically placed shade trees.
- Install energy efficient heating and cooling systems, appliances and equipment, and control systems.
- Install light emitting diodes (LEDs) for traffic, street and other outdoor lighting.

6-14

Renewable Energy

- Install solar power systems, solar and tankless hot water heaters, and energy-efficient heating ventilation and air conditioning.
- Install solar panels where appropriate.
- Use combined heat and power in appropriate applications.

Water Conservation and Efficiency

- Create water-efficient landscapes.
- Install water-efficient irrigation systems and devices, such as soil moisture-based irrigation controls.
- Design buildings to be water-efficient. Install water-efficient fixtures and appliances.
- Restrict watering methods (*e.g.*, prohibit systems that apply water to non-vegetated surfaces) and control runoff.
- Implement low-impact development practices that maintain the existing hydrologic character of the site to manage storm water and protect the environment. (Retaining storm water runoff on-site can drastically reduce the need for energy-intensive imported water at the site.)

Solid Waste Measures

- Reuse and recycle construction and demolition waste (including, but not limited to, soil, vegetation, and concrete, lumber, metal, and cardboard).
- Provide interior and exterior storage areas for recyclables and green waste and adequate recycling containers located in public areas.

6-14

Land Use Measures

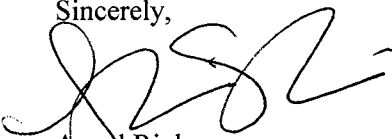
- Incorporate public transit into project design.
- Include pedestrian and bicycle-only streets and plazas within developments. Create travel routes that ensure that destinations may be reached conveniently by public transportation, bicycling or walking.

Transportation and Motor Vehicles

- Limit idling time for commercial vehicles, including delivery and construction vehicles.
- Use low or zero-emission vehicles, including construction vehicles.
- Provide the necessary facilities and infrastructure to encourage the use of low or zero-emission vehicles (*e.g.*, electric vehicle charging facilities and conveniently located alternative fueling).
- For commercial projects, provide adequate bicycle parking near building entrances to promote cyclist safety, security, and convenience. For large employers, provide facilities that encourage bicycle commuting, including, *e.g.*, locked bicycle storage or covered or indoor bicycle parking.
- Create bicycle lanes and walking paths directed to the location of schools, parks and other destination points.

Thank you for the opportunity to comment the project. If you have any questions or concerns, please contact with me at (530)-745-2333.

Sincerely,



Angel Rinker
Associate Planner

Placer County Air Pollution Control District (September 9, 2009)

Response to Comments:

Response to Placer County Air Pollution Control District Letter 6

Response 6-1

Comment noted. The Project is located in the Sacramento Air Basin, which is a non-attainment area for federal and State ozone standards and State particulate matter standards. Because of the non-attainment status, the DEIR concludes that, even with implementation of Mitigation Measure AQ-2, Impact AQ-2 would be significant and unavoidable.

Response 6-2

The commenter suggests that the City require the project applicant to participate in the newly revised Placer County Air Pollution District Offsite Mitigation Program by paying a fee equal to the Project's contribution to pollutants (ROG and NOx), which exceeds the cumulative threshold of 10 pounds per day. The commenter states that the estimated payment for the Project would be \$204,633 based on a fee of \$14,300 per ton and an estimated exceedance of 14.31 tons of emissions, though no details were provided as to the calculations of the amounts.

The commenter states that its preference is to mitigate impacts onsite rather than mitigate with the payment of a fee. The Project includes a number of features which will reduce the project's cumulative operational air quality impacts:

- LED lighting for all exterior signs
- Walking paths in parking lots for pedestrians to access all portions of the center, including the adjacent Park and Ride lot
- Direct bicycle access into the shopping center is provided from existing striped Class II bike lanes on Granite Drive and Commons Way
- Moisture-based, Smart Water Management, automatic irrigation systems for landscaping, using drip irrigation, as applicable
- Recycling and reuse of construction and demolition waste through the Placer County Materials Recover Facility or other designated recycling programs
- Recycling and greenwaste from businesses and in public areas is disposed of with the City's solid waste disposal franchisee Auburn Placer Disposal and processed through the Placer County Materials Recovery Facility
- Located adjacent to Caltrans park and ride lot which is accessible from the project site for pedestrian, bicycle, and vehicular traffic
- Reduction of parking by 247 parking spaces, which is 8.8% less parking spaces on site than the standard City parking requirement
- Access to areas appropriate for electric vehicle charging available on the project site, with signage adequately identifying such areas

- Building will be sited to take advantage of shade, prevailing winds, landscaping and sun screens to reduce energy use, to the extent practical
- Parking lot tree shading that exceeds the one tree per 5 parking spaces required by the City of Rocklin Design Guidelines and is expected to provide 50% tree coverage in parking areas within 10 years as described in CAPCOA mitigation measure T-14 – Parking Area Tree Cover
- Landscaped areas, planters and other permeable surface areas in sizes and amounts that exceed the City of Rocklin Design Guidelines, and reduce the total surface area of potential heat-reflecting paved area

In addition, on-site emission control measures are required to be incorporated into project design and operation through AQ-2, which has been strengthened and revised to require more features, to reduce the projects cumulative operational air quality impacts. As such Mitigation Measure AQ-2 now reads as follows:

The City shall require that emission control measures be incorporated into project design and operation. Such measures ~~may~~shall include, but are not limited to, the following items:

- The project applicant shall provide transit enhancing infrastructure that includes transit shelters, benches, street lighting, route signs and displays, and/or bus turnouts/bulbs, where determined to be feasible in consultation with City staff and Placer County Transit Agency staff.
- The project applicant shall provide bicycle enhancing infrastructure that includes secure bicycle parking.
- Only electric equipment shall be used for project landscaping maintenance and the project applicant shall provide on-site electrical charging stations sufficient to re-charge that equipment.
- The project applicant shall increase wall and attic insulation at least 5% beyond Title 24 requirements that are in effect at the time of approval of project design review.
- The project applicant shall use energy efficient windows (double pane and/or Low-E).
- The project applicant shall use Energy Star compliant highly reflective roofing materials and at least 3% cool paving (high albedo pavement).
- The project applicant shall plant trees in the project parking lots that are expected to provide 50% tree coverage in parking areas within 10 years as described in CAPCOA mitigation measure T-14 – Parking Area Tree Cover.
- The project applicant shall use programmable thermostats for all heating and cooling systems.
- The project applicant shall use awnings or other shading mechanisms for most windows and walkways per plan.
- The project applicant shall utilize day lighting systems such as skylights, light shelves, interior transom windows in all buildings over 25,000 square feet.

- Both major tenants shall use natural gas, propane, or electricity in powering its material handling equipment (forklifts).
- Only natural gas back-up generators shall be installed.
- All truck loading and unloading docks shall be equipped with one 110/208 volt power outlet for every two dock doors. Diesel trucks shall be prohibited from idling for more than 5 minutes and shall be required to connect to the 110/208 volt power outlet to run any auxiliary equipment.
- Signage shall be posted in the receiving areas and the parking lot to prohibit idling for more than five minutes.
- HVAC units shall exceed Title 24 Energy Efficiency Standards that are in effect at the time of approval of project design review by at least 12 percent.
- The project applicant shall provide access to areas appropriate for electric vehicle charging on the project site, with signage adequately identifying such areas.
- The project applicant, where determined to be feasible in consultation with City staff prior to the issuance of building permits, shall incorporate measures such as: ~~provide electric maintenance equipment, use of solar, low-emissions, or central water heaters, increase wall and attic insulation beyond Title 24 requirements, and orientation of~~ buildings to take advantage of solar heating and natural cooling; ~~use of~~ passive solar designs; ~~energy efficient windows (double pane and/or Low-E), highly reflective roofing materials, cool paving (high albedo pavement) and parking lot tree shading above that required by code, and/or installation of~~ photovoltaic cells; ~~programmable thermostats for all heating and cooling systems, awnings or other shading mechanisms for windows and walkways, utilize day lighting systems such as skylights, light shelves, interior transom windows.~~
- Parking lot design shall include clearly marked pedestrian pathways between transit facilities and building entrances included in the design.
- The project applicant shall require that all diesel engines be shut off when not in use for longer than 5 minutes on the premises to reduce idling emissions.

The Project will also be compliant with or exceed the current Title 24 standards which will reduce energy consumption¹ and as a result, reduce air quality emissions, including:

- **Time Dependent Variation (TDV).** Source energy was replaced with TDV energy. TDV energy values energy savings greater during periods of likely peak demand, such as hot summer weekday afternoons, and values energy saving less during off-peak hours. TDV gives more credit to measures such as daylighting and thermal energy storage that are more effective during peak periods.
- **New Federal Standards.** Coincident with the 2005 Standards, new standards for water heaters and air conditioners took effect. These changes affect all residential buildings, but they also affect many nonresidential buildings that use water heaters and/or “residential size” air conditioners.

¹ See discussion in DEIR Energy Chapter on pages 4-81 to 4-82

- **Cool Roofs.** The nonresidential prescriptive standards require “cool roofs” (high-reflectance, high-emittance roof surfaces, or exceptionally high reflectance and low-emittance surfaces) in all low-slope applications. The cool roof requirements also apply to roof replacements for existing buildings.
- **Demand Control Ventilation.** Controls that measure carbon dioxide concentrations and vary outside air ventilation are required for spaces such as conference rooms, dining rooms, lounges, and gyms.
- **Duct Efficiency.** R-8 duct insulation and duct sealing with field verification is required for ducts in unconditioned spaces in new buildings. Duct sealing is also required in existing buildings when the air conditioner is replaced. Performance method may be used to substitute a high-efficiency air conditioner in lieu of duct sealing.
- **Indoor Lighting.** The lighting power limits for indoor lighting are reduced in response to advances in lighting technology.
- **Skylights for Daylighting in Buildings.** The prescriptive standards require that skylights with controls to shut off the electric lights are required for the top story of large, open spaces (spaces larger than 25,000 square feet with ceilings higher than 15 feet).
- **Thermal Breaks for Metal Building Roofs.** Continuous insulation or thermal blocks at the supports are required for metal building roofs.
- **Efficient Space Conditioning Systems.** A number of measures are required that improve the efficiency of heating, ventilation and air conditioning (HVAC) systems, including variable-speed drives for fan and pump motors greater than 10 hp, electronically commutated motors for series fan boxes, better controls, efficient cooling towers, and water cooled chillers for large systems.
- **Unconditioned Buildings.** New lighting standards – lighting controls and power limits – apply to unconditioned buildings, including warehouses and parking garages. Lighting power tradeoffs are not permitted between conditioned and unconditioned spaces.
- **Compliance Credits.** Procedures are added for gas cooling, underfloor ventilation.
- **Lighting Power Limits.** The Standards set limits on the power than can be used for outdoor lighting applications, such as parking lots, driveways, pedestrian areas, sales canopies, and car lots. The limits vary by lighting zones or ambient lighting levels. Lighting power tradeoffs are not permitted between outdoor lighting and indoor lighting.
- **Shielding.** Luminaires in hardscape areas larger than 175 W are required to be cutoff luminaires, which will save energy by reducing glare.
- **Bi-level Controls.** In some areas, outdoor lighting controls are required, including the capability to reduce lighting levels to 50 percent.
- **Lighting Power Limits.** Lighting power limits (or alternative equipment efficiency requirements) apply to externally and internally illuminated signs used either indoors or outdoors.

All of these measures, taken together, represent a comprehensive, and far from inexpensive, strategy for controlling air pollutants to the extent feasible. Other measures required under Mitigation Measure GCC-1 that would also reduce air quality emissions, include:

- A. The City shall require that measures (regulatory or applicant implemented) be incorporated into project design and operation that the Placer County Air Pollution Control District determines will reduce the project's CO₂ equivalent emissions, as quantified in this DEIR, by at least 15 percent in conjunction with the project's features. Such measures shall include, but are not limited to, the measures identified in Mitigation Measures AQ-1 and AQ-2.
- B. Furthermore, the City has determined that in addition to Mitigation Measures AQ-1 and AQ-2, the following mitigation measures would be appropriate for the proposed Project and shall be required with project implementation:
1. All dock and delivery areas shall be posted with signs informing truck drivers of the California Air Resources Board regulations including the following:
 - a. Truck drivers shall turn off engines when not in use.
 - b. All diesel delivery trucks servicing the project shall not idle more than five minutes, consistent with mitigation measure AQ-2.
 - c. Restrict idling emissions by using auxiliary power units and electrification of the docking areas if provided by the operator.
 2. Auxiliary power shall be provided for TRUs, ~~as feasible~~, at all docking facilities to minimize emissions from these units while on the project site.
 3. Restroom sinks within individual buildings on the site shall use sensor-activated, low-flow faucets and low-flow toilets. The low-flow faucets, because they regulate flow, reduce water usage by 84 percent, while the sensors, which regulate the amount of time the faucets flow, save approximately 20 percent in water usage over similar, manually operated systems.
 4. The project applicant shall participate in an incentive program such as an HVAC replacement program, to reduce offsite emissions by a minimum of 66 tons of CO₂ per year. Through its participation in such an incentive program, the project shall receive a 0.3% CO₂ emission reduction credit for the project's relative CO₂ emissions per year. Under an HVAC replacement program, participation shall involve the contribution of fees in an amount equal to the incentives provided for the replacement of 100 air conditioning units. In the alternative, the applicant may choose to participate in an equivalent offsite emission reduction program which can achieve the same 66 ton reduction in offsite CO₂ emissions required by this mitigation measure.
- C. Prior to the issuance of building permits, the project applicant may satisfy its obligation to implement any of the above mitigation measures if the project applicant can demonstrate to the City and the Placer County Air Pollution Control District that the tenant(s) for the building square footage authorized will implement other measure(s) that achieve an equal or greater percent reduction in the project's CO₂ equivalent emissions.

As noted, Mitigation Measure GCC-1 has been revised to require the implementation of low-flow toilets as well as low-flow faucets.

The City also has a number of programs and policies that contribute to the reduction of GHG Emissions, as discussed pages 6-43 to 6-46 of the DEIR, which would also contribute to reducing air pollutant emissions.

In the event that the PCAPCD determines that these additional features and mitigation measures do not reduce the project's cumulative operational air quality impact to a less than significant level, the City has revised Mitigation Measure AQ-2 to require the applicant to pay an Offsite Mitigation Program fee as requested by PCAPCD in an amount, to be determined in consultation between the City and PCAPCD, that takes into consideration the emissions reducing features and mitigation measures to be implemented by the project:

- The project applicant shall pay a fee to be determined by the Placer County Air Pollution Control District under its Offsite Mitigation Fee Program which is equal to \$14,300 per ton of the project's net (taking into consideration the project's emissions reducing features and mitigation measures) contribution to pollutants which exceeds the cumulative threshold of 10 pounds per day; such fee shall not exceed the PCAPCD's preliminary fee estimate of \$204,633. The fee shall be satisfied by receipt of separate payments made at the time of each building permit issuance in an amount proportional to the building square footage authorized at the time. Prior to building permit issuance, the City, in consultation with the Placer County Air Pollution Control District, may opt to reduce the amount of fees owing in the event that the project applicant can demonstrate to the City's satisfaction that the tenant or tenants of the buildings at issue will implement energy conservation or other emission reducing measures, beyond those already contemplated by this measure, other mitigation measures, or project features assumed in the EIR, that will reduce the project's contribution to pollutants by an amount equivalent or greater than the amount that would have been achieved by the fees to be reduced.

Response 6-3

The commenter states that the Project does not adequately address greenhouse gas emissions and energy conservation and claims that the Project fails to analyze how the Project proposes to reduce such emissions. The commenter further suggests that, at a minimum, the project should be consistent with General Plan Policy 5 of the Open Space, Conservation and Recreation Element. The commenter questions the completeness of the emissions calculations and encourages the use of the CAPCOA advisory document as a scientific and factual basis for analysis of the effectiveness of the City's GHG emissions reduction efforts.

The threshold of significance for greenhouse gas emissions established by the City in the DEIR is qualitative and not quantitative. See Response to Comment 7-6. Because the EIR used a qualitative threshold, the EIR qualitatively analyzes the Project's compliance with the emission reduction strategies contained in the California Climate Action Team's (CAT) Report to the Governor regarding the steps needed to comply with AB 32 and Executive Order S-3-05, in the California Governor's Office of Planning and Research (OPR) technical advisory entitled "CEQA and Climate Change: Addressing Climate Change Through California Environmental Quality Act (CEQA) Review, and the CAPCOA (the California Air Pollution Control Officers Association) advisory document titled *CEQA and Climate Change, Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act*. The DEIR also applies various mitigation measures and City policies to the project that are designed to reduce GHG gases to the extent feasible. This qualitative threshold and qualitative analysis is presented to show compliance with the stated goals of AB 32.

The California Air Resources Board (ARB or Board) is the lead agency for implementing AB 32, which set the major milestones for establishing the program. ARB met the first milestones in 2007: developing a list of discrete early actions to begin reducing greenhouse gas emissions, assembling an inventory of historic emissions, establishing greenhouse gas emission reporting requirements, and setting the 2020 emissions limit.¹

ARB was required to develop a Scoping Plan outlining the State's strategy to achieve the 2020 greenhouse gas emissions limit. The "Approved Scoping Plan" was adopted by the Board at its December 11, 2008 meeting. This Scoping Plan, developed by ARB in coordination with the Climate Action Team (CAT), proposes a comprehensive set of actions designed to reduce overall greenhouse gas emissions in California, improve our environment, reduce our dependence on oil, diversify our energy sources, save energy, create new jobs, and enhance public health. The measures in this Scoping Plan will be developed over the next two years and be in place by 2012.

The Scoping Plan identifies the role of local governments with the following language:

"Local Government Targets: In recognition of the critical role local governments will play in the successful implementation of AB 32, ARB added a section describing this role. In addition, ARB recommended a greenhouse gas reduction goal for local governments of 15 percent below today's levels by 2020 to ensure that their municipal and community-wide emissions match the State's reduction target."²

Though the City is not establishing a specific numerical quantitative threshold, the implied percentage reduction for compliance with the Scoping Plan and AB 32 is at least a 15% reduction in emissions. To achieve that percentage reduction the project will be required to comply with the identified air quality and GHG emissions reduction mitigation measures, as well as, City codes, regulations and policies including Rocklin Municipal Code (RMC) Chapter 17.74, Development Regulations; RMC Chapter 17.72, Design Review and the Design Guidelines adopted by the City to implement that section (Resolution No. 2008-37); the City's Urban Forest Plan, September 2006 and RMC Chapter 17.77, Oak Tree Preservation; RMC 13.08, Solid Waste and Construction Refuse Collection.

Construction of the project incorporating the design features listed above, implementation of the mitigation measures listed in the revised MM AQ-2 and MM GCC-1, the additional MM GCC-2, and compliance with City ordinances and policies would reduce the emission of greenhouse gases attributable to the project through vehicle emission reductions, vehicular trip reductions, HFC emission reductions, recycling programs, increases in building and appliance energy efficiencies, and decreased water use, all serve to implement Open Space and Conservation Element Policy 5.³

¹ Climate Change Scoping Plan, California Air Resources Board, December 2008, Executive Summary.

² Climate Change Scoping Plan, California Air Resources Board, December 2008, Section II.B. The Role of Local Government: Essential Partners

³ See also Energy Chapter of the DEIR on page 4-79 through 4-85

Response 6-4

CAPCOA (the California Air Pollution Control Officers Association) published an advisory document in January of 2008 titled *CEQA and Climate Change, Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act*. Chapter 9 of the document and Appendix B identifies existing and potential mitigation measures that could be applied to projects during the CEQA process to reduce a project's GHG emissions that would be identified using the analytical methodologies included in this white paper. The CAPCOA Subcommittee retained the services of EDAW¹ to assist with this effort. EDAW performed a global search of mitigation measures currently in practice, and under study, that would reduce GHG emissions.

The CAPCOA Appendix B, Mitigation Measure Summary, provides a brief description of each measure along with an assessment of their feasibility (from a standpoint of economical, technological, and logistical feasibility, and emission reduction effectiveness), and identifies their potential for secondary impacts to air quality. Utilizing the information in Appendix B, Mitigation Measure Summary,² specifically the Emissions Reduction/Score rating, the following table presents the CAPCOA Appendix B mitigation measures which coincide with the project's features and mitigation measures and assigns likely mitigation reduction percentages to those features and mitigation measures. The Emissions Reduction/Score system "entails ratings of high, moderate, and low that refer to the level of the measure to provide a substantive, reasonably certain (e.g., documented emission reductions with proven technologies) and long-term reduction of GHG emissions."³

The following two tables track the Appendix B mitigation measures and compare them to the project features and mitigation measures included in the project. To avoid overstating GHG emission reductions, project GHG reduction percentages were selected conservatively at the lower range limits stated in Appendix B. Factors taken into consideration were the project site location, proximity to residential land uses, site layout, availability and accessibility of services, availability of alternative transportation types (e.g. bicycle access, bus stops, park and ride lot, and NEV route) and likelihood of effective utilization of the listed mitigation measure. This site is located at the intersection of a major freeway and regional arterial roadway in close proximity to other existing commercial development. This Sierra College Interchange area commercial core is surrounded on all sides by residential development. Taken on the whole, this project, in concert with the surrounding planned and existing retail development at the Sierra College Interchange area, provides all manner of goods and services thereby greatly increasing the opportunities for consolidated shopping trips and the corresponding reduction in Vehicle Miles Traveled (VMT).

For example, with respect to measure "T-7—Bus Shelter", although no transit is currently provided to the project site, the project will increase potential riders from existing and planned development along Granite Drive that would be expected to ultimately support transit service. By providing transit facilities such as bus turnouts and shelters at optimal locations, future bus ridership potential is enhanced. The project applicant commits to consultation with city and Placer County Transit on the

¹ EDAW, Inc., Sacramento, CA (*review of analytical methods and mitigation strategies*).

² Appendix B Mitigation Measure Summary pages B-1 through B-34. Pages B-35 to B-45 are general plan level mitigation measures not applicable to this project.

³ CAPCOA Mitigation Measure Summary, footnote 2, page B-34.

design and location of the facilities. The CAPCOA mitigation table provides a reduction range of 0.25% to 1%. The analysis for this project selected the lowest range because there appears to be good potential for transit service on this corridor, but to acknowledge that service is not currently provided.

For measure “D-2—Orientation to Existing or Planned Transit, Bikeway, and Pedestrian Corridor”, the project site includes numerous design features to promote access by transit, bikeways, and walking. The project proposes a bus stop that will be connected to the development with well lighted, shaded, and direct pedestrian connections. The site is served by Class II bike lanes and will provide bicycle enhancing infrastructure including secure parking. Based on the location of surrounding jobs and planned and existing residences, a substantial population base is within walking and bicycling distance of the project site. These factors support the conclusion that the project would achieve reductions of 2% which is in the middle of the range of the CAPCOA mitigation table (0.25-5%).

Finally for measure “D-3—Services Operational (multiple on site services for employees)”, the project will provide a wide variety of shops, restaurants, and services that will be available to employees throughout the center and will also allow shoppers to combine trips for multiple purposes. The size of the center provides space for major tenants that typically provide a wide variety of shopping and service opportunities and small businesses, specialty stores and restaurants that allow employees to meet many of their needs without traveling off-site. The CAPCOA mitigation table provides a range of 0.5-5% reductions from this measure. The mix of uses anticipated for the project results in a relatively high level of services on-site. These factors support a reduction of 2% which is in the middle of the range identified by CAPCOA.

Given that the reduction percentages in the tables can range from 8.35 to 66%, the adjusted project % reduction figure of 12.68 is considered to be a conservative number.

Percentage Rated CAPCOA Appendix B Mitigation Measures

MM from Appendix B	Page No.	% Range of GHG Emissions Reduction	Project Feature or Project MM	Project % Reduction	Adjusted project % reduction ¹
T-1 Bike Parking and Access	B-1	.75% to 5% max combined	AQ-2 bullet 2	.75%	0.53%
T-7 Bus Shelter	B-5	.25% to 1%	AQ-2 bullet 1	.25%	0.18%
T-11 Parking Reduced Beyond Code	B-9	1% to 12%	PF bullet 8	3%	2.1%
T-12 Pedestrian Pathway	B-9	.5% to 4%	PF bullet 2 and AQ-2 bullet 18	.5%	0.35%
T-13 No Off Street Parking	B-10	.1% to .15%	Site Location	.1%	0.07%
D-2 Orientation to Existing or Planned Transit, Bikeway, and Pedestrian Corridor	B-14	.25% to 5%	AQ-2 bullet 1 and PF bullet 7	2%	1.4%
D-3 Services Operational (multiple on site services for employees)	B-14	.5% to 5%	Project Description	2%	1.4%
D-6 NEV access	B-15	.5% to 1.5%	Site Location	.5%	0.35%
D-12 Infill Development ²	B-19	3% to 30%	Site Location	6%	6%
E-4 Energy Star Roofs	B-23	.5% to 1%	AQ-2 bullet 6	1%	0.2%
E-8 Non roof surfaces	B-24	1% max	PF bullet 12 and AQ-2 bullets 6, 7	.5%	0.1%
Sum		8.35% - 66%	Sum	16.6%	12.68%

Non-Percentage Rated CAPCOA Appendix B Mitigation Measures

MM from Appendix B	Page No.	GHG Emissions Reduction Score	Project Feature or Project MM	Project Score
T-4 Proximity to Bike Lanes	B-2	None listed	PF bullet 3	Not listed
T-14 Parking Area Tree Cover	B-10	See App. B note	PF bullet 11	Moderate
T-17 Preferential parking for EV/CNG vehicles	B-11	Low	PF bullet 9 and AQ-2 bullet 16	Low
D-8 Recharging Area	B-18	Low	AQ-2 bullet 16	Low
D-14 Enhanced Recycling	B-20	Low	PF bullets 5 & 6	Low
E-11 Electric Vehicle Charging	B-26	Low	PF bullet 9 and AQ-2 bullet 16	Low
E-13 Cool Roofs	B-27	Low	AQ-2 bullet 6	Low
E-15 Electric Yard Equipment	B-28	Low	AQ-2 bullet 3	Low
E-18 Shading Mechanisms	B-29	Low	AQ-2 bullet 9	Low
E-20 Programmable Thermostats	B-30	Low	AQ-2 bullet 8	Low
E-22 Day Lighting Systems	B-30	Low	AQ-2 bullet 10	Low
E-23 Low Water Use Appliances	B-30	Low	GCC-1.3	Low
M-1 Off Site Mitigation Fee Program	B-33	Moderate/High	AQ-2	High

¹ The adjusted project % reduction is calculated based on the percentage of each source on Table 6-4 (70% from vehicle, 21% from utility usage, and 9% from others).

² **Smart Infill: A practical guide to creating vibrant places throughout the Bay Area.** Greenbelt Alliance. 2008.
http://www.greenbelt.org/downloads/resources/report_smartinfill2008.pdf

“The term ‘infill development’ does not refer to one type of building. It refers to finding room for new homes and jobs in existing urban and suburban areas, and designing them in a way that will work well with their surroundings. It can mean building on vacant lots, reusing underutilized sites (such as parking lots, old shopping malls, or industrial sites), or rehabilitating historic buildings for new use.”

After further discussion with Placer County Air Pollution Control District staff, additional project features which did not correlate to the specific language of the line items presented in Appendix B were quantified. These quantifications have been verified by the PCAPCD to yield the following percentage of GHG reductions:

Building AC unit upgrade					0.6%
Participation in an offsite incentive program such as an HVAC replacement program, or equivalent offsite emissions reduction program, resulting in a minimum GHG reduction of 66 tons of CO ₂ per year.					0.3%
Water conservation measures (water efficient fixtures/ appliances, drought tolerant landscaping, smart weather based irrigation controls ¹)					0.63%
Parking lot shading (provide 50% coverage within 10 years as described in CAPCOA mitigation measure T-14 – Parking Area Tree Cover) ¹					0.97%
Exceed Title 24 insulation requirements by 5% ¹					0.22%
Total from above					12.68%
Sum					15.40%
¹ See Appendix E: Memorandum from Michael Brandman Associates on Greenhouse Gas Emissions Mitigation Measure Analysis for Rocklin Commons					

As the total shows, from the mitigation measures and project features assigned percentage reduction amounts, the project has reduced GHG emissions by 15.40%, without any additional reduction credits taken for the items listed in the Non-Percentage Rated CAPCOA Appendix B Mitigation Measures table shown above. Notably, PCAPCD staff has also indicated that the project would receive up to 1% reduction credit for the project applicant’s payment of up to \$204,633 to the Placer County Air Pollution Control District Offsite Mitigation Fee Program pursuant to Mitigation Measure AQ-2, which would increase the project’s GHG reductions to 16.40%.

Additional mitigation measures requested by the district for energy efficiency, water conservation, and transportation, not included in the two tables above are discussed in response to comments 6-9 through 6-11 and 6-14 below.

Response 6-5

In response to the request that the project analysis include all emissions both direct and indirect, the analysis does include all recommended sources of GHG emissions which are as follows:

- (1) Construction - Emissions are discussed on page 6-28 below Table 6-4 and estimated using URBEMIS 2007.
- (2) Motor vehicles - Vehicle trips are based on the traffic analysis for the project, and the motor vehicle emissions are based on URBEMIS 2007 (for CO₂) and off-model calculations for CH₄ and N₂O using emission factors from EMFAC 2007 and EPA "Update of Methane and Nitrous Oxide Emission Factors for On-Highway Vehicles".
- (3) Onsite fuel combustion - Listed as "Other Area Sources" in Table 6-4 and includes emissions for landscaping equipment based on URBEMIS 2007.
- (4) Offsite ("Indirect") emissions - GHG emissions are based on electricity and natural gas usage. Water usage is converted to electricity use based on factors provided by the California Energy Commission and is included in the overall electricity emission calculations. The indirect emissions were modeled consistent with the methodology of the California Climate Action Registry (CCAR) Protocol v.2.2 software.
- (5) Solid waste generation - Recommended to be included by the Attorney General's Office. Solid waste related GHG emission estimates are indirect emissions discussed on page 6-29 of the DEIR.

To further clarify the inclusion of indirect emissions in the calculations of the project's contribution to greenhouse gases, the subpart on page 6-29 of the DEIR, *Electricity and Natural Gas Emissions* is amended to read as follows:

"Electricity and Natural Gas GHG Emissions: The proposed project would increase usage of electricity and natural gas for its commercial/retail components. The generation of electricity through the combustion of fossil fuels typically yields CO₂ and, to a smaller extent, CH₄ and N₂O. Annual consumption and greenhouse gas emissions related to energy consumption were estimated based on data from the Energy Information Administration. GHG emissions related to water supply have been converted to energy use for emissions analysis purposes. Water-related energy use consumes 19 percent of California's electricity every year. Energy use and related GHG emissions are based on water supply and conveyance, water treatment, water distribution, and wastewater treatment estimates developed by the California Energy Commission; GHG emissions related to electricity and water use were estimated using an Energy Information Administration emissions factor of 0.61 lbs of CO₂/kW-hr. Total CO₂e emissions related to electricity and natural gas are estimated at approximately 4,000 metric tons per year."

A question was raised regarding the potential for a supermarket use in the shopping center. There are no plans at this time, and the developer does not expect to have a grocery use in the center, therefore HFC emissions of a possible supermarket are being addressed separately, and in addition to, the calculations of the project's listed total annual emissions contribution to greenhouse gases as set forth in Table 6-4 on page 6-28 of the DEIR. The final subpart on page 6-29 of the DEIR, *Other Greenhouse Gas Emissions* is amended to read as follows:

"Other Greenhouse Gas Emissions: At present, there is a federal ban on CFCs; therefore it is assumed the project will not generate emissions of CFCs. The project may emit a small amount of HFC emissions from leakage and service of refrigeration and air conditioning equipment and from disposal at the end of the life of the equipment. However, the detail regarding refrigerants to be used in the project and the capacity of these are unknown at this time. PFCs and sulfur hexafluoride are typically used in industrial applications, none of which would be used by the project. To allow for flexibility on behalf of the project in terms of future tenants that may occur, the project description

noted that the project may include grocery store uses. Because grocery store uses include commercial refrigeration units that utilize HFCs, a grocery store tenant at the project represents a potential source of other greenhouse gas emissions. However, the applicant's current business plan does not include a supermarket use and it is considered highly unlikely that such a use will develop. Therefore, no supermarket HFC emissions were included in the calculation of Total Annual Emissions. However, should the project ultimately include a grocery store tenant, a specific mitigation measure GCC-2 has been developed to address the estimated 1,800 tonnes per year greenhouse gas emission from such a use. Therefore, it is not anticipated that the project would contribute significant emissions of these additional greenhouse gases."

A new mitigation measure GCC-2 for supermarket uses is added to read as follows:

Mitigation Measure GCC-2 Global Climate Change

Any use incorporating refrigerant systems utilizing 200 pounds or more of refrigerant shall use a low-Global Warming Potential (GWP) refrigerant, or shall incorporate equivalent mitigation on a prorated square foot basis to offset the predicted GHG emissions of 1800 tonnes per year for a 60,000 square foot supermarket.

In follow-up conversations with PCAPCD staff regarding the project's air quality analysis, the City was requested to clarify the trip generation rates that were utilized in the URBEMIS modeling conducted for the project. The trip generation rate of 41.27 average daily trips that was utilized in the URBEMIS modeling is from the Shopping Center category of the Institute of Transportation Engineers (ITE) *Trip Generation Handbook, 7th edition*. The trip generation analysis results for the project is presented in Table 4-7 of the DEIR, p.4-133. When multiple use types are combined into a single shopping center, a blended trip generation rate is utilized. The traffic consultant for this project listed specific land use types in four categories in the URBEMIS model run Rocklin Commons Combined Annual Emissions Reports, but substituted the shopping center rate for the specific use type trip generation rate from the ITE handbook. The trip generation rate utilized in the URBEMIS modeling is consistent with the blended trip generation rates used in the traffic analysis for a shopping center.

The DEIR quantifies the Project's GHG emissions during both construction and operation. (See DEIR, pp. 6-28 through 6-30.) Construction-related emissions come from site grading, asphalt paving, and the use of engines in on-site heavy-duty construction vehicles, hauling equipment, and other construction vehicles and equipment. Operational emissions, both direct and indirect, come from motor vehicle use, electricity and natural gas consumption, water use, and solid waste disposal. The DEIR, therefore, did not fail to consider the entire GHG emissions output of the Project.

Response 6-6

Mitigation measure AQ-2 has been revised so that all bulleted mitigation actions shall be implemented with the project, except for a short list of additional items which, depending on the ultimate tenant leases, may or may not be feasible to include. Bullet 17 in AQ-2 continues to read "The project applicant, where determined to be feasible in consultation with City staff prior to the issuance of building permits, shall incorporate measures such as: use of solar, low-emissions or central water heaters, orientation of buildings to take advantage of solar heating and natural cooling,

use of passive solar designs and/or installation of photovoltaic cells.” See Response to Comment 6-2 above.

As it is currently unclear whether the remaining measures set forth in bullet 17 can be accomplished due to economic, environmental, social and technological factors, the City did not definitively require the measures. Furthermore, because determining the feasibility of such measures is a very technical process and, ultimately, depends on many complex issues associated with the final, design, construction plans and layouts of the buildings (which will not be completed until after the certification of the EIR), the City drafted Mitigation Measure AQ-2 bullet 17 to indicate that further consultation will need to occur before this determination can be made. Based on the consultation, the City will determine if such measures are feasible, prior to the issuance of any building permits.

This decision on the City’s part is an information-gathering commitment that recognizes that this particular kind of “mitigation” cannot be addressed without the development of additional design and engineering information typically not available during, or required by, the CEQA process. (See *Dry Creek Citizens Coalition v. County of Tulare* (1999) 70 Cal.App.4th 20, 28 (court rejects attack on EIR for allegedly containing too little detail in describing certain components of project; “[a] general description of a project element can be provided earlier in the process than a detailed engineering plan and is more amenable to modification to reflect environmental concerns”), *Ocean View Estates Homeowners Assn., Inc. v. Montecito Water Dist.* (2004) 116 Cal.App.4th 396, 400-401 (mitigation measures “need not specify precise details of design”; “[h]aving recognized a significant environmental impact and having determined that mitigation measures may reduce the impact to insignificance,” the challenged document “may leave the details to engineers”; “[i]n such a context, the design may change many times without requiring further environmental review”).)

Mitigation Measure AQ-2, bullet 17, however, is amended to make clear that the specific measures required to be incorporated into the Project will be selected prior to the issuance of building permits. (See Response 6-2.)

Response to 6-7

The commenter suggests additional measures to mitigate the project’s short-term construction emissions. At this time the majority of the commenter’s suggestions have been incorporated into the project through its need to comply with PCAPCD’s rules and regulations for construction and through Mitigation Measure AQ-1 (e.g., idling time shall be minimized to five minutes or less for all diesel-fueled equipment, trucks and equipment leaving the site shall be cleaned; and traffic speeds on unpaved surfaces shall be limited to 15 miles per hour or less, unless sufficiently stabilized) and through Mitigation Measure GCC-1(as amended here):

A. The City shall require that measures (regulatory or applicant implemented) be incorporated into project design and operation that the Placer County Air Pollution Control District determines will reduce the project’s CO₂ equivalent emissions, as quantified in this DEIR, by at least 15 percent in conjunction with the project’s features. Such measures shall include, but are not limited to, the measures identified in Mitigation Measures AQ-1 and AQ-2.

B. Furthermore, the City has determined that in addition to Mitigation Measures AQ-1 and AQ-2, the following mitigation measures would be appropriate for the proposed Project and shall be required with project implementation:

1. All dock and delivery areas shall be posted with signs informing truck drivers of the California Air Resources Board regulations including the following:
 - a. Truck drivers shall turn off engines when not in use.
 - b. All diesel delivery trucks servicing the project shall not idle more than five minutes, consistent with mitigation measure AQ-2.
 - c. Restrict idling emissions by using auxiliary power units and electrification of the docking areas if provided by the operator.
2. Auxiliary power shall be provided for TRUs, ~~as feasible~~, at all docking facilities to minimize emissions from these units while on the project site.
3. Restroom sinks within individual buildings on the site shall use sensor-activated, low-flow faucets and low-flow toilets. The low-flow faucets, because they regulate flow, reduce water usage by 84 percent, while the sensors, which regulate the amount of time the faucets flow, save approximately 20 percent in water usage over similar, manually operated systems.
4. The project applicant shall participate in an incentive program such as an HVAC replacement program, to reduce offsite emissions by a minimum of 66 tons of CO₂ per year. Through its participation in such an incentive program, the project shall receive a 0.3% CO₂ emission reduction credit for the project's relative CO₂ emissions per year. Under an HVAC replacement program, participation shall involve the contribution of fees in an amount equal to the incentives provided for the replacement of 100 air conditioning units. In the alternative, the applicant may choose to participate in an equivalent offsite emission reduction program which can achieve the same 66 ton reduction in offsite CO₂ emissions required by this mitigation measure.

C. Prior to the issuance of building permits, the project applicant may satisfy its obligation to implement any of the above mitigation measures if the project applicant can demonstrate to the City and the Placer County Air Pollution Control District that the tenant(s) for the building square footage authorized will implement other measure(s) that achieve an equal or greater percent reduction in the project's CO₂ equivalent emissions.

As noted in Response 6-2, the following additional measures suggested by the commenter have been added to Mitigation Measure AQ-2:

- Both major tenants shall use natural gas, propane, or electricity in powering its material handling equipment (forklifts)
- Only natural gas back-up generators shall be installed.
- Signage shall be posted in the receiving areas and the parking lot to prohibit idling for more than five minutes.
- HVAC units shall exceed current Title 24 Energy Efficiency Standards by at least 12%

Response 6-8

The commenter recommends that the proposed reduction strategies in Table 6-5 be incorporated into the project description or proposed as mitigation. The purpose of Table 6-5 was to show those elements of the project and the mitigation measures required to be incorporated into the project that

are consistent with the applicable strategies. These elements and mitigation measures are, therefore, already incorporated into the Project, and no additional changes to the DEIR are required.

Response 6-9

As suggested by the commenter, and as noted in Response 6-2, Mitigation Measure GCC-1, item 3, is revised to require low-flush toilets in addition to the low-flow faucets: “[r]estroom sinks within individual buildings on the site shall use sensor-activated, low-flow faucets and low-flow toilets. The low-flow faucets, because they regulate flow, reduce water usage by 84 percent, while the sensors, which regulate the amount of time the faucets flow, save approximately 20 percent in water usage over similar, manually operated systems.”

Response 6-10

The commenter suggests the City should require the Project to use HVAC units that exceed the Title 24 Energy Efficiency Standards. Please see Response 6-7 and revised Mitigation Measure AQ-2 bullet 15.

Response 6-11

The commenter suggests that the Project include charging stations for electric cars. As noted in Table 6-6 on p. 6-40 of the DEIR, the Project is compliant with such a measure. The evolution of electric vehicle technology is such that electric vehicles are able to be charged on a typical household 110 volt current, which would be available with the proposed commercial project site for powering seasonal decorations. As noted in Response 6-2, Mitigation Measure AQ-2 has been strengthened and revised to require the project applicant to provide access on the project site to areas appropriate for electric vehicle charging, with signage adequately identifying such areas.

Response 6-12

The commenter states that the City should require the applicant to obtain LEED Certification if the Project claims to be in full compliance with the “Green Building Initiative” strategy as stated in Table 6-5 on page 6-35 of the DEIR and Table 6-6 on DEIR page 6-39. Due to the fact that the final building configurations and tenants are still to be determined, it is not feasible to proceed with LEED certification at this time. The City agrees that basic compliance with Title 24 does not create full compliance with the Green Building Executive Order S-20-04, both Table 6-5 and Table 6-6 should be revised to show partial compliance. However, the project has taken considerable steps to increase energy efficiency as compared with a business as usual approach in the baseline year of 2003 established by the Green Building Initiative. The project is committed to incorporating a long list of energy saving features into the buildings including:

- Energy Star compliant roof systems
- HVAC which will exceed current Title 24 Energy Efficiency Standards by at least 12 percent
- Increased wall and attic insulation by at least 5% beyond Title 24 requirements
- Energy efficient windows (double pane and/or Low-E)
- Highly reflective roofing materials
- Programmable thermostats for all heating and cooling systems
- Awnings or other shading mechanisms for most windows and walkways

- Day lighting systems such as skylights, light shelves, interior transom windows in all buildings over 25,000 square feet

The City did a complete review of the compliance determinations for CAT strategies in Table 6-5 and OPR recommendations in Table 6-6 and made the following revisions in addition to the revisions noted above. Table 6-6 at the bottom of page 6-40 is incorrect in stating compliance with on-site renewable energy sources, since the project at this time has not committed to installing either solar options or photovoltaic cells, but rather such decision shall be made after further consultation between the City and the applicant prior to building permit issuance. (See bullet 17 of Mitigation MeasureAQ-2 in response 6-2.) One final correction will be made to Table 6-6 at the bottom of page 6-41, the entry should be not applicable, since this project would not be purchasing any government vehicles and/or buses which use alternative fuels. After making the changes identified above in Tables 6-5 and 6-6 the City has verified the project's compliance with the strategies so noted in the tables.

Response 6-13

The listed City programs and mitigation measures in the DEIR demonstrate the steps that the City is taking to reduce the overall GHG emissions originating from Rocklin. The relevance of such programs related to the Project is two-fold. First, some of these programs and mitigation measures would apply to reduce existing buildings and other emitters in the City, which would reduce the baseline GHG emissions within the City, so though not strictly related to the reduction in GHG emissions from this project, the City considers the listing of city-wide programs and mitigation measures to be important information which should be included in this project EIR. Those measures that are applicable to new commercial development will be incorporated into the Project.

The second point of the listing of city-wide programs and measures relates to the City's threshold of significance for GHG emissions. The City has not adopted a zero emissions increase threshold of significance, but rather the threshold of significance used in this EIR would be categorized as a non-zero increase threshold. A non-zero threshold is used to minimize the resources spent reviewing environmental analyses that do not result in real GHG reductions. The practical advantages of considering non-zero thresholds for GHG significance determinations fit into the concept regarding whether the project's GHG emissions represent a "considerable contribution to the cumulative impact". The CEQA Guidelines recognize that there may be a point where a project's contribution, although above zero, would not be a *considerable contribution* to the cumulative impact and, therefore, not trigger the need for a significance determination.

In light of those concepts the City has taken steps to implement city wide programs which effectively mitigate emissions from small projects which will otherwise be processed through the CEQA compliance review utilizing negative declarations and exemptions. Therefore, the listing of City programs and mitigations are included in this EIR to support the City's rationale for using a non-zero emissions increase threshold of significance for GHG emissions.

Response 6-14

The commenter suggests that the Project incorporate mitigation measures from the Office of the Attorney General to address cumulative greenhouse gas emissions. Some of the measures listed (e.g., installing LEDs for traffic, street lights and other outdoor lighting; creating bicycle lanes and walking paths directed to schools, parks, and other destination points) are not features that would be

associated with a commercial development project, such as this one, but are programs that the City has implemented on a City wide basis. As noted in Response 6-2, the project will include walking paths in the parking lots for pedestrians to access all portions of the center, but traffic, street lights and bicycle lanes/walking paths to schools or parks would not be the responsibility of the project.

With respect to outdoor LED lighting on the project site, LED lighting, or other lighting systems which will perform to the same energy efficiency potential, will be used for all exterior signs, as noted in Response 6-2. Other reliable and appropriate outdoor LED lighting products, however, are currently limited. Appropriate LED parking lot lighting, in particular, is not widely commercially available. According to the applicant's consultant, there are currently only two reputable manufactures of this type of lighting, and these manufactures are only just now coming out with a product line. As a result, the consultant has found that available product choices are currently too limited to provide adequate lighting options that are both cost effective and reliable for high volume commercial use, and are of questionable quality. For instance, the consultant installed LED ground lighting from one of these manufactures on a test basis at another commercial development and within a month, the consultant was having issues with one of the two ground lights installed. Moreover, the consultant indicated that the currently available LED pedestrian lighting (10' pole) produces inadequately low light levels, posing a significant safety concern for pedestrians. The City, therefore, declines to require the applicant to use LED outdoor lighting, other than the LED signage already planned. The City has, however, already taken steps to replace traffic signal lights (incandescent bulbs) with Light Emitting Diodes (LEDs) through a project initiated in 1998 and completed in 2001, and all new traffic signal lights come standard with LED bulbs. In addition, the City of Rocklin Bikeway System Map includes a proposed Class II bikeway on Sierra College Boulevard and an existing Class II bikeway on Granite Drive.

Moreover, the Project has already incorporated a number of the other features suggested in the Office of the Attorney General's recommended Global Warming Mitigation Measures through the project design (as noted in Response 6-2), and through Mitigation Measures AQ-1 and AQ-2 (as revised in Response 6-2), including:

- LED lighting for all exterior signs
- Walking paths in parking lots for pedestrians to access all portions of the center including the Park and Ride lot and adjacent bus stop
- Direct bicycle access into the shopping center is provided from existing striped Class II bike lanes on Granite Drive and Commons Way
- Moisture-based, Smart Water Management, automatic irrigation systems for landscaping, using drip irrigation, as applicable
- Recycling and reuse of construction and demolition waste through the Placer County Materials Recover Facility or other designated recycling programs
- Recycling and greenwaste from businesses and in public areas is disposed of with the City's solid waste disposal franchisee Auburn Placer Disposal and processed through the Placer County Materials Recovery Facility
- Located adjacent to Caltrans park and ride lot which is accessible from the project site

- Reduction of parking by 247 parking spaces, which is 8.8% less parking spaces on site than the standard City parking requirement
- Access to areas appropriate for electric vehicle charging available on the project site, with signage adequately identifying such areas
- Building will be sited to take advantage of shade, prevailing winds, landscaping and sun screens to reduce energy use, to the extent practical
- Parking lot tree shading that exceeds the one tree per 5 parking spaces required by the City of Rocklin Design Guidelines and is expected to provide 50% tree coverage in parking areas within 10 years as described in CAPCOA mitigation measure T-14 – Parking Area Tree Cover
- Landscaped areas, planters and other permeable surface areas in sizes and amounts that exceed the City of Rocklin Design Guidelines, and reduce the total surface area of potential heat-reflecting paved area
- Idling time shall be minimized to five minutes or less for all diesel-fueled equipment
- Use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, and/or other options as they become available for off-road vehicles
- Transit enhancing infrastructure that includes transit shelters, benches, street lighting, route signs and displays, and/or bus turnouts/bulbs, where determined to be feasible in consultation with City staff and Placer County Transit Agency staff
- Bicycle enhancing infrastructure that includes secure bicycle parking
- Parking lot design shall include clearly marked pedestrian pathways between transit facilities and building entrances included in the design
- Increased wall and attic insulation by at least 5% beyond Title 24 requirements that are in effect at the time of approval of project design review
- Energy efficient windows (double pane and/or Low-E)
- Highly reflective roofing materials
- At least 3% cool paving (high albedo pavement)
- Programmable thermostats for all heating and cooling systems
- Awnings or other shading mechanisms for most windows and walkways, per plan,
- Day lighting systems such as skylights, light shelves, interior transom windows in all buildings over 25,000 square feet
- Both major tenants shall use natural gas, propane, or electricity in powering its material handling equipment (forklifts)
- Only natural gas back-up generators shall be installed
- All truck loading and unloading docks shall be equipped with one 110/208 volt power outlet for every two dock doors. Diesel trucks shall be prohibited from idling for more than 5 minutes and shall be required to connect to the 110/208 volt power outlet to run any auxiliary equipment

- Signage shall be posted in the receiving areas and the parking lot to prohibit idling for more than five minutes
- HVAC units shall exceed Title 24 Energy Efficiency Standards in effect at the time of approval of project design review by at least 12 percent
- The project applicant shall provide access to areas appropriate for electric vehicle charging available on the project site, with signage adequately identifying such areas
- Participation in an offsite incentive program such as an HVAC replacement program, or equivalent offsite emissions reduction program, resulting in a minimum GHG reduction of 66 tons of CO₂ per year

Other efforts to reduce the project's energy use and greenhouse gas emissions consistent with the Office of the Attorney General's recommended Global Warming Mitigation Measures include the following:

- The project's landscape plan will be required by the City to include an automatic irrigation system, and the use of drip system irrigation will be encouraged as applicable. The project's landscape plan is also required by the City to be certified by the landscape architect as meeting the requirements of the Water Conservation in Landscaping Act (Government Code Section 65591, et. seq.). As noted above, the applicant has indicated it will implement a moisture-based, Smart Water Management irrigation system, such as the WeatherTRAK Smart Water Management solutions from HydroPoint to reduce irrigation water use.
- The Project will also implement measures to manage storm water and protect the environment. The largest of five sub watersheds on site will include a storm water detention basin that will be utilized as part of a treatment train for storm water quality treatment of the sub watershed. This third step of the water quality treatment train would take place after the first-step BMPs that consist of administrative controls such as signage at inlets to prevent illicit discharges into storm drains, parking lot and other pavement area sweeping, public education, and hazardous waste management and disposal programs, and second-step BMPs that may include underground hydrodynamic separators or catch basin filters, or, upon approval of the City of Rocklin, a substitute device of equal or greater effectiveness. The four remaining sub watersheds will each incorporate a treatment train that consists of administrative controls such as signage at inlets to prevent illicit discharges into storm drains, parking lot and other pavement area sweeping, public education, and hazardous waste management and disposal programs, second-step BMP's that would include charcoal catch basin insets, or, upon approval of the City of Rocklin, a substitute device of equal or greater effectiveness and the third-step water quality BMP's that would consist of a continuous deflection system (CDS) unit to complete the treatment train for each sub watershed.
- With respect to the solid waste measures, the City is an active partner in the Placer County Materials Recovery Facility (MRF) that supports recycling of household and business waste. The MRF diverts over 50% of the solid waste generated within the City from landfill disposal, consistent with the requirements of AB 939. The Project will recycle and reuse construction and demolition waste consistent with City of Rocklin Municipal Code Section 13.08.055. The Project will also include recycling and greenwaste containers for businesses and in public areas, consistent with the City's General Plan *Public Services and Facilities Element*, Policy 18: To encourage programs to reduce, recycle and reuse solid waste materials to the extent possible.

- In addition, where determined to be feasible in consultation with City staff prior to the issuance of building permits, the City shall require the project applicant to incorporate measures such as: use of solar, low-emissions, or central water heaters; orientation of buildings to take advantage of solar heating and natural cooling; use of passive solar designs and/or installation of photovoltaic cells. Based on the foregoing, the City finds that the Project will incorporate features that are substantially consistent with the measures from the Office of the Attorney General suggested by the commenter.

Conclusion

The City's stated threshold of significance is "This EIR considers the GHG emissions from the project would be significant, if implementation of the project would be inconsistent with strategies to help the State attain the goals identified in AB 32." The California Air Resources Board (ARB or Board) is the lead agency charged with establishing a program for attaining the goals of AB 32. ARB was required to develop a Scoping Plan outlining the State's strategy to achieve the 2020 greenhouse gas emissions limit. The "Approved Scoping Plan" was adopted by the Board at its December 11, 2008 meeting.

The Scoping Plan identifies the role of local governments with the following language:

"Local Government Targets: In recognition of the critical role local governments will play in the successful implementation of AB 32, ARB added a section describing this role. In addition, ARB recommended a greenhouse gas reduction goal for local governments of 15 percent below today's levels by 2020 to ensure that their municipal and community-wide emissions match the State's reduction target."

Though the City did not identify a specific numerical quantitative threshold, the implied percentage reduction for compliance with the Scoping Plan and AB 32 is at least a 15% reduction in emissions. Utilizing the CAPCOA document titled *CEQA and Climate Change, Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act*, the City evaluated the GHG reduction potential of the project features, site, and required mitigation measures to conclude that after incorporation of the local and state regulations and policies, as well as incorporation of project design features and mitigation measures, the City estimates that project's emissions are reduced by at least 15% according to the ARB adopted AB 32 Scoping Plan. With the project's compliance with the applicable CAT strategies, OPR recommendations, CAPCOA Appendix B mitigation measures, and City policies and implementation of above mitigation measures, the project's incremental contribution to any impact relating to global climate change would be *less than cumulatively considerable*; therefore, the project's climate change impacts would be considered *less than significant*. No additional mitigation, beyond the measures described above, are necessary.

LAW OFFICES OF DONALD B. MOONEY

DONALD B. MOONEY

129 C Street, Suite 2
Davis, California 95616
Telephone (530) 758-2377
Facsimile (530) 758-7169
dbmooney@dcn.org

September 9, 2009

VIA ELECTRONIC MAIL AND REGULAR MAIL

David Mohlenbrok
City of Rocklin
3970 Rocklin Road
Rocklin, CA 95677-2720

Re: Town of Loomis' Comments on Draft Environmental Impact Report for
the Sierra College Boulevard Widening Project

Dear Mr. Mohlenbrok:

The Town of Loomis submits the following comments on City of Rocklin's Draft Environmental Impact Report ("EIR") for the Rocklin Commons Project.

While the proposed Rocklin Commons Project is located within the City of Rocklin, this project, like many others in Rocklin and Placer County, is near or adjacent to Rocklin's boundary with Loomis. As a result of the Project's proximity to Loomis and access to the proposed Project, many of the Project's significant environmental impacts such as traffic, air quality, and urban decay fall upon Loomis and its residents. Loomis continues to bear the burden of the projects' impacts without having jurisdiction over the approval of the projects or receiving the benefits of the projects.

7-1

Loomis objects to the proposed project as the Draft EIR for the Rocklin Commons Project fails to meet the legal requirements as set forth in the California Environmental Quality Act ("CEQA"), Public Resources Code, section 21000 *et seq.*

A. Traffic

As with the numerous projects recently approved by Rocklin along or near Rocklin's boundary with the Town of Loomis, the Rocklin Commons project will result in cumulative traffic impacts to roadways and intersections within the Town of Loomis. To this end, the attached Memorandum dated September 8, 2009, identifies Loomis' concerns and comments regarding the Project's impacts to traffic. (Attachment A.)

7-2

The Draft EIR's cumulative impact analysis relies upon a standard of significance of less than 5 percent traffic increase to determine if the Project will have cumulative impacts to traffic. This threshold of significance, particularly to roads and intersections with an already unacceptable level of service is without basis, is not supported by substantial evidence.

7-3

A lead agency must find that a project may have a significant effect on the environment and must prepare an EIR if the project's potential environmental impacts, although individually limited, are cumulatively considerable. (Pub. Resources Code, § 21083(b); CEQA Guidelines, § 15065(c); see *San Bernardino Valley Audubon Society v. Metropolitan Water District* (1999) 71 Cal.App.4th 382, 398.) The Fifth District Court of Appeal has found that "[t]he relevant question to be addressed in the EIR is not the relative amount of precursors emitted by the project when compared with preexisting emissions, but whether *any additional amount of precursor emissions should be considered significant in light of the serious nature of the ozone problems in this air basin.*" (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 781, emphasis added.) The Fifth District concluded that the more severe the existing environmental problems are, the *lower the threshold for finding that a project's cumulative impacts are significant.* (*Id.*, emphasis added.) The Draft EIR fails to analyze this issue, and simply dismisses the potentially significant cumulative impacts to these roadway segments and intersections by stating that the percentage of impact is less than 5 percent. Additionally, it applies this same standard regardless of whether the LOS is D, E, or F. This contradicts the ruling in *Kings County* which stated that the more severe the existing environmental problems, the lower the threshold for finding a project's cumulative impacts are significant.

7-3
Cont.

B. Urban Decay

While economic and social effects of projects are beyond CEQA's purview, "if the forecasted economic or social effects of a proposed project directly or indirectly will lead to adverse physical changes in the environment, then CEQA requires disclosure and analysis of these resulting physical impacts. (*Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1204-1205; *Friends of Davis v. City of Davis* (2000) 83 Cal.App.4th 1004, 1019; *Citizens for Quality Growth v. City of Mt. Shasta* (1988) 198 Cal. App. 3d 433, 445-446.) The CEQA Guidelines require that "Direct and indirect significant effects of the project on the environment shall be clearly identified and described, giving due consideration to both the short-term and long-term effects." (CEQA Guidelines, § 15126.2(a). Additionally, both primary (direct) and "reasonably foreseeable" secondary (indirect) consequences are considered in determining the significance of a project's environmental effect. (Guidelines, § 15064(d).) It is now well recognized that EIR's must evaluate whether a project will have a direct or indirect impact that would lead to urban decay. (*Bakersfield Citizens for Local Control v. City of Bakersfield, supra*, 124 Cal.App.4th at p. 1204-1205.)

7-4

Water contamination and air pollution, now recognized as very real environmental problems, initially were scoffed at as the alarmist ravings of environmental doomsayers. Similarly, experts are now warning about land use decisions that cause a chain reaction of store closures and long-term vacancies, ultimately destroying existing neighborhoods and leaving decaying shells in their wake. (*Id.* at p. 1204.)

Although proposed new shopping centers do not automatically trigger a conclusive presumption of urban decay, when evidence suggests that the economic and social effects caused by the proposed shopping center ultimately could result in urban decay or deterioration, then the lead agency is obligated to assess this indirect impact. (*Id.* at p. 1208.) CEQA's information disclosure requirements require that an EIR contain a meaningful consideration of whether the shopping centers could, individually or cumulatively, trigger a series of events that ultimately cause urban decay. (*Id.* at p. 1208.)

7-4
Cont.

The attached memorandum from Applied Development Economics ("ADE") identifies several flaws in CBRE's urban decay analysis. (Attachment B.) Specifically, ADE's peer review analysis makes the following key points:

CBRE overstates spending in the primary and secondary market areas in several ways.

When estimating spending by consumers in the region, CBRE employs a per capita spending ratio that corresponds to persons in households with average incomes of \$98,490 (Primary Market Area) or \$97,560 (Secondary Market Area). CBRE should apply these ratios only to households and/or persons earning more than \$100,000. For persons and households in other income brackets, CBRE should employ spending ratios appropriate to those brackets.

In effect, CBRE is arguing that *everyone* in the PMA/SMA earns at least \$97,560 and spends in a fashion similar to how persons in households earning almost \$100,000 spend. While it is true that household incomes in the PMA and Placer County generally are higher than incomes elsewhere in the region and state, it is important to remember that not every person or household earns \$97,560 or \$98,490 and spends at levels commensurate to this income.

7-5

CBRE identifies potential impacts of \$8.5 million via its methodology on home furnishings and appliance stores but it does not specify within the market area as to how these impacts will be distributed, as required.

ADE shows that there is no current and future leakage in the food store category, meaning that Loomis' Raley could shutter because of impacts stemming from the project. *At a minimum*, Raley's is projected to lose 9.5 percent of sales, according to ADE.

Officials must consider the minimum 9.5 percent impact as *on top of any decline in sales* stemming from the prolonged downturn in the economy that is expected to continue well into 2010. As a reminder of difficulties experienced by food stores in the region, there are two large vacancies in the nearby area that were once occupied by grocery stores, namely Albertson's and Grocery Outlet. The former site has been vacant for several years.

Raley's might not be able to recover from a potential loss of over \$2 million in sales, as supermarkets are low-margin operations to begin with. In addition to job losses, the Town of Loomis would lose an estimated \$133,000 a year in sales tax in the event Raley's closed. Local officials should keep a watchful eye on the situation, as the closure of a supermarket such as Raley's could lead to situation of urban decay.

7-5
Cont.

C. The Draft EIR Fails To Adequately Address and Analyze the Project's Cumulative Impacts to Global Warming

The Draft EIR provides an overview of global warming and some of the County's activities to reduce greenhouse gas ("GHG") emissions, the Draft EIR actually fails to analyze the Project's contribution to GHG. Additionally, the Draft EIR's standard of significance fails to identify any standards of significance regarding GHG and global warming.

CEQA requires that "[e]ach public agency shall mitigate or avoid the significant effects on the environment of projects that it carries out or approves whenever it is feasible to do so." (Pub. Resources Code, § 21002.1(a); see *Citizens of Goleta Valley v. Board of Supervisors of Santa Barbara County* (1990) 52 Cal.3d 553, 564-65.) Under CEQA, global warming is an "effect on the environment" and a project's contribution to global warming can be significant or cumulatively considerable. CEQA requires that all phases of a project must be considered when evaluating the project's impacts on the environment. (CEQA Guidelines, § 15126.)

7-6

The Draft EIR concludes that there are no thresholds of significance to measure the Project's impacts regarding global warming. Thus, Rocklin simply dismisses any obligation to analyze the project's impacts to GHG. While Rocklin recognizes the Governor's Office of Planning and Research's June 19, 2008, Technical Advisory entitled *CEQA and Climate Change: Addressing Climate Change Through California Environmental Quality Act (CEQA) Review*, the Draft EIR fails to follow the advice and recommendations in the Technical Advisory, which is nothing more that a restatement of CEQA. In the Technical Advisory, OPR provides a recommended approach:

Each public agency that is a lead agency for complying with CEQA needs to develop its own approach to performing a climate change analysis for projects that generate GHG emissions. A consistent approach should be applied for the analysis of all such projects, and the analysis must be based on best available information. For these projects, compliance with CEQA entails three basic steps: identify and quantify the GHG emissions; assess the significance of the impact on climate change; and if the impact is found to be significant, identify alternatives and/or mitigation measures that will reduce the impact below significance. (Technical Advisory at p. 5.)

The Technical Advisory also informs lead agencies must assess whether the emissions are individually or cumulatively significant. (*Id.*) Thus, the lead agency must consider the impact of the project when viewed in connection with the effects of past, current, and probable future projects. (*Id.*) In identifying GHG Emissions, OPR's Technical Advisory states:

Lead agencies should make a good-faith effort, based on available information, to calculate, model, or estimate the amount of CO₂ and other GHG emissions from a project, including the emissions associated with vehicular traffic, energy consumption, water usage and construction activities. (Technical Advisory at p. 5.)

As indicated in the Technical Advisory, CEQA requires the lead agency must also determine the threshold of significance for the project. (See *Id.* at p. 6.) It should be noted that the State Lands Commission recently stated in a draft Environmental Impact Report for the Venoco Ellwood Oil Development and Pipeline Project determined that a project would be considered having a significant impact if its GHG emissions have a net increase over the baseline. Because of the severity of the global warming problem as the result of cumulative GHG emissions worldwide, the State Lands Commission's Draft EIR concludes that the zero-threshold approach appears to be the most scientifically supportable of the options.¹

The Draft EIR failed to establish a baseline or establish the threshold of significance. As such the Draft EIR fails to comply with the requirements of CEQA. OPR's Technical Advisory cautions lead agencies that GHG emissions should not be dismissed without substantial evidence to support the decision.

Lead agencies should not dismiss a proposed project's direct and/or indirect climate change impacts without careful consideration, supported by substantial evidence. Documentation of available information and analysis should be provided for any project that may significantly contribute new GHG emissions, either individually or cumulatively, directly or indirectly (e.g. transportation impacts). (*Id.*)

In the present situation, Rocklin's analysis does in fact dismiss the project's GHG emission without any substantial evidence. The Draft EIR appears to rely a "qualitative" threshold approach instead of a quantitative approach. (See CEQA Guidelines section 15064.7.) The Draft EIR, however, fails to establish a significant threshold – either qualitative or

¹ The State Lands Commission's Draft Environmental Impact Report is available on line at:

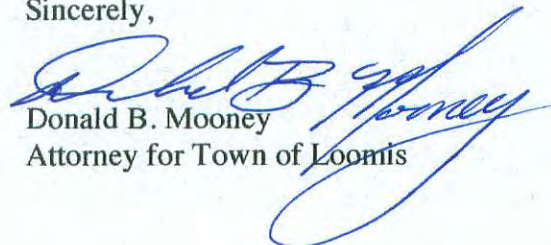
http://slc.ca.gov/Division_Pages/DEPM/DEPM_Programs_and_Reports/Venoco_Santa_Barbara/Venoco_Santa_Barbara.html

quantitative. The EIR clearly states that a quantified significance threshold is not used for the project. The Draft EIR argues that the basis for failing to establish a quantified significance threshold is that there exists no standardized methodology. Neither case law nor CEQA, however, indicate that there must be a statewide, or even region-wide, threshold of significance before an agency may include it in an EIR analysis. The absence of a statewide standard or methodology does not relieve Rocklin of its obligations under CEQA Guidelines, section 15064.7. CEQA does not provide standards or requirements for analyzing most pollutants, whether they are air pollutants, water pollutants, etc. That is why CEQA requires lead agencies to adopt thresholds of significance. (See CEQA Guidelines, § 15064.7(a).)

The Draft EIR relies upon a “comparison” approach to determine whether the Project is consistent with the Climate Action Team (“CAT”) Report to the Governor, then any impact would be considered less than significant. The qualitative approach is generally used for a significance determination for matters such as odors and aesthetics. Determining significance and measuring impacts of GHG emissions is much different than evaluating impacts to odor and aesthetics. An agency cannot readily quantify odor or aesthetics, so a qualitative approach would be appropriate, as a determination of significance cannot be measured through a quantitative analysis. The view or odor is impacted based some qualitative value. Not so for GHG emissions or other pollutant that can be measured and evaluated.

The Draft EIR concludes that if the Project follows certain provisions of the CAT Report, then there would be no significant impact. It does not explain how this is a qualitative approach. Instead it is a “comparison approach” with no way to measure or evaluate the actual impacts. Moreover, the CAT Report deals with the measures to reduce GHG emissions for existing projects. The CAT Report provides strategies for emission reduction of existing GHG emissions. The project will result in additional GHG emissions. The quantity of the additional GHG emissions, may be lower due to following the recommendations of the CAT Report, but there will be an increasing in GHG emission. Thus, the Draft EIR’s analysis contains a fundamental flaw in the GHG analysis. The project will result in an increase in GHG emissions, not a reduction. As a result, the public cannot measure or evaluate what will be the project’s contribution to GHG emissions, only that it may be less than it otherwise would have been several years ago.

Sincerely,


Donald B. Mooney
Attorney for Town of Loomis

cc: Perry Beck

7-6
Cont.

MEMORANDUM

TO: David Mohlenbeck, City of Rocklin

From: Perry Beck, Town Manager
 Brian Fragio, Town Engineer

Date: September 8, 2009

Re: Comments on Draft Environmental Impact Report for Rocklin Commons Project

We have reviewed the Draft Environmental Impact Report (DEIR) on the proposed Rocklin Commons commercial project to be built on Granite Drive at Sierra College Blvd. Following are issues that Loomis continues to have with this project:

TRANSPORTATION AND CIRCULATION: the lanes on Sierra College Blvd from I-80 to Taylor Road should be 6 lanes. Top bullet Pg 4-114 indicates 6 lanes to the “south of Taylor Road.” The 6 lanes should run to the railroad tracks and for the cumulative solution, continue to Bankhead Road approximately 1/4th mile past the railroad tracks. On page 4-115 (top paragraph) it is noted that improvements are dependent on money being available. Money should be identified before the project is approved, especially since this project is one of many cumulative projects (see pg 6-5 Table 6.1) in Rocklin along the Sierra College Blvd corridor from Rocklin Road to Clover Valley Parkway. On Pg 4-123 under existing level there is no mention made that Loomis traffic is composed mainly of traffic generated outside of Loomis (Fehr & Peer report for Loomis General Plan 1998) and Loomis would suggest mainly from Rocklin due to impacts from cumulative Rocklin projects (see Pg 6-5 for listing).

7-7A

7-7B

7-7C

The transportation and circulation review is deficient because the cumulative effects are still not being considered and so Rocklin City or Rocklin developers are not mitigating the effects that Rocklin development is causing in Loomis. That Rocklin is having an effect in Loomis is not really subject to dispute, for instance consider the population growth in the respective jurisdictions:

7-7D

POPULATION CHANGES (California Department of Finance)								
	2000	growth	2003	growth	2006	growth	2009	overall growth
Rocklin	36,330	27%	46,153	11%	51,241	7%	54,754	51%
Loomis	6,260	2%	6,364	2%	6,522	2%	6,677	7%
Difference	30,070		39,789		44,719		48,077	

7-7E

Rocklin traffic is obviously growing and has been, and will be, impacting Loomis. This is dismissed on Pg 4-129 (bottom paragraph) where it is noted that Rocklin does not subscribe to the notion of cumulative effects. Thus every project Rocklin evaluates, including Rocklin Commons, falls below a 5% impact threshold that Rocklin determines as having zero or limited environmental effects or Rocklin simply leaves mitigation of the effects to Loomis but wants Loomis to mitigate in a manner specified by Rocklin. Rocklin does this while failing to acknowledge that it is the growth of Rocklin over the past 10 years, equivalent of 3 entire Towns of Loomis, has had any effect on Loomis. This refusal to look critically at cumulative effects leads to bizarre conclusions like the idea that the Sierra College Blvd / Taylor Rd intersection is presently at LOS C in AM peak hour and LOS D in PM peak hour or that Horseshoe Bar Road/Taylor Rd intersection is presently LOS E in AM peak and LOS F in PM peak.(pg 4-125) without any further analysis as to why that may be the case today. It certainly wasn't like that 10 years ago as noted in the following chart:

7-7E
Cont.

LOS CHANGES AT KEY LOOMIS INTERSECTIONS BETWEEN 1998 AND 2008								
(1998 findings from Fehr & Peer traffic circulation study for Loomis General Plan)								
					Pgs 4-125 & 126		Pgs. 4.149 & 150	
					EXISTING		EXISTING PLUS	
		1998 LOS		2008 LOS		APPROVED PROJEC		
		AM	PM	AM	PM	AM	PM	
Sierra College Blvd / Taylor Rd	C	C		C	D	D	F	
Sierra College Blvd / Brace Rd	n/a	n/a		A	B	B	D	
Horseshoe Bar Rd / Taylor Rd	C	B		E	F	D	E	
Barton Rd / Brace Rd	n/a	n/a		C	C	C	C	
Barton Rd / Rocklin Rd	n/a	n/a		C	B	C	B	
Sierra College Blvd / King Rd	A	A		A	A	A	C	
Taylor Rd / King Rd	D	C		C	C	C	C	
Note: Taylor / King was not signalized in 1998								
Existing plus approved projects includes Rocklin Commons and other Rocklin projects								

Another way to look at the cumulative effects of traffic impacts is the Volume to Capacity Ratio (V/C Ratio).

VOLUME TO CAPACITY RATIO (V/C RATIO)			
(ratio of 1.0 means road at capacity, <than 1.0 is better and > than 1.0 is worse)			
		Pg 4-127	Pg 4-151
		EXISTING	EXISTING PLUS
	1998 V/C	2008 V/C	APPROVED PROJEC
	RATIO	RATIO	
Sierra College Blvd: Taylor Rd to I-80	0.54	1.17	1.57
Sierra College Blvd: King Rd to Taylor Rd	0.32	0.70	0.97
Horseshoe Bar Rd: I-80 to Brace	0.23	0.41	0.41
Barton Rd: Rocklin Rd to Brace Rd	0.07	0.22	0.24
Rocklin Rd: Sierra College to Barton Rd	0.20	0.35	0.46
Taylor Rd: King Rd to Horseshoe Bar Rd	0.92	1.14	1.23
Taylor Rd: Horseshoe Bar Rd to Sierra Co	0.70	0.71	0.80
Note: Sierra College (King to Taylor) is an average of two segments in 1998 study			

7-7E
Cont.

The point is that Rocklin Commons, along with all the other Rocklin projects noted on Pg 6-5 Table 6.1, are having a deleterious affect on Loomis streets and the City of Rocklin and their developers should pay their share of Loomis road and other mitigations. It is instructive to note that 43% of the listed streets having “unsatisfactory LOS” are in Loomis Pg 4-153 and that of the 8 streets that will exceed their capacity (V/C ratio) 50% are in Loomis and if the portion of Sierra College Blvd from Taylor to I-80 that is in Loomis is added, the streets exceeding capacity in Loomis rise beyond 50% Pg 4-154. Since Loomis doesn’t have but one project on Sierra College Blvd (Homewood Lumber Relocation) can there be any doubt that Rocklin development is impacting Loomis streets? Even by the findings of the Rocklin Commons DEIR?

7-7F

TRAFFIC MITIGATION PROVISIONS: beginning at Pg 4-161 the DEIR identifies mitigation measures for various traffic impacts. Mitigation measures TC-2 Pg 4-162, TC-3 Pg 4-163, TC-4 Pg 4-163, TC-6 Pg 4-165 indicate that “In order to implement this measure, the project applicant shall attempt, in good faith, to enter into an agreement with the Town of Loomis by which the applicant either shall be responsible for constructing the improvements at issue or shall provide to the Town of Loomis with funding in an amount equal to the agreed upon estimated cost of the improvements.” This does not appear to be a defined mitigation measure as called for in CEQA. It is refreshing to find that the Rocklin Commons DEIR acknowledges that the Rocklin Commons has a responsibility to mitigate its share of the affects on Loomis, however the remedy for the affect has not been agreed on by Loomis and the remedy that is needed is one that will address all the impacts of all the projects (see Pg 6-5 Table 1 for a list of projects). Rocklin should not be approving any projects until that is determined

7-8

On Page 4-168 the DEIR discusses the impacts of traffic mitigation measures and makes the point that “...an EIR’s discussion of traffic mitigation is adequate if it explains how the fee program will address the impact. (Save Our Peninsula Committee, 87 Cal,App.4th at p. 141.) This doesn’t really get to what the mitigation is, who has agreed that the

mitigation is satisfactory (painting lines on streets in Loomis, Pg 4-162 Mitigation Measure TC-2 is not acceptable) and what the agreed upon cost is so a fee can be established and spread among projects. Loomis believes that Rocklin needs to require real mitigations in Loomis. Further that the Loomis mitigations need to be built or paid for by Rocklin Commons and the other Rocklin developers along the Sierra College Blvd corridor and in other Loomis areas according to mitigation measures specified by Loomis (*Woodward Park Homeowners Association, Inc. v. City of Fresno* (2007) 150 Cal.App[.4th 683, 58 Cal.Rptr.3d 102.) Loomis further believes that if the Rocklin developers do not pay, then the City of Rocklin should pay to mitigate the traffic problems that its development policies are causing in Loomis (*City of Marina et al. v. Board of Trustees of the California State University* (2006) 39 Cal.4th 341, 46 Cal.Rptr.3d 355.)

7-8
Cont.

CUMULATIVE IMPACTS: beginning at PG 6-52 the DEIR discusses cumulative transportation and circulation impacts.

- Pg 6-52 bottom paragraph reference is made to “anticipated fee programs”. Loomis would request what those fee programs are and how much Loomis is expected to receive for mitigations in Loomis. Base that information Loomis cannot tell if the fees will pay for the mitigations that Loomis will require.
- Pg 6-53 Paragraph 1 Rocklin Whitney Ranch project (1,427 homes) is mentioned as a recently approved project but is not mentioned on page 6-5 Table 6-1 as one of the cumulative projects or a project for air quality analysis.
- Pg 6-62 notes in one list that 7 of 11 streets that will operate at an unsatisfactory LOS in 2025 are in Loomis; and in another list that 3 of 5 streets that will not operate within their daily roadway capacities are in Loomis. The question is what cumulative mitigation plan is going to keep this from happening? That question is not answered in the Rocklin Commons DEIR.
- Pg 6-63 notes in one list that 3 of 5 intersections that will operate at unsatisfactory LOS are in Loomis; and in another list that 3 of 5 road segments that will operate with unsatisfactory LOS are in Loomis. The question is what cumulative mitigation plan is going to keep this happening? That question is not answered in the Rocklin Commons DEIR.
- Pg 6-74 notes in CI-5 that Rocklin has no way to ensure that Loomis will cooperate with the applicant to paint Loomis streets as a mitigation measure so as to render a road impact as less than significant. So Rocklin concludes that the impact is significant and unavoidable. This is not true. If Rocklin does a mitigation approved by Loomis then the impact can be mitigated to a less than significant level. Neither Rocklin nor the applicant has met with Loomis to develop a suitable mitigation and cost. This continues for CI-6 Pgs 6-74 and 6-75; CI-9 Pgs 6-95 and 6-96; CI-11 Pgs 6-96 & 6-97; and CI-12 Pgs 6-97 & 6-98

7-9

7-10

7-11

7-12

7-13

- Pg 6-75 Mitigation Measure CI-6 notes that the applicant will pay its fair share to signalize the intersection of Rocklin Road and Barton. This is a project identified in the Loomis General Plan (Pg 91 Figure 4-5). The measure goes on to say that Rocklin is hopeful, though not certain, that Loomis will agree to install the improvements. Loomis wouldn't know what to agree to because Loomis and Rocklin do not have a global solution to the issues of traffic impacts that the Rocklin developments are having in Loomis and the cost thereof. Loomis can agree to a mitigation measure if it agrees to what the measure is and knows where all the money will come from, not just some of the money that might, for instance, come from Rocklin Commons. If Loomis were to depend on only some amount of money from Rocklin Commons, the DEIR does not indicate how much or when it is to be paid, then there may never be enough money to do the necessary improvement and the impact would never be mitigated. This would circumvent the requirements of CEQA.

7-14

In conclusion the Town requests that Rocklin not approve the Rocklin Commons DEIR until Rocklin and Loomis officials develop a comprehensive solution to the traffic and other impacts that developers in Rocklin are causing in Loomis.

7-15

MEMO

TO: Perry Beck, City Manager
FROM: Tony Daysog, Senior Associate, ADE
DATE: September 8, 2009
RE: Loomis Peer Review: Rocklin Commons

KEY POINT

- CBRE overstates spending in the primary and secondary market areas in several ways.
- When estimating spending by consumers in the region, CBRE employs a per capita spending ratio that corresponds to persons in households with average incomes of \$98,490 (Primary Market Area) or \$97,560 (Secondary Market Area). CBRE should apply these ratios only to households and/or persons earning more than \$100,000. For persons and households in other income brackets, CBRE should employ spending ratios appropriate to those brackets.
- In effect, CBRE is arguing that *everyone* in the PMA/SMA earns at least \$97,560 and spends in a fashion similar to how persons in households earning almost \$100,000 spend. While it is true that household incomes in the PMA and Placer County generally are higher than incomes elsewhere in the region and state, it is important to remember that not every person or household earns \$97,560 or \$98,490 and spends at levels commensurate to this income.
- CBRE identifies potential impacts of \$8.5 million via its methodology on home furnishings and appliance stores but it does not specify within the market area as to how these impacts will be distributed, as required.
- ADE shows that there is no current and future leakage in the food store category, meaning that Loomis' Raley could shutter because of impacts stemming from the project. *At a minimum*, Raley's is projected to lose 9.5 percent of sales, according to ADE.
- Officials must consider the minimum 9.5 percent impact as *on top of any decline in sales* stemming from the prolonged downturn in the economy that is expected to continue well into 2010. As a reminder of difficulties experienced by food stores in the region, there are two large vacancies in the nearby area that were once occupied by grocery stores, namely Albertson's and Grocery Outlet. The former site has been vacant for several years.
- Raley's might not be able to recover from a potential loss of over \$2 million in sales, as supermarkets are low-margin operations to begin with. In addition to job losses, the Town of Loomis would lose an estimated \$133,000 a year in sales tax in the

7-16



event Raley's closed. Local officials should keep a watchful eye on the situation, as the closure of a supermarket such as Raley's could lead to situation of urban decay.

7-16
Cont.

INTRODUCTION

The Town of Loomis is concerned about a regional shopping center that the nearby City of Rocklin is considering, called Rocklin Commons. Loomis officials need to understand what fiscal and economic impacts, if any, this project will have on Loomis. In particular, officials need to know if impacts stemming from Rocklin Commons could trigger urban decay in the Town of Loomis. As important, officials need to understand if the economic analysis prepared by CBRE for the Rocklin Crossing's adequately treats the question of urban decay, particularly as this relates to Loomis. On behalf of the Town of Loomis, ADE reviewed CBRE's Rocklin Commons urban decay impact analysis to determine if CBRE understates impacts to existing businesses, particularly those in Loomis.

7-17

The outline below addresses the substantive issues that ADE analyzed with respect to CBRE's Rocklin Commons economic analysis. Before we begin the discussion below, we first review broad demographic trends in the CBRE report, as these trends are also the basis of ADE's analysis.

1. Overview of demographic trends and projections
2. Analyze methodology employed by CBRE is estimating consumer household demand / Discuss drawbacks to "per capita" approach
3. Run ADE Retail Model to calculate household demand
4. Compare ADE and CBRE leakage/urban decay impact analyses

SECTION 1. OVERVIEW OF DEMOGRAPHIC TRENDS AND PROJECTIONS

As indicated in Table 1 below, there were approximately 57,742 people in 2006 in the primary market area (PMA) consisting of the Town of Loomis and the City of Rocklin. In the secondary market area (SMA) consisting of Auburn and unincorporated parts of Placer County to the east of the PMA and around Auburn, there were 61,533 people in 2006. In all, the PMA/SMA comprised of 119,275 people.

TABLE 1



EXISTING CONDITION AND PROJECTIONS, 2006-2018: POPULATION TRENDS: CBRE

Population	2006	2013	2018	06-13	13-18	06-13	13-18
Rocklin	50,789	54,717	57,708	3,928	2,991	1.1%	0.8%
Loomis	6,953	7,491	7,901	538	410	1.1%	0.8%
<i>Primary Market Area Sub-Total</i>	<i>57,742</i>	<i>62,208</i>	<i>65,609</i>	<i>4,466</i>	<i>3,401</i>	<i>1.1%</i>	<i>0.8%</i>
Auburn	13,942	14,891	15,537	949	646	0.9%	0.6%
Unincorporated Areas	47,591	49,787	51,911	2,196	2,124	0.6%	0.6%
<i>Secondary Market Area Sub-Total</i>	<i>61,533</i>	<i>64,678</i>	<i>67,448</i>	<i>3,145</i>	<i>2,770</i>	<i>0.7%</i>	<i>0.6%</i>
Total	119,275	126,886	133,057	7,611	6,171	0.9%	0.7%

Source: CBRE, "Chapter 5.0 Economic and Urban Decay", Exhibit 6

Between 2006 and 2013, the PMA will grow by approximately 0.9 percent per year, from 119,275 to 126,886. The PMA will grow annually by 1.1 percent, whereas the SMA will grow slower at 0.7 percent per year. Data in the table below come directly from the report prepared by CBRE.

We include the above table because it serves as the basis of ADE's analysis. Whereas CBRE's consumer spending analysis is based on per capita spending, ADE's consumer spending analysis is based on spending by households. Thus, ADE translates the number of persons in Table 1 into households in Table 2 below. There are approximately 45,545 in the PMA/SMA region, of which 22,188 reside in the PMA and 23,357 in the SMA. The region will grow by over 3,000 households between 2006 and 2013, from 45,545 to 48,367, for a 0.9 percent per year growth rate.

7-17
Cont.

**TABLE 2
EXISTING CONDITION AND PROJECTIONS, 2006-2018: HOUSEHOLD TRENDS: BASED ON CBRE POPULATION**

Households	2006	2013	2018	06-13	13-18	06-13	13-18
Rocklin	19,854	21,326	22,443	1,472	1,118	1.0%	0.7%
Loomis	2,334	2,524	2,669	190	145	1.1%	0.8%
<i>Primary Market Area Sub-Total</i>	<i>22,188</i>	<i>23,850</i>	<i>25,112</i>	<i>1,662</i>	<i>1,263</i>	<i>1.0%</i>	<i>0.7%</i>
Auburn	6,192	6,561	6,837	369	277	0.8%	0.6%
Unincorporated Areas	17,165	17,957	18,723	792	766	0.6%	0.6%
<i>Secondary Market Area Sub-Total</i>	<i>23,357</i>	<i>24,518</i>	<i>25,560</i>	<i>1,161</i>	<i>1,043</i>	<i>0.7%</i>	<i>0.6%</i>
Total	45,545	48,367	50,673	2,822	2,306	0.9%	0.7%

Source: ADE, Inc., based on CBRE, "Chapter 5.0 Economic and Urban Decay", Exhibit 6 (population), US Census 2000 SF1 P1 and P15 (2000 households), and SACOG-CBRE annual population growth 2005-2035

SECTION 2. CBRE'S METHODOLOGY FOR ESTIMATING CONSUMER HOUSEHOLD DEMAND/SPENDING

The CBRE employs a per capita approach to estimate consumer spending in the PMA and SMA. The per capita ratio is based on retail sales in a comparison area consisting of El Dorado, Placer, Sacramento, Sutter, Yolo, and Yuba Counties. Retail sales for these counties come from California Board of Equalization (BOE).¹ CBRE calculates the per capita ratio

7-18

¹CBRE, "Chapter 5.0 Economic and Urban Decay", Section IV, page 13



by placing BOE sales data in the numerator and, in the denominator, the population of the comparison area. Per capita figures are calculated for each store type. The store type per capita figure is then multiplied against the total number of persons in the PMA and/or SMA. It is important to note that Sacramento, El Dorado, and Placer Counties are all situated on major thoroughfares on which tourists travel year-around to get from all parts of California (particularly the San Francisco Bay Area) to Lake Tahoe. The increased visitor spending in these areas tends to inflate retail spending. Thus, the per-capita figure employed by CBRE represents spending not just by persons living in the PMA/SMA. In using the per capita approach, CBRE risks over-stating spending unless visitor-spending is somehow controlled.

Consumer spending in the PMA/SMA is in the table below. Data in columns "a" and "b" come from CBRE's report. By dividing these two columns, we generate the figures in column "c", which in each case (more or less) equates to the total number of persons in the PMA, or roughly 57,742, an exercise that confirms that CBRE employs the per capita approach.

TABLE 3
EXISTING CONDITIONS: CBRE'S PRIMARY AND SECONDARY MARKET HOUSEHOLD SPENDING, 2006-2013-2018

	[a] PMA Aggregate Spending	[c] PMA Per Capita Spending Ratio Based on Spending Habits of \$98,490 Household Income	[c] Number of Persons: Check	[d] SMA Aggregate Spending	[e] PMA Per Capita Spending Ratio Based on Spending Habits of \$97,560 Household Income	[f] Number of Persons: Check
Apparel Stores	\$32,272,061	\$559	57,732	\$34,174,132	\$555	61,575
General Merchandise Stores	\$136,667,988	\$2,367	57,739	\$144,685,851	\$2,351	61,542
Food Stores	\$166,106,542	\$2,877	57,736	\$176,432,906	\$2,867	61,539
Eating and drinking places	\$95,259,785	\$1,650	57,733	\$100,795,432	\$1,638	61,536
Home furnishings and appliances	\$37,290,007	\$646	57,724	\$39,489,470	\$642	61,510
Bldg. materials and farm implements	\$101,151,087	\$1,752	57,735	\$106,951,045	\$1,738	61,537
Auto dealers and auto supplies	\$174,751,855	\$3,026	57,750	\$184,870,834	\$3,004	61,542
Service stations	\$88,774,503	\$1,537	57,758	\$94,005,599	\$1,528	61,522
Other retail stores	\$140,037,091	\$2,425	57,747	\$148,512,660	\$2,414	61,521
Total	\$972,310,919	\$16,839	57,742	\$1,029,917,929	\$16,738	61,532

Source: CBRE, "Chapter 5.0 Economic and Urban Decay", Exhibit 11 and 13

It is important to note that CBRE's store type per capita spending ratio corresponds to persons in households with average incomes of \$98,490 (PMA) or \$97,560 (SMA). In effect, CBRE is arguing that *everyone* in the PMA/SMA earns at least \$97,560 and spends in a fashion similar to how persons in households earning almost \$100,000 spend. While it is true that (per the US Census) household incomes in the PMA and Placer County are higher



generally than incomes elsewhere in the region and state, not every person or household earns at least \$97,560 and/or spends at levels commensurate to this income.²

In addition to potentially overstating spending by consumers in the region, another drawback in the use of the per capita figure is that it does not take into account changes in the demographic composition of persons and households in the region, and how this composition changes over time. Nationally and across California, a major issue involves aging of the so-called “baby boomer” generation. The per capita model employed by CBRE does not capture this trend. As more adults enter retirement age in historic proportions, demand for certain goods will decline and advance for others. As it is, every year, the United States Bureau of Labor Statistics (“US BLS”) surveys over 100,000 persons to gain insights on inflation and spending trends, and one of the key findings from analyses of these surveys is that spending differs by income, age, and ethnicity, among other variables. Young adults spend their money on different items than senior citizens. Higher income people have more discretionary income to afford and purchase many more items relative to lower-income households, who focus their spending on day-to-day staples.

7-18
Cont.

SECTION 3. ADE RETAIL ANALYSIS

Basing its analysis on consumer household spending data issued by US BLS, Applied Development Economics (“ADE”) presents a more robust methodology for estimating spending in over fifty specific retail and services store types. ADE utilizes US BLS data in several ways. First, ADE takes data directly from US BLS reports. Second, using US BLS dataset, ADE distinguishes spending by broad ethnic categories of “Not Latino” and “Latino” households, so as to develop spending estimates that better reflect the demographic profile of areas and regions whose spending we are estimating. Moreover, ADE isolates on spending by age of householders. Table 4 organizes household in region income and age. Our analysis also organizes the baseline dataset by the two broad ethnic categories, which we did not include in the table below because of space limitation. We also take into account changing composition of households by age over time, factoring in death rates and age/income of new-comer households into the market area.

7-19

²In fact, these averages might not be the right ones to use to begin with. Appendix A identifies household incomes per the US Census. Census 2000 income figures are adjusted for inflation, so as to compare 2000 Census data with 2006 Census data from the American Community Survey (ACS). According to US Census ACS 2006, the average household income in Placer County is \$89,295. The average for Roseville is \$86,473, whereas average income for Placer County outside of Roseville is \$90,813. The US Census ACS has not issued 2006 data for Loomis and or Rocklin. For purposes of analysis, we insert (in italics in Appendix A) the \$98,490 figure used by CBRE in Appendix A. For \$98,490 to be correct, average household income would have grown by 1.78 percent annually between 2000 and 2006. Yet, actual data from the Census 2000 and ACS 2006 shows income growing annually at 0.10 percent, 0.43 percent and 0.41 percent for the County, Roseville, and County-less-Roseville between 2000 and 2006, suggesting that the \$98,490 figure for the PMA is too high.



**TABLE 4
PRIMARY AND SECONDARY MARKET HOUSEHOLDS BY AGE OF HOUSEHOLDER AND HOUSEHOLD INCOME: 2006-2013-2018**

	Total Market 2006					Total Market 2013					Total Market 2018				
	1,891	6,451	29,069	8,133	45,545	2,422	4,304	31,120	10,521	48,367	1,653	3,738	33,967	11,315	50,673
	Primary Market Area, 2006					Primary Market Area, 2013					Primary Market Area, 2018				
					Primary 2006 Total					Primary 2013 Total					Primary 2018 Total
	<25	25-34	35-64	>65		<25	25-34	35-64	>65		<25	25-34	35-64	>65	
Less than \$10,000	65	38	294	117	514	80	17	313	149	560	57	9	318	215	600
\$10,000 to \$14,999	84	45	229	314	671	106	22	228	453	809	67	12	220	494	794
\$15,000 to \$19,999	98	33	198	273	601	114	18	191	373	696	59	10	198	414	681
\$20,000 to \$24,999	93	96	332	241	761	107	49	336	338	830	43	28	326	356	753
\$25,000 to \$29,999	54	86	292	223	655	56	43	284	291	675	21	24	272	311	627
\$30,000 to \$34,999	87	63	306	200	656	96	31	297	271	695	37	38	305	310	691
\$35,000 to \$39,999	59	188	333	232	812	66	111	344	327	849	36	67	340	332	775
\$40,000 to \$44,999	96	164	268	143	671	112	77	264	185	639	70	43	255	203	572
\$45,000 to \$49,999	93	115	312	127	647	121	56	303	178	658	95	31	291	226	642
\$50,000 to \$59,999	101	226	791	268	1,385	133	111	764	376	1,385	101	61	732	440	1,334
\$60,000 to \$74,999	120	342	1,248	299	2,009	150	170	1,216	430	1,966	86	245	1,473	633	2,438
\$75,000 to \$99,999	56	802	2,581	636	4,076	70	552	2,829	973	4,424	34	494	3,177	1,045	4,750
\$100,000 to \$124,999	3	742	2,378	208	3,331	3	536	2,673	307	3,520	27	431	2,937	330	3,724
\$125,000 to \$149,999	72	469	1,411	78	2,029	100	342	1,630	115	2,187	63	243	1,844	130	2,280
\$150,000 to \$199,999	0	185	1,019	89	1,293	0	129	1,182	123	1,434	29	156	1,639	157	1,981
\$200,000 or more	80	247	1,612	137	2,076	111	202	2,006	204	2,524	70	124	2,068	207	2,469
PMA Sub-Tot	1,162	3,840	13,602	3,584	22,188	1,425	2,467	14,862	5,096	23,850	895	2,018	16,395	5,804	25,112
	Secondary Market Area, 2006					Secondary Market Area, 2013					Secondary Market Area, 2018				
					Secondary 2006 Total					Secondary 2013 Total					Secondary 2018 Total
	<25	25-34	35-64	>65		<25	25-34	35-64	>65		<25	25-34	35-64	>65	
Less than \$10,000	65	35	487	308	895	83	17	491	317	908	56	10	486	338	889
\$10,000 to \$14,999	58	81	362	498	1,000	80	44	351	573	1,048	58	27	337	540	962
\$15,000 to \$19,999	60	50	452	340	901	77	26	442	404	948	48	15	442	402	907
\$20,000 to \$24,999	88	120	396	285	890	108	67	394	347	916	42	44	382	330	797
\$25,000 to \$29,999	81	160	526	342	1,108	89	87	512	386	1,074	30	50	494	367	941
\$30,000 to \$34,999	77	141	547	255	1,020	91	76	538	300	1,004	36	66	543	308	954
\$35,000 to \$39,999	39	155	546	284	1,024	46	98	546	352	1,042	31	63	532	323	949
\$40,000 to \$44,999	53	193	528	269	1,044	69	102	515	293	980	59	60	497	277	892
\$45,000 to \$49,999	52	221	499	258	1,030	78	118	481	297	974	81	69	460	311	920
\$50,000 to \$59,999	35	241	1,067	334	1,677	63	123	1,026	398	1,610	79	70	982	416	1,547
\$60,000 to \$74,999	26	301	1,767	394	2,487	50	156	1,694	461	2,361	57	242	1,921	605	2,825
\$75,000 to \$99,999	36	353	2,505	425	3,319	50	314	2,668	603	3,635	27	372	2,987	605	3,990
\$100,000 to \$124,999	25	214	1,923	243	2,405	27	248	2,157	301	2,733	33	276	2,412	288	3,009
\$125,000 to \$149,999	17	131	1,104	119	1,372	40	158	1,274	141	1,613	43	144	1,474	139	1,800
\$150,000 to \$199,999	4	96	1,171	90	1,360	4	77	1,283	111	1,475	30	128	1,712	136	2,006
\$200,000 or more	15	119	1,586	104	1,824	41	127	1,887	141	2,197	47	86	1,909	129	2,172
SMA Sub-Totals	729	2,611	15,467	4,549	23,357	997	1,837	16,258	5,425	24,518	758	1,720	17,572	5,511	25,560

7-19
Cont.

Source: ADE, Inc., based on US Census 2000 SF3 P55 and PCT72H (baseline distribution of households by income and age); US Census American Community Census 2006 B19037 (distribution of new households between 2000-2006 by income and age); California Statistical Abstract, Table E-2 (annual deaths by age); CBRE (population and households PMA/SMA: 2000, 2006, 2013, and 2018); US Bureau of Labor Statistics (annual inflation 1999-2006).



Table 5 summarizes data in Table 4, particularly with respect to how the total number of households according to age brackets changes over time. As demonstrated in the table, households older than 65 represent 8,133 out of a total of 45,545 households right now, or 17.8 percent. By 2013 and 2018, these households will represent 21.7 and 22.3 percent of the total, or 10,521 out of 48,367 and 11,315 out of 50,673. Demographic shifts such as aging of the population have ramification with respect to amount of spending in the future, and because CBRE does not take into account these shifts, it further risks over-stating current and future consumer spending.

7-19
Cont.

TABLE 5
SUMMARY OF CHANGE IN HOUSEHOLDS, 2003-2018 BY AGE OF HOUSEHOLDERS

	<25	25-34	35-64	>65	Total
Annual P 2013-2018 Percentage Change	-5.3%	-2.0%	1.3%	1.0%	0.7%
Change, 2013-2018	-769	-566	2,846	795	2,306
Annual P 2006-2013 Percentage Change	3.6%	-5.6%	1.0%	3.7%	0.9%
Change, 2006-2013	531	-2,147	2,051	2,388	2,822
2018	1,653	3,738	33,967	11,315	50,673
2013	2,422	4,304	31,120	10,521	48,367
2006	1,891	6,451	29,069	8,133	45,545

Source: ADE, Inc.

SECTION 4. COMPARISON OF ADE/CBRE SALES LEAKAGE AND URBAN DECAY IMPACTS ANALYSES

ADE places total household spending in the PMA and SMA at \$1,105,978,636 in 2006 (see Table 6). Because CBRE conducts its impact analysis using 2013 dollars, we translate Table 6 in year 2006 dollars to year 2013 dollars in Table 7. Thus, \$1,105,978,636 in 2006 dollars is equivalent to \$1,470,770,178 in year 2013 dollars. According to CBRE, total PMA/SMA spending amounts to \$2,626,811,405 (2013 dollars).

TABLE 6
EXISTING CONDITIONS: PRIMARY AND SECONDARY MARKET HOUSEHOLD SPENDING, 2006: ADE VS. CBRE

	PMA Aggregate Spending, ADE	SMA Aggregate Spending, ADE	Total Aggregate Household Spending, ADE: 2006	PMA Aggregate Spending, CBRE	SMA Aggregate Spending, CBRE	Total Aggregate Household Spending, CBRE: 2006
Apparel Stores	\$24,703,918	\$23,091,135	\$47,795,053	\$32,272,061	\$34,174,132	\$66,446,193
General Merchandise Stores	\$93,292,932	\$92,084,542	\$185,377,474	\$136,667,988	\$144,685,851	\$281,353,839
Food Stores	\$100,969,238	\$101,375,988	\$202,345,226	\$166,106,542	\$176,432,906	\$342,539,448
Eating and drinking places	\$62,095,775	\$58,826,237	\$120,922,011	\$95,259,785	\$100,795,432	\$196,055,217
Home furnishings and appliances	\$24,022,629	\$23,192,909	\$47,215,538	\$37,290,007	\$39,489,470	\$76,779,477
Bldg. materials and farm implements	\$27,427,117	\$27,154,080	\$54,581,198	\$101,151,087	\$106,951,045	\$208,102,132
Auto dealers and auto supplies	\$121,144,375	\$112,112,941	\$233,257,316	\$174,751,855	\$184,870,834	\$359,622,689
Service stations	\$63,817,931	\$61,623,555	\$125,441,486	\$88,774,503	\$94,005,599	\$182,780,102
Other retail stores	\$44,894,454	\$44,148,880	\$89,043,334	\$140,037,091	\$148,512,660	\$288,549,751
Total	\$562,368,368	\$543,610,268	\$1,105,978,636	\$972,310,919	\$1,029,917,929	\$2,002,228,848

Source: ADE, Inc., based US BLS, households distributed per Table 7, and CBRE (Exhibits 11 and 13)

7-20



TABLE 7
FUTURE PROJECTIONS: PRIMARY AND SECONDARY MARKET HOUSEHOLD SPENDING, 2013: ADE VS. CBRE (\$2013)

	PMA Aggregate Spending, ADE	SMA Aggregate Spending, ADE	Total Aggregate Household Spending, ADE: 2013	PMA Aggregate Spending, CBRE	SMA Aggregate Spending, CBRE	Total Aggregate Household Spending, CBRE: 2013
Apparel Stores	\$32,731,350	\$30,595,008	\$63,326,358	\$42,874,832	\$44,297,700	\$87,172,532
General Merchandise Stores	\$125,608,917	\$121,928,483	\$247,537,400	\$181,574,975	\$187,546,839	\$369,121,814
Food Stores	\$135,563,906	\$133,577,996	\$269,141,903	\$220,686,583	\$228,698,476	\$449,385,059
Eating and drinking places	\$81,703,103	\$77,364,937	\$159,068,040	\$126,560,677	\$130,654,549	\$257,215,226
Home furnishings and appliances	\$32,490,104	\$30,869,834	\$63,359,938	\$49,542,926	\$51,187,626	\$100,730,552
Bldg. materials and farm implements	\$36,948,513	\$35,968,804	\$72,917,317	\$134,387,770	\$138,633,669	\$273,021,439
Auto dealers and auto supplies	\$162,132,721	\$149,928,959	\$312,061,680	\$232,172,612	\$239,636,013	\$471,808,625
Service stations	\$84,466,916	\$80,914,769	\$165,381,685	\$117,944,432	\$121,853,331	\$239,797,763
Other retail stores	\$59,852,980	\$58,122,877	\$117,975,857	\$186,051,113	\$192,507,282	\$378,558,395
Total	\$751,498,512	\$719,271,666	\$1,470,770,178	\$1,291,795,920	\$1,335,015,485	\$2,626,811,405

Source: ADE, Inc., based US BLS and CBRE

One way to test whether CBRE's estimates are too high is by dividing its "food store" spending of \$449,385,059 by the total number of households in the PMA/SMA and by 52 weeks, which results in \$189 per household per week. ADE's \$269,141,903 "food store" spending amounts to \$114 a week per household. In contrast, the average household on the West Coast spends \$91 a week on groceries, according to US BLS web-site.³ Across the United States, the US BLS reports that households earning at least \$100,000 spend \$123 a week on food, and those earning more than \$150,000 spend on average \$137 a week.⁴ This test shows that CBRE's per capita model over-states food store spending relative to the US BLS and ADE, and implies that the same holds true for most other retail categories. The important point to remember is that, in over-stating spending, CBRE runs the risk of over-estimating leakage, particularly in the food store category, and understating impacts to existing food stores.

In the tables below, we compare leakage analysis. We use the sales data generated by CBRE and compare our respective household spending figures, to estimate leakage by retail store types. In total, our analysis in Table 8 shows \$226,182,319 in leakage in year 2006 dollars. In stark contrast, CBRE shows \$789,999,041 in leakage. While both show leakage in general merchandise category, CBRE's amount is twice that of ADE's, at \$215,829,639 versus \$119,853,274. More importantly, we do not show any leakage in the food store category, whereas CBRE reports \$40,810,562 in leakage.

³<http://www.bls.gov/cex/2007/Standard/region.pdf> (food store spending = food at home, laundry/cleaning supplies, other household products, drugs @50%)

⁴ <http://www.bls.gov/cex/2006/Standard/higherincome.pdf>



**TABLE 8
EXISTING CONDITIONS: RETAIL SALES LEAKAGE 2006 (\$2006): COMPARISON OF ADE AND CBRE FINDINGS**

	ADE PMA Demand, 2006	ADE SMA Demand, 2006	ADE PMA/SMA Demand, 2006	CBRE PMA Retail Sales, 2006	CBRE SMA Retail Sales, 2006	CBRE Total Retail Sales, 2006	Sales Attraction PMA/SMA	Total Sales Leakage PMA/SMA
	\$562,368,368	\$543,610,268	\$1,105,978,636	\$638,214,389	\$585,461,751	\$1,223,676,140	\$343,879,824	\$226,182,319
Apparel Stores	\$24,703,918	\$23,091,135	\$47,795,053	\$15,887,000	\$3,403,427	\$19,290,427	\$0	\$28,504,626
General								
Merchandise Stores	\$93,292,932	\$92,084,542	\$185,377,474	\$29,507,722	\$36,016,478	\$65,524,200	\$0	\$119,853,274
Food Stores	\$100,969,238	\$101,375,988	\$202,345,226	\$157,366,667	\$144,362,219	\$301,728,886	\$99,383,660	\$0
Eating and drinking places	\$62,095,775	\$58,826,237	\$120,922,011	\$58,655,000	\$64,847,081	\$123,502,081	\$2,580,070	\$0
Home furnishings and appliances	\$24,022,629	\$23,192,909	\$47,215,538	\$74,269,000	\$13,956,810	\$88,225,810	\$41,010,272	\$0
Bldg. materials and farm implements	\$27,427,117	\$27,154,080	\$54,581,198	\$49,272,000	\$56,359,224	\$105,631,224	\$51,050,026	\$0
Auto dealers and auto supplies	\$121,144,375	\$112,112,941	\$233,257,316	\$60,020,000	\$95,412,897	\$155,432,897	\$0	\$77,824,419
Service stations	\$63,817,931	\$61,623,555	\$125,441,486	\$68,527,000	\$87,384,715	\$155,911,715	\$30,470,229	\$0
Other retail stores	\$44,894,454	\$44,148,880	\$89,043,334	\$124,710,000	\$83,718,900	\$208,428,900	\$119,385,566	\$0
	CBRE PMA Demand, 2006	CBRE SMA Demand, 2006	CBRE PMA/SMA Demand, 2006	CBRE PMA Retail Sales, 2006	CBRE SMA Retail Sales, 2006	CBRE Total Retail Sales, 2006	Sales Attraction PMA/SMA	Total Sales Leakage PMA/SMA
	\$972,310,919	\$1,029,917,929	\$2,002,228,848	\$638,214,389	\$585,461,751	\$1,223,676,140	\$11,446,333	\$789,999,041
Apparel Stores	\$32,272,061	\$34,174,132	\$66,446,193	\$15,887,000	\$3,403,427	\$19,290,427	\$0	\$47,155,766
General								
Merchandise Stores	\$136,667,988	\$144,685,851	\$281,353,839	\$29,507,722	\$36,016,478	\$65,524,200	\$0	\$215,829,639
Food Stores	\$166,106,542	\$176,432,906	\$342,539,448	\$157,366,667	\$144,362,219	\$301,728,886	\$0	\$40,810,562
Eating and drinking places	\$95,259,785	\$100,795,432	\$196,055,217	\$58,655,000	\$64,847,081	\$123,502,081	\$0	\$72,553,136
Home furnishings and appliances	\$37,290,007	\$39,489,470	\$76,779,477	\$74,269,000	\$13,956,810	\$88,225,810	\$11,446,333	\$0
Bldg. materials and farm implements	\$101,151,087	\$106,951,045	\$208,102,132	\$49,272,000	\$56,359,224	\$105,631,224	\$0	\$102,470,908
Auto dealers and auto supplies	\$174,751,855	\$184,870,834	\$359,622,689	\$60,020,000	\$95,412,897	\$155,432,897	\$0	\$204,189,792
Service stations	\$88,774,503	\$94,005,599	\$182,780,102	\$68,527,000	\$87,384,715	\$155,911,715	\$0	\$26,868,387
Other retail stores	\$140,037,091	\$148,512,660	\$288,549,751	\$124,710,000	\$83,718,900	\$208,428,900	\$0	\$80,120,851

Source: ADE, Inc., based on ADE Table CBRE Exhibits 11 and 13 (CBRE spending and retail sales)

7-20
Cont.



**TABLE 9
EXISTING CONDITIONS: RETAIL SALES LEAKAGE 2006 (\$2013): COMPARISON OF ADE AND CBRE FINDINGS**

	ADE PMA Demand, 2006 (\$2013)	ADE SMA Demand, 2006 (\$2013)	ADE PMA/SMA Demand, 2006 (\$2013)	CBRE PMA Retail Sales, 2006 (\$2013)	CBRE SMA Retail Sales, 2006 (\$2013)	CBRE Total Retail Sales, 2006 (\$2013)	Sales Attraction PMA/SMA (\$2013)	Total Sales Leakage PMA/SMA (\$2013)
	\$693,522,351	\$670,389,539	\$1,363,911,890	\$787,056,969	\$722,001,508	\$1,509,058,478	\$424,078,517	\$278,931,929
Apparel Stores	\$30,465,297	\$28,476,385	\$58,941,682	\$19,592,122	\$4,197,165	\$23,789,287	\$0	\$35,152,395
General Merchandise Stores	\$115,050,449	\$113,560,243	\$228,610,692	\$36,389,431	\$44,416,141	\$80,805,571	\$0	\$147,805,121
Food Stores	\$124,517,002	\$125,018,614	\$249,535,616	\$194,067,282	\$178,029,973	\$372,097,256	\$122,561,640	\$0
Eating and drinking places	\$76,577,578	\$72,545,528	\$149,123,106	\$72,334,356	\$79,970,536	\$152,304,892	\$3,181,786	\$0
Home furnishings and appliances	\$29,625,120	\$28,601,894	\$58,227,014	\$91,589,809	\$17,211,778	\$108,801,587	\$50,574,573	\$0
Bldg. materials and farm implements	\$33,823,593	\$33,486,879	\$67,310,472	\$60,763,078	\$69,503,165	\$130,266,244	\$62,955,771	\$0
Auto dealers and auto supplies	\$149,397,329	\$138,259,609	\$287,656,937	\$74,017,697	\$117,664,827	\$191,682,524	\$0	\$95,974,414
Service stations	\$78,701,371	\$75,995,228	\$154,696,599	\$84,508,676	\$107,764,335	\$192,273,010	\$37,576,411	\$0
Other retail stores	\$55,364,613	\$54,445,159	\$109,809,772	\$153,794,519	\$103,243,588	\$257,038,107	\$147,228,335	\$0
	CBRE PMA Demand, 2006 (\$2013)	CBRE SMA Demand, 2006 (\$2013)	CBRE PMA/SMA Demand, 2006 (\$2013)	CBRE PMA Retail Sales, 2006 (\$2013)	CBRE SMA Retail Sales, 2006 (\$2013)	CBRE Total Retail Sales, 2006 (\$2013)	Sales Attraction PMA/SMA (\$2013)	Total Sales Leakage PMA/SMA (\$2013)
	\$1,199,070,561	\$1,270,112,517	\$2,469,183,078	\$787,056,969	\$722,001,508	\$1,509,058,478	\$14,115,815	\$974,240,415
Apparel Stores	\$39,798,461	\$42,144,128	\$81,942,589	\$19,592,122	\$4,197,165	\$23,789,287	\$0	\$58,153,302
General Merchandise Stores	\$168,541,315	\$178,429,082	\$346,970,397	\$36,389,431	\$44,416,141	\$80,805,571	\$0	\$266,164,826
Food Stores	\$204,845,447	\$217,580,096	\$422,425,543	\$194,067,282	\$178,029,973	\$372,097,256	\$0	\$50,328,287
Eating and drinking places	\$117,476,006	\$124,302,662	\$241,778,668	\$72,334,356	\$79,970,536	\$152,304,892	\$0	\$89,473,776
Home furnishings and appliances	\$45,986,678	\$48,699,094	\$94,685,773	\$91,589,809	\$17,211,778	\$108,801,587	\$14,115,815	\$0
Bldg. materials and farm implements	\$124,741,262	\$131,893,870	\$256,635,131	\$60,763,078	\$69,503,165	\$130,266,244	\$0	\$126,368,887
Auto dealers and auto supplies	\$215,506,995	\$227,985,894	\$443,492,890	\$74,017,697	\$117,664,827	\$191,682,524	\$0	\$251,810,366
Service stations	\$109,478,245	\$115,929,323	\$225,407,568	\$84,508,676	\$107,764,335	\$192,273,010	\$0	\$33,134,557
Other retail stores	\$172,696,151	\$183,148,369	\$355,844,519	\$153,794,519	\$103,243,588	\$257,038,107	\$0	\$98,806,412

7-20
Cont.



Source: ADE, Inc., based on ADE Table CBRE Exhibits 11 and 13 (CBRE spending and retail sales)



The table below replicates CBRE's gross-level impact model (see CBRE Exhibit 18). For purposes of analysis, we accept for the moment CBRE's findings with respect to leakage. We present this table because there appears to be an error in CBRE's Exhibit 18 on how project sales are mitigated by leakage. Using "apparel stores", we summarize CBRE's gross-level impact model accordingly. Rocklin Commons will generate \$39,900,000 in apparel store sales when the project stabilizes by 2013. Of this amount, 95 percent (or \$37,900,000) will be sales to the PMA/SMA, with \$2,000,000 sold to consumers from elsewhere. Of the \$37,900,000, 83 percent will fall on retailers in the PMA alone, or \$31,347,938. Because there is leakage in the market, CBRE reports that the \$31,347,938 impact will be reduced to \$10,447,938. However, in arriving at the \$10,447,938 figure, CBRE subtracted leakage from *both* PMA (\$10,900,000) and SMA (\$10,000,000) when it only should have subtracted the PMA leakage, since what Exhibit 18 is analyzing is impacts to the PMA.⁵ For purposes of an "apples-to-apples", "oranges-to-oranges" comparison, CBRE should have subtracted only the PMA leakage from project apparel store sales, to arrive at an apparel store impact of \$20,447,938.⁶ However, the larger, more important point is that we do not believe there is leakage to begin with in several key retail categories, particularly food store, as indicated in Table 11.

7-20
Cont.

⁵ \$10,447,938 CBRE Impact = \$31,347,938 PMA project sales + (-\$10,900,000 PMA leakage) + (-\$10,000,000 SMA leakage)

⁶ \$20,447,948 ADE Impact = \$31,347,938 PMA project sales + (-\$10,900,000 PMA leakage)



**TABLE 10
IMPACT ANALYSIS: REVIEW OF CBRE GROSS-LEVEL IMPACT METHODOLOGY AND FINDINGS: CBRE DEMAND\LEAKAGE ESTIMATES**

	a	b	c	d	e	f	g	h	i	j	k	m
	Rocklin Commons	Rocklin Commons Sales to PMA/SMA HHs: 95%	Rocklin Commons Sales to Outside HHs: 5%	PMA Sales By Existing Retailers as Percent of PMA/SMA Sales	CBRE Sales Leakage, 2006 (\$2013)	PMA Portion of CBRE Absorbed Leakage	SMA Portion of CBRE Absorbed Leakage	Distribution of Rocklin Commons Sales on PMA (bxd)	Distribution of Rocklin Commons Sales on SMA	Rocklin Commons Impact on PMA (if h>f, then h-f, otherwise 0): ADE variation on CBRE methodology	Rocklin Commons Impact on SMA (if i>g, then i-g, otherwise 0): ADE variation on CBRE methodology	CBRE Impact Findings (if h-f-g>0, then h-f-g, otherwise 0) (incorrect?)
	\$151,100,000	\$143,500,000	\$7,600,000	53%	\$974,240,415	\$246,600,000	\$144,100,000	\$93,133,072	\$50,366,928	\$52,134,424	\$6,272,280	21,307,864
Apparel Stores	\$39,900,000	\$37,900,000	\$2,000,000	83%	\$58,153,302	\$10,900,000	\$10,000,000	\$31,347,938	\$6,552,062	\$20,447,938	\$0	10,447,938
General Merchandise Stores	\$16,300,000	\$15,500,000	\$800,000	46%	\$266,164,826	\$71,200,000	\$35,300,000	\$7,074,853	\$8,425,147	\$0	\$0	0
Food Stores	\$37,200,000	\$35,300,000	\$1,900,000	53%	\$50,328,287	\$5,800,000	\$10,400,000	\$18,627,720	\$16,672,280	\$12,827,720	\$6,272,280	2,427,720
Eating and drinking places	\$15,400,000	\$14,600,000	\$800,000	48%	\$89,473,776	\$24,300,000	\$11,600,000	\$7,023,795	\$7,576,205	\$0	\$0	0
Home furnishings and appliances	\$20,800,000	\$19,800,000	\$1,000,000	85%	\$0	\$0	\$8,300,000	\$16,732,205	\$3,067,795	\$16,732,205	\$0	8,432,205
Bldg. materials and farm implements				47%	\$126,368,887	\$34,500,000	\$16,400,000		\$0	\$0	\$0	0
Auto dealers and auto supplies				39%	\$251,810,366	\$76,200,000	\$29,000,000		\$0	\$0	\$0	0
Service stations				45%	\$33,134,557	\$13,500,000	\$2,100,000		\$0	\$0	\$0	0
Other retail stores	\$21,500,000	\$20,400,000	\$1,100,000	60%	\$98,806,412	\$10,200,000	\$21,000,000	\$12,326,560	\$8,073,440	\$2,126,560	\$0	0

Source: ADE, Inc., based on CBRE Exhibit 18



Table 11 is similar to the table above except we insert our leakage findings into the appropriate store categories. In the table below, we treat food store impact accordingly: as indicated by CBRE, the project will generate \$37,200,000 in food store sales, of which \$35,300,000 will go to the PMA (\$18,627,720) and SMA (\$16,672,280). Our analysis shows no leakage in this category. Thus, Rocklin Commons will be impact PMA food stores by \$18,627,720 and SMA food stores by \$16,672,280. If impacts fall in accordance to PMA's share of PMA/SMA, then impacts to Raley's in Loomis will amount to a 9.5 percent reduction in sales (2013 dollars). As indicated in Table 10, food stores in the PMA generate \$194,067,282 in sales (2013 dollars). Raley's generates on average \$24,000,000, which, when translated to 2013 dollars, equals \$29,597,213. Thus, Raley's represents 15.25 percent of the PMA. Fifteen percent of \$18,627,720 (ADE PMA food store impact) equals \$2,840,915, which represents the impact on Loomis' Raley's. Thus, Raley's could lose 9.5 percent of annual sales, from \$29,597,213 to \$26,756,298.

It is important to note that impacts to Raley's *could be higher* than the estimated 9.5 percent reduction in sales, since the \$2,840,915 impact is based on a methodology that does not take into account factors such as distance between PMA shoppers and the different food stores they can choose from within the PMA, along with other attributes that make one center more attractive than another. In other words, if Raley's is tapping into PMA customers residing southeast and southwest of its location, Rocklin Commons could cut into Raley's market share since it is located over a mile south of Raley's and conveniently at a key Highway 80 intersection. In short, the proposed food store is well-positioned to intercept shoppers who otherwise might have gone to Loomis' Raley's. PMA shoppers north of Raley's might also be more apt to shop at Rocklin Commons given the agglomeration of retail activities there, further suggesting that the 9.5 percent impact should be considered a minimum.

In addition, officials must consider the minimum 9.5 percent impact as *on top of any decline in sales* stemming from the prolonged downturn in the economy that is expected to continue well into 2010. As a reminder of difficulties experienced by food stores in the region, there are two large vacancies in the nearby area that were once occupied by grocery stores, namely Albertson's and Grocery Outlet.. The former site has been vacant for several years.

7-20
Cont.



TABLE 11
IMPACT ANALYSIS: REVIEW OF CBRE GROSS-LEVEL IMPACT METHODOLOGY AND FINDINGS: ADE DEMAND\LEAKAGE ESTIMATES

	a	b	c	d	e	f	g	h	i	j	k
	Rocklin Commons	Rocklin Commons Sales to PMA/SMA HHs: 95%	Rocklin Commons Sales to Outside HHs: 5%	PMA as Percent of PMA/SMA	ADE Sales Leakage, 2006 (\$2013)	PMA Portion of ADE Absorbed Leakage (based on CBRE 50%)	SMA Portion of ADE Absorbed Leakage (based on CBRE 25%)	Distribution of Rocklin Commons Sales on PMA (bxd)	Distribution of Rocklin Commons Sales on SMA	Rocklin Commons Impact on PMA (if h>f, then h-f, otherwise 0): ADE variation on CBRE methodology	Rocklin Commons Impact on SMA (if i>g, then i-g, otherwise 0): ADE variation on CBRE methodology
	\$151,100,000	\$143,500,000	\$7,600,000	53%	\$278,931,929	\$84,578,524	\$31,352,055	\$93,133,072	\$50,366,928	\$78,500,020	\$33,024,447
Apparel Stores	\$39,900,000	\$37,900,000	\$2,000,000	83%	\$35,152,395	\$5,436,587	\$6,069,805	\$31,347,938	\$6,552,062	\$25,911,351	\$482,257
General Merchandise Stores	\$16,300,000	\$15,500,000	\$800,000	46%	\$147,805,121	\$39,330,509	\$17,286,026	\$7,074,853	\$8,425,147	\$0	\$0
Food Stores	\$37,200,000	\$35,300,000	\$1,900,000	53%	\$0	\$0	\$0	\$18,627,720	\$16,672,280	\$18,627,720	\$16,672,280
Eating and drinking places	\$15,400,000	\$14,600,000	\$800,000	48%	\$0	\$2,121,611	\$0	\$7,023,795	\$7,576,205	\$4,902,184	\$7,576,205
Home furnishings and appliances	\$20,800,000	\$19,800,000	\$1,000,000	85%	\$0	\$0	\$2,847,529	\$16,732,205	\$3,067,795	\$16,732,205	\$220,266
Bldg. materials and farm implements				47%	\$0	\$0	\$0		\$0	\$0	\$0
Auto dealers and auto supplies				39%	\$95,974,414	\$37,689,816	\$5,148,696		\$0	\$0	\$0
Service stations				45%	\$0	\$0	\$0		\$0	\$0	\$0
Other retail stores	\$21,500,000	\$20,400,000	\$1,100,000	60%	\$0	\$0	\$0	\$12,326,560	\$8,073,440	\$12,326,560	\$8,073,440

Source: ADE, Inc., based on CBRE Exhibit 18 and ADE demand/leakage analysis



CONCLUSION

The economy is down, with strong prospects that this period of uncertainty will prevail for some time. Raley's might not be able to recover from a potential loss of *at a minimum* \$2,840,915 (year 2013 dollars), as supermarkets are low-margin operations to begin with. In addition to job losses, the Town of Loomis would lose an estimated \$133,000 a year (\$2013) in sales taxes in the event Raley's closed. In any event, local officials should keep a watchful eye on the situation, as the closure of a supermarket such as Raley's could lead to situation of urban decay. It is important to note that Raley's anchors the Loomis Town Center and, as such, this store drives traffic to this shopping center. If Raley's closes, the remaining stores could be at risk of closure as well, since they depend on Raley's for foot traffic. As a reminder of difficulties experienced by food stores in the region, there are two large vacancies in the nearby area that were once occupied by grocery stores, namely Albertson's and Grocery Outlet.. The former site has been vacant for several years, suggesting some level of difficulty with respect to re-tenanting a shuttered Raley's site with another traffic-generating use.

Given the potential impacts to Loomis' Raley's, local officials should request CBRE and City of Rocklin officials to further scrutinize CBRE's demand and associated leakage estimates. Particularly with respect to food stores, ADE's assessment is that CBRE overstates PMA/SMA spending, thus overstating leakage in this store type, and thus understating impacts. ADE's BLS-based food store spending (which is refined along a number of demographic variables) is lower than what CBRE calculated, and, as important, our findings are consistent with US BLS *off-the-shelf* spending data available from the Internet. If CBRE is to continue with the per capita approach, it should use a per capita spending ratio that corresponds to income brackets of either the US Census, US Census American Communities Survey, or private vendors such as Claritas. It should not use a spend ratio that's appropriate only for households earning \$98,000 against *all* persons *across all income* brackets for reasons stated in the analysis, because not everyone spends in a fashion similar to people and households earning approximately \$100,000. The across-the-board use of spend average appropriate only for persons/households earning around \$100,000 explains why CBRE's leakage is almost three times greater than ADE's, at \$974.2 million versus \$278.9 million (see Table 9).

CBRE also needs to indicate how impacts stemming from the project will fall on home furnishing and appliance stores in the PMA. CBRE identifies potential impacts of \$8.5 million via its methodology (see Table 10) on home furnishings and appliance stores but it does not specify within the market area as to how these impacts will be distributed, as required.

Table 12 below tracks aggregate spending by households in the year 2013 (in 2013 dollars). Per ADE's leakage analysis, there still is not enough future leakage in key categories such as food stores to ameliorate impacts stemming from the Rocklin Commons project.



TABLE 12
FUTURE PROJECTION: RETAIL SALES LEAKAGE 2013 (\$2013): COMPARISON OF ADE AND CBRE FINDINGS

	ADE PMA Demand, 2013 (\$2013)	ADE SMA Demand, 2013 (\$2013)	ADE PMA/SMA Demand, 2013 (\$2013)	CBRE PMA Retail Sales, 2013 (\$2013)	CBRE SMA Retail Sales, 2013 (\$2013)	CBRE Total Retail Sales, 2013 (\$2013)	Sales Attraction PMA/SMA (\$2013)	Total Sales Leakage PMA/SMA (\$2013)
Apparel Stores	\$751,498,512	\$719,271,666	\$1,470,770,178	\$847,920,766	\$758,895,910	\$1,606,816,676	\$444,144,593	\$308,098,095
General Merchandise Stores	\$32,731,350	\$30,595,008	\$63,326,358	\$21,107,222	\$4,411,640	\$25,518,862	\$0	\$37,807,496
Food Stores	\$125,608,917	\$121,928,483	\$247,537,400	\$39,203,504	\$46,685,813	\$85,889,317	\$0	\$161,648,083
Eating and drinking places	\$135,563,906	\$133,577,996	\$269,141,903	\$209,074,919	\$187,127,335	\$396,202,254	\$127,060,351	\$0
Home furnishings and appliances	\$81,703,103	\$77,364,937	\$159,068,040	\$77,928,126	\$84,057,045	\$161,985,171	\$2,917,131	\$0
Bldg. materials and farm implements	\$32,490,104	\$30,869,834	\$63,359,938	\$88,672,645	\$18,091,303	\$116,763,948	\$53,404,010	\$0
Auto dealers and auto supplies	\$36,948,513	\$35,968,804	\$72,917,317	\$65,462,017	\$73,054,789	\$138,516,806	\$65,599,489	\$0
Service stations	\$162,132,721	\$149,928,959	\$312,061,680	\$79,741,644	\$123,677,520	\$203,419,164	\$0	\$108,642,516
Other retail stores	\$84,466,916	\$80,914,769	\$165,381,685	\$91,042,912	\$113,271,111	\$204,314,023	\$38,932,338	\$0
	\$59,852,980	\$58,122,877	\$117,975,857	\$165,687,777	\$108,519,354	\$274,207,131	\$156,231,274	\$0
	CBRE PMA Demand, 2013 (\$2013)	CBRE SMA Demand, 2013 (\$2013)	CBRE PMA/SMA Demand, 2013 (\$2013)	CBRE PMA Retail Sales, 2013 (\$2013)	CBRE SMA Retail Sales, 2013 (\$2013)	CBRE Total Retail Sales, 2013 (\$2013)	Sales Attraction PMA/SMA (\$2013)	Total Sales Leakage PMA/SMA (\$2013)
	\$1,291,795,920	\$1,335,015,485	\$2,626,811,405	\$847,920,766	\$758,895,910	\$1,606,816,676	\$16,033,396	\$1,036,028,125
Apparel Stores	\$42,874,832	\$44,297,700	\$87,172,532	\$21,107,222	\$4,411,640	\$25,518,862	\$0	\$61,653,670
General Merchandise Stores	\$181,574,975	\$187,546,839	\$369,121,814	\$39,203,504	\$46,685,813	\$85,889,317	\$0	\$283,232,497
Food Stores	\$220,686,583	\$228,698,476	\$449,385,059	\$209,074,919	\$187,127,335	\$396,202,254	\$0	\$83,182,805
Eating and drinking places	\$126,560,677	\$130,654,549	\$257,215,226	\$77,928,126	\$84,057,045	\$161,985,171	\$0	\$95,230,055
Home furnishings and appliances	\$49,542,926	\$51,187,626	\$100,730,552	\$88,672,645	\$18,091,303	\$116,763,948	\$16,033,396	\$0
Bldg. materials and farm implements	\$134,387,770	\$138,633,669	\$273,021,439	\$65,462,017	\$73,054,789	\$138,516,806	\$0	\$134,504,633
Auto dealers and auto supplies	\$232,172,612	\$229,636,013	\$471,808,625	\$79,741,644	\$123,677,520	\$203,419,164	\$0	\$268,389,461
Service stations	\$117,944,432	\$121,853,331	\$239,797,763	\$91,042,912	\$113,271,111	\$204,314,023	\$0	\$35,483,740
Other retail stores	\$186,051,113	\$192,507,282	\$378,558,395	\$165,687,777	\$108,519,354	\$274,207,131	\$0	\$104,351,264

Source: ADE, Inc., based on ADE demand analysis and CBRE Exhibits 12 and 14 (CBRE spending and retail sales)



TABLE 13
2013 IMPACT ANALYSIS: REVIEW OF CBRE GROSS-LEVEL IMPACT METHODOLOGY AND FINDINGS: CBRE DEMAND \LEAKAGE ESTIMATES

	a	b	c	d	e	f	g	h	i	j	k	m
	Rocklin Commons	Rocklin Commons Sales to PMA/SMA HHS: 95%	Rocklin Commons Sales to Outside HHS: 5%	PMA Sales By Existing Retailers as Percent of PMA/SMA Sales	CBRE Sales Leakage, 2013 (\$2013)	PMA Portion of CBRE Absorbed Leakage	SMA Portion of CBRE Absorbed Leakage	Distribution of Rocklin Commons Sales on PMA (bxd)	Distribution of Rocklin Commons Sales on SMA	Rocklin Commons Impact on PMA (if h>f, then h-f, otherwise 0): ADE variation on CBRE methodology	Rocklin Commons Impact on SMA (if i>g, then i-g, otherwise 0): ADE variation on CBRE methodology	CBRE Impact Findings (if h-f-g>0, then h-f-g, otherwise 0)
Apparel Stores	\$151,100,000	\$143,500,000	\$7,600,000	53%	\$1,036,028,125	\$246,502,437	\$144,029,894	\$93,133,072	\$50,366,928	\$52,134,424	\$6,272,280	21,379,846
General Merchandise Stores	\$39,900,000	\$37,900,000	\$2,000,000	83%	\$61,653,670	\$10,883,805	\$9,971,515	\$31,347,938	\$6,552,062	\$20,464,133	\$0	10,492,618
Food Stores	\$16,300,000	\$15,500,000	\$800,000	46%	\$283,232,497	\$71,185,736	\$35,215,257	\$7,074,853	\$8,425,147	\$0	\$0	0
Eating and drinking places	\$37,200,000	\$35,300,000	\$1,900,000	53%	\$53,182,805	\$5,805,832	\$10,392,785	\$18,627,720	\$16,672,280	\$12,821,888	\$6,272,280	2,429,103
Home furnishings and appliances	\$15,400,000	\$14,600,000	\$800,000	48%	\$95,230,055	\$24,316,276	\$11,649,376	\$7,023,795	\$7,576,205	\$0	\$0	0
Bldg. materials and farm implements	\$20,800,000	\$19,800,000	\$1,000,000	85%	\$0	\$0	\$8,274,081	\$16,732,205	\$3,067,795	\$16,732,205	\$0	8,458,125
Auto dealers and auto supplies				47%	\$134,504,633	\$34,462,877	\$16,394,720		\$0	\$0	\$0	0
Service stations				39%	\$268,389,461	\$76,215,484	\$28,989,623		\$0	\$0	\$0	0
Other retail stores	\$21,500,000	\$20,400,000	\$1,100,000	45%	\$35,483,740	\$13,450,760	\$2,145,555		\$0	\$0	\$0	0
				60%	\$104,351,264	\$10,181,668	\$20,996,982	\$12,326,560	\$8,073,440	\$2,126,560	\$0	0

Source: ADE, Inc., based on ADE Table 11 and Table 13



TABLE 14
2013 IMPACT ANALYSIS: REVIEW OF CBRE GROSS-LEVEL IMPACT METHODOLOGY AND FINDINGS: ADE DEMAND\LEAKAGE ESTIMATES

	a	b	c	d	e	f	g	h	i	j	k
	Rocklin Commons	Rocklin Commons Sales to PMA/SMA HHs: 95%	Rocklin Commons Sales to Outside HHs: 5%	PMA Sales By Existing Retailers as Percent of PMA/SMA Sales	ADE Sales Leakage, 2013 (\$2013)	PMA Portion of ADE Absorbed Leakage (based on CBRE 50%)	SMA Portion of ADE Absorbed Leakage (based on CBRE 25%)	Distribution of Rocklin Commons Sales on PMA (bxd)	Distribution of Rocklin Commons Sales on SMA	Rocklin Commons Impact on PMA (if h>f, then h-f, otherwise 0): ADE variation on CBRE methodology	Rocklin Commons Impact on SMA (if i>g, then i-g, otherwise 0): ADE variation on CBRE methodology
	\$151,100,000	\$143,500,000	\$7,600,000	53%	\$308,098,095	\$92,097,798	\$35,114,002	\$93,133,072	\$50,366,928	\$78,358,666	\$32,328,145
Apparel Stores	\$39,900,000	\$37,900,000	\$2,000,000	83%	\$37,807,496	\$5,812,064	\$6,545,842	\$31,347,938	\$6,552,062	\$25,535,874	\$6,220
General Merchandise Stores	\$16,300,000	\$15,500,000	\$800,000	46%	\$161,648,083	\$43,202,706	\$18,810,667	\$7,074,853	\$8,425,147	\$0	\$0
Food Stores	\$37,200,000	\$35,300,000	\$1,900,000	53%	\$0	\$0	\$0	\$18,627,720	\$16,672,280	\$18,627,720	\$16,672,280
Eating and drinking places	\$15,400,000	\$14,600,000	\$800,000	48%	\$0	\$1,887,488	\$0	\$7,023,795	\$7,576,205	\$5,136,307	\$7,576,205
Home furnishings and appliances	\$20,800,000	\$19,800,000	\$1,000,000	85%	\$0	\$0	\$3,194,633	\$16,732,205	\$3,067,795	\$16,732,205	\$0
Bldg. materials and farm implements				47%	\$0	\$0	\$0		\$0	\$0	\$0
Auto dealers and auto supplies				39%	\$108,642,516	\$41,195,539	\$6,562,860		\$0	\$0	\$0
Service stations				45%	\$0	\$0	\$0		\$0	\$0	\$0
Other retail stores	\$21,500,000	\$20,400,000	\$1,100,000	60%	\$0	\$0	\$0	\$12,326,560	\$8,073,440	\$12,326,560	\$8,073,440

Source: ADE, Inc., based on ADE Table 12 and Table 13



APPENDIX A

**TABLE A-1
 AVERAGE HOUSEHOLD INCOME TRENDS: PLACER COUNTY, CITY OF ROSEVILLE, AND
 PRIMARY MARKET AREA (LOOMIS/ROCKLIN): 2000-2006**

	Placer County	City of Roseville	Placer County excluding Roseville	Loomis-Rocklin Primary Market Area
Annual Percent Change	0.10%	0.43%	0.41%	1.78%
Year 2006 (\$2006)	\$89,295	\$86,473	\$90,813	\$98,490
Year 2000 (\$2006)	\$88,738	\$84,259	\$88,612	\$88,586
Year 2000 (\$1999)	\$73,332	\$69,631	\$73,228	\$75,667

Source: ADE, Inc., based on US Census 2000 SF3 P52 and P54, US BLS CPI-All Urban Consumers, US Census ACS 2006 B19001 and B19025, and CBRE (PMA 2006 average household income)

Donald B. Mooney for Town of Loomis (September 9, 2009)

Response to Comments:

Response 7-1

The City thanks the Town of Loomis (Loomis) for its comments on the Draft EIR for the Rocklin Commons Project. The Town's objection to the Project is noted. Loomis' specific comments will be addressed in the following responses.

Response 7-2

Responses to Loomis's comments regarding the Project's impacts to traffic contained in Attachment A are provided in Responses 7-7 through 7-15.

Response 7-3

Loomis objects to the DEIR's cumulative impact analysis for traffic and the use of a 5 percent increase in traffic as standard of significance. CEQA specifically provides agencies with general authority to adopt criteria for determining whether a given impact is "significant." (See Pub. Resources Code, § 21082 ("All public agencies shall adopt by ordinance, resolution, rule or regulation, objectives, criteria, and procedures for the evaluation of projects and the preparation of environmental impact reports...").) Although Rocklin has not undertaken the formal process permitted by CEQA Guidelines section 15064.7, which allows public agencies to adopt thresholds for "general use" by "ordinance, rule, or regulation," the City nevertheless still has a duty to determine the significance of a project's impact even if thresholds have not been formally adopted and regardless of where they physically occur or the jurisdiction in which they are physically located. (See Pub. Resources Code, § 21080.1, subd. (a) (lead agency determines whether EIR is required for project, and that determination is binding on responsible agencies).)

For this EIR, consistent with its conduct in prior CEQA documents, the City formulated thresholds for traffic impacts in Rocklin based on its General Plan policies, as well as its own past practices. Policy 13 of the City's General Plan Circulation Element states that the City strives "to maintain a minimum traffic level of service "C" for all streets and intersections, except for intersections located within ½ mile from direct access to an interstate freeway where a level of service "D" will be acceptable." Policy 13 further provides that "[e]xceptions may be made for peak hour traffic where not all movements exceed the acceptable level of service." Mitigation is required for any intersection or roadway segment where project traffic causes the intersection to deteriorate from satisfactory to unsatisfactory operation.

The City's General Plan, however, does not include any specific policy or threshold for determining the significance of impacts occurring to intersections or roadway segments already operating at an unacceptable level of service. The City recognized the need to determine if significant impacts were occurring under these conditions, and if so, the need to also identify mitigation measures. To that end, the City has therefore relied on the expert opinions of its traffic consultants and engineering staff, who advised that if an intersection or roadway segment is already operating at an unsatisfactory level of service, an increase of 5 percent (addition of 0.05) to the volume-to-capacity (v/c) ratio would constitute a significant project impact. In support of this threshold, DKS Associates, the City's independent expert traffic consultant, has prepared a memorandum to the City (Appendix C of Final EIR) that notes the following: the use of the 0.05 threshold is quite common in the region based on

the prevailing opinion that 0.05 v/c or 5.0 seconds of delay represents a “measurable worsening” of level of service; there are many factors which affect inputs to the Level of Service (LOS) analysis which in turn result in fluctuations in traffic volumes and levels of service, and many jurisdictions have determined that use of a threshold that is less than the one used by the City of Rocklin is not appropriate for defining a significant impact for locations that are already congested. Importantly, the DKS memorandum concludes with “We believe that the threshold used by the City of Rocklin is reasonable and in line with practices used elsewhere and do not recommend changes in that threshold.”

A five percent threshold, applied across the board, is appropriate for determining a significant impact on roadways and intersections that already operate at an unacceptable LOS. Given that traffic volumes can typically fluctuate by 10% or more from day to day, the recognition that a significant impact would occur when the volume-to-capacity ratio increases by 5% (or 0.05) is not unreasonable, because such a change would typically represent less than half of the normal daily (weekday) fluctuation in traffic volumes. This degree of change also represents a threshold that would be noticeable to the average driver. Thus, an increase of 0.05 in the v/c ratio is significant, as it reflects what would be considered a *measurable* worsening of the intersection or roadway operations and therefore would constitute a significant project impact. In other words, regardless of whether the existing LOS is D, E, or F, unless there is an increase of at least five percent, the increase would generally go unnoticed, and therefore would not be significant.

Moreover, as noted by the preparers of the EIR’s traffic analysis, LSA Associates, Inc., application of the 0.05 increase to the v/c ratio actually results in an increasing sensitivity to increased traffic volumes as the LOS degrades (i.e., as the LOS conditions worsen, the 0.05 v/c threshold is triggered by smaller percentage increases in traffic volume). To illustrate this point, assume that the capacity at an intersection is 100 vehicles. If the project adds 5 vehicles, the v/c ratio would increase by 0.05 and meet the threshold. As the congestion level increases (i.e. as the number of vehicles through the intersection approaches or exceeds the intersection capacity), however, the same 5 vehicles equate to descending percentages (6.2% (for a v/c ratio of 0.81 increasing to 0.86) to 4.1% (for a v/c ratio of 1.21 increasing to 1.26)) of allowable increases in traffic volume before an impact is triggered. Thus, the same 5% (addition of 0.05 to the v/c ratio) criterion is appropriate for the full range of conditions exceeding the basic level of service criteria, because the 0.05 threshold does not equate to a fixed percentage increase in traffic triggering an impact at each LOS condition. Rather, when the 0.05 increase in v/c ratio is applied to the v/c ratio at any LOS condition, the percentage of additional traffic necessary to trigger an impact decreases as congestion levels increase and LOS conditions degrade. (See memorandum of LSA Associates, Inc., attached as Appendix D of Final EIR.)

When the City of Rocklin was preparing the traffic analysis for the recently approved Rocklin Crossings project, the City’s traffic consultants contacted the Town of Loomis to clarify the significance criteria that should be applied to intersections that currently operate in excess of the Town’s LOS C and D thresholds. At that time, Town staff requested that the same significance criteria be applied to Loomis intersections as applied in the City of Rocklin. Based on (i) the professional judgment of the City’s consultants and staff, (ii) the approach the Town took in its own General Plan EIR, and (iii) this past communication with Town staff, the EIR for Rocklin Commons concludes that, if an intersection in the Town of Loomis is already operating at an unsatisfactory level of service, an increase of 5 percent (addition of 0.05) or more to the v/c ratio would constitute a significant project impact. Thus, pursuant to City’s understanding of Loomis’s own policies and

practices, the City's policies and practices (as accepted by Loomis Staff), and the expert views of the City's staff and consultants, the EIR analysis concluded that, where roadway and intersections in Loomis affected by the Project were already operating at an unacceptable LOS, a significant impact would only result if the Project's traffic increased the volume-to-capacity ratio by five percent or more.

Despite having blessed this approach in the past, and despite having used the approach in its own General Plan EIR, Loomis now contends that applying a 5 percent threshold regardless of whether the baseline LOS is D, E, or F is inappropriate. Notably, Loomis itself has not employed such a sliding scale threshold for analyzing cumulatively considerable traffic impacts in its own CEQA documents. (See Loomis General Plan Update Final EIR, pp. 91-92; Traffic Impact Analysis for Loomis Hills Estates, pp. 26-35; Shadowbrook Draft EIR, p 4.3-15.)

In conclusion, deference should be given to an agency's determination regarding the proper thresholds of significance when supported by substantial evidence (See CEQA Guidelines § 15064, subd. (f) [the decision as to whether a project may have one or more significant effects shall be based on substantial evidence in the record of the lead agency].) The project traffic engineer prepared the project traffic analysis in keeping with recognized professional standards, methodologies, and modeling. That traffic study was then peer reviewed by a third party independent traffic engineering consultant for adequacy of methodology and results which found the traffic study to be compliant in all respects. Both traffic engineering consultants support the City's threshold of significance and the adequacy of the traffic report and that analysis constitutes substantial evidence upon which the City was entitled to rely. (Public Resources Code, § 21082.2, subd. (c) [substantial evidence includes facts, reasonable assumptions predicated upon facts, and *expert opinion supported by facts*] (emphasis added); see also *National Parks and Conservation Assn. v. County of Riverside* (1999) 71 Cal.App.4th 1341, 1364-1365 [agency had discretion to rely on expert opinion regarding adequacy of analysis; reasonable doubts must be resolved in support of agency's decision].) The existence of competing methods does not invalidate the agency's approach. (*Greenebaum v. City of Los Angeles* (1984) 153 Cal.App.3d 391, 412-413 [a public agency may rely upon the judgment of experts and disagreement among experts is not a sufficient basis for invalidating an EIR].) For all of these reasons stated above, it is the City's determination that the analysis and conclusions regarding the Project's cumulative traffic impacts and threshold of significance are proper.

Response 7-4

The City agrees with Loomis that based on CEQA and CEQA case law, it is recognized that EIR's for large retail projects should evaluate whether a project will have a direct or indirect impact that would lead to urban decay. (See DEIR, p. 5-1.) The California Courts have identified the term "urban decay" as the physical manifestation of a project's potential socioeconomic impacts and have specifically identified the need to address the potential for urban decay in environmental documents for large retail projects where there is some evidence that such physical effects may occur. The leading case on the subject, as noted by Loomis, is *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184.

Loomis is correct that a proposed new shopping center does not automatically trigger a conclusive presumption of urban decay; rather, case law suggests that the agency must assess whether the project could cause economic or social effect that could result in urban decay. Accordingly, there are two pertinent questions to be asked with regard to the effects of the proposed project in terms of this

economic impact and urban decay analysis: 1) would the proposed new retail use result in sales losses that are sufficiently large at existing retail establishments to force some to close?, and 2) would the affected closed stores stay idle long enough to create physical changes that could be defined as urban decay? The potential environmental impacts of shifts in retail sales from existing retail establishments to the proposed project may be deemed to be significant if one or more of the following occurs:

- Any diversion of sales from existing retail facilities would have to be severe enough to result in business closings and subsequent long-term vacancies that will foreseeably cause substantial and adverse physical changes or urban decay.
- The business closures would have to be significant enough in scale (i.e., in terms of the total square footage affected and/or loss of key “anchor” tenants) to affect the viability of existing shopping centers and foreseeably cause substantial and adverse physical changes or urban decay.

Unless these criteria are met, impacts such as potential store closures and the potential shift of retail jobs would not be deemed to be significant. While the City may determine that the effects of the proposed project on existing projects need to be taken into consideration in evaluating the merits of the proposed project, this Draft EIR does not identify a significant environmental impact unless the aforementioned criteria are met.

Notably, however, nothing in CEQA or CEQA case law has created a technical methodology for assessing urban decay impacts. Rather, direction from the courts thus far has been limited to general principles, such as (i) the need to address the subject matter of urban decay where there is substantial evidence indicating that it may be a problem (*Bakersfield Citizens, supra*, 124 Cal.App.4th at p. 1207); (ii) the need for substantial evidence to support a lead agency’s conclusion that, notwithstanding the fact that a proposed project may result in potential economic impacts, such economic impacts will *not* in turn lead to urban decay impacts (*Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173, 1186 (*Anderson First*)); and (iii) the fact that a lead agency, in preparing an analysis of urban decay impacts, may not refuse to look beyond its political boundaries where there is substantial evidence that urban decay impacts may occur outside those boundaries (*American Canyon Community United for Responsible Growth v. City of American Canyon* (2006) 145 Cal.App.4th 1062, 1082). Beyond this general guidance, lead agencies and their consultants enjoy very considerable discretion as to how to conduct their analyses. (See CEQA Guidelines, § 15151.) At most, CEQA principles come into play once economic consultants examine their purely economic conclusions and then consider whether any identified economic impacts will foreseeably result in physical impacts in the form of urban decay.

In this case, the DEIR’s urban decay analysis relied on an economic impact study prepared by the City’s economic consultant CBRE Consulting, Inc. (“CBRE”). (See DEIR, pp. 5-1 through 5-9 and Appendix D.) This study identified both a “primary market area” and “secondary market area” in analyzing the potential attractiveness of two large anchor stores (assumed to be a Target and Kohl’s store) to potential customers. The primary market area, which is the area from which the majority of shoppers would originate, was determined by mapping the existing big box stores in the area. The analysis determined the extent to which the Project’s retail sales would impact existing retailers in the primary market area. Because of the prevalence of existing retail outlets in Roseville, CBRE determined that the Project was not expected to generate significant sales from residents of Roseville, and thus excluded Roseville from the primary market area.

The study found that, for existing retailers, the only retail sectors at risk of sales diversion, and ultimate store closure, were apparel and home furnishings and appliances. The study further found that, based upon analysis of the market area's retail base, and expectations regarding sales diversions, the following retail square footage in the market area is most at risk due to the cumulative projects of the Project and the five other planned projects: Apparel stores totaling 221,300 square feet; Food stores totaling 80,000 square feet; Home furnishings and appliances stores totaling 305,000 square feet; and "Other retail stores" totaling 116,500 square feet. (See DEIR, Appendix D, p. 3.)

Based on this economic information, the study went on to analyze and make conclusions regarding the Project's potential to ultimately cause urban decay, with urban decay defined as physical deterioration that is so prevalent and substantial it impairs the proper utilization of affected real estate or the health, safety, and welfare of the surrounding community. If, for example, any market area stores close due to the Project, the analysis considers if they are likely to remain vacant for a prolonged period of time or be leased to other retailers within a reasonable marketing period. Under normal circumstances, it can take from a few months to a year or more to lease retail space depending on the size of the space. Larger spaces, such as former grocery stores, are more difficult to lease since fewer retailers require such a large space. However, during an economic downturn like the one the U.S. is currently going through, a slowdown in retail sales and fewer retailer expansions occur. As a result, the average length of time it takes to lease retail space is likely to increase. (See DEIR, Appendix D, p. 4.)

The study concludes that while it is expected that the Rocklin Commons project will result in some diverted sales and that some closures of primary market area stores may occur, these events are not expected to lead to physical deterioration so prevalent and substantial that it impairs the proper utilization of affected real estate or the health, safety, and welfare of the surrounding community.

Given the characteristics of the market area, its population growth potential, and past and current experiences in the area, center owners with vacant spaces are likely to keep up maintenance of their properties in anticipation of re-tenanting the vacant spaces. Therefore, while the U.S. economic downturn and financial crisis raise many legitimate concerns about impacts on the local economy, CBRE Consulting concludes that vacancies resulting from the development of Rocklin Commons are unlikely to lead to urban decay. (See DEIR, Appendix D, p. 5.) This conclusion is echoed in the DEIR and the Project's urban decay impact is deemed less than significant. (See DEIR, p. 5-9.)

Response 7-5

This comment simply restates the conclusions of the ADE memorandum (Attachment B of the Town of Loomis letter) quoted verbatim. Detailed responses to the comments on urban decay contained in Attachment B are provided in Responses 7-16 through 7-21 in the attached memorandum prepared by CBRE Consulting, Inc.

Response 7-6

Loomis claims that the DEIR fails to adequately address and analyze the Project's contribution to GHG. Loomis further claims that the DEIR fails to identify any standard of significance regarding GHG and global warming and that such a failure violates the requirements of CEQA. Loomis is mistaken.

First, nowhere does CEQA mandate that such thresholds be developed or, if developed, applied without exception in evaluating the relative significance of impacts. (CEQA Guidelines, § 15064.7, subd. (a) [sets forth *option* of adopting significance thresholds].) Moreover, CEQA does not currently provide standards or requirements for analyzing potential global warming impacts of projects subject to CEQA. (See Pub. Resources Code § 21083.5; Pub. Resources Code § 21083.05 [requiring Office of Planning and Research to prepare and adopt greenhouse gas emissions guidelines].) In fact, a standardized, California-wide methodology to establish an appropriate baseline, such as a project-level (regional GHG emissions) inventory, to evaluate the significance of GHG emission changes has yet to be established. As of the writing of the DEIR, when the thresholds of significance to analyze the Project's impacts were being developed, the agencies with jurisdiction over air quality regulation and GHG emissions such as CARB and the Placer County Air Pollution Control District ("PCAPCD") had not established regulations, guidance, methodologies, significance thresholds, standards or analysis protocols for the assessment of greenhouse gas emissions and climate change.

Moreover, climate change is a global issue. The solution to global climate change is therefore complex, requires consideration of many factors, and requires collaboration and cooperation on a large scale. The City recognized that, while addressing global climate change requires cooperation of all levels of government, the City, as a local government, is limited in its ability to control certain sources of GHG emissions associated with the Project. Notably, the vast majority of GHG emissions associated with the Project are attributable to the combustion of fossil fuels, either in motor vehicles or in electricity-generating power plants, and the City has no legal authority or power to regulate such emissions.

In light of the global nature of the impact of greenhouse gases, the EIR determined that local/municipal lead agencies are not the best or most appropriate source for establishing methods and significance standards pertaining to impacts of a project or this Project on global climate change. Given the challenges associated with determining a reasonable and proper, quantitative project-specific significance criterion for GHG emissions when the issue must be viewed on a global scale, and because the regulatory agencies best suited for developing the methodology have not yet been able to establish such an agreed upon criteria, the City chose not to use a quantitative significance threshold for the Project.

Nonetheless, the City, using the information available to it, established a qualitative threshold, which is permitted (though not required) by CEQA. (See CEQA Guidelines, § 15064.7, subd. (a) ["[a] threshold of significance is an identifiable quantitative, *qualitative* or performance level of a particular environmental effect..."] (italics added); see also proposed CEQA Guidelines, Section 15064.4, subd. (a)(2) [Proposed CEQA Guidelines Amendments recently issued by the Natural Resources Agency, state that, in determining the significance of greenhouse gas emissions, a lead agency shall have the discretion to determine whether to use a quantitative approach or to "rely on a qualitative analysis or performance based standards."].) In establishing a threshold, the City considered statewide efforts, legislation and executive orders on the subject of climate change in California which have established a *statewide* context for GHG emissions, and an enforceable statewide cap on GHG emissions. (DEIR, pp. 6-19 through 6-22.) These efforts, including information from the International Panel on Climate Change (IPCC), AB 32, Executive Order S-3-05, and the Climate Action Team ("CAT") report, all indicate that, in order to find that development projects' incremental contributions to global climate change impacts are not significant, lead

agencies and project proponents should carry out GHG reduction measures consistent with the State's efforts to reduce greenhouse gas emissions to the target levels.

The City, therefore, determined that the Project's potential for creating an impact on global warming should be based on a comparative analysis of the Project against the emission reduction strategies contained in the California Climate Action Team's Report to the Governor and OPR's Technical Advisory entitled "*CEQA and Climate Change Addressing Climate Change Through California Environmental Quality Act (CEQA) Review*" and Chapter 9 and Appendix B of the January 2008 CAPCOA advisory document entitled *CEQA and Climate Change, Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act* regarding the steps needed to comply with AB 32 and Executive Order S-3-05. The City determined that, if the Project was compatible or consistent with the applicable CAT and OPR strategies and the CAPCOA Appendix B mitigation measures, the Project's cumulative contribution to global climate change would be less than significant. On the other hand, if the Project was not consistent with those strategies that the City deemed feasible, then the Project could potentially be deemed to have a significant impact on global climate change.

Loomis dismisses this approach, claiming it is a "comparison" approach rather than a qualitative approach, but a qualitative threshold generally requires some comparison to determine impacts. Using the examples provided by Loomis, an aesthetic impact is determined by comparing an existing view with a view containing a project and odor impacts are determined by comparing the scent in the air with and without a project to determine if an odor is objectionable. Thus, just because the DEIR indicates the global climate change approach involves a comparison does not mean it is not a qualitative approach. The distinction is simply semantics and does not make the approach improper.

Loomis also appears to claim that even if the City's "comparison" approach is a qualitative approach, it was inappropriate because greenhouse gas emissions can be quantified and a qualitative approach must be reserved only for use in analyzing impacts that cannot be "readily quantif[ied]." But CEQA permits an agency to determine the threshold of significance it will apply to a project and makes no distinction on when it may opt to use a qualitative significance threshold. (See CEQA Guidelines, § 15064.7, subd. (a) ["[a] threshold of significance is an identifiable quantitative, *qualitative* or performance level of a particular environmental effect..."] (italics added).)

Further, to the extent Loomis contends the City should apply the "zero-threshold" approach used by the State Lands Commission set forth in the Venoco Ellwood Oil Development and Pipeline Project's EIR, the City was not required to do so. This threshold is merely one agency's approach to greenhouse gas emissions, and this approach is not binding on the City. The Project is not under the jurisdiction of the State Lands Commission and therefore its stated approach has no relevance. As discussed above, each lead agency for a project has discretion to determine the significance of the project's impacts, which includes determining applicable thresholds of significance. (See Pub. Resources Code, § 21080.1, subd. (a) [lead agency determines whether EIR is required for project, and that determination is binding on responsible agencies].) Even OPR's Technical Advisory entitled, *CEQA and Climate Change Addressing Climate Change Through California Environmental Quality Act (CEQA) Review*, on which Loomis relies, acknowledges that no statewide thresholds have been established, and states that "[a]s with any environmental impact, lead agencies must determine what constitutes a significant impact....individual lead agencies may undertake a project-by-project analysis, consistent with available guidance and current CEQA practice."

Loomis also claims that the DEIR's threshold and analysis is not consistent with OPR's Technical Advisory. As an initial matter, the Technical Advisory is a purely *advisory* document, and has no legal force, given that it has not gone through any formal rulemaking process or been adopted, ratified, or codified by any policy making body. (See *Chaparral Greens*, *supra*, 50 Cal.App.4th at pp. 1145-1146 [refusing to read into CEQA a requirement that an EIR must speculate about the effects of draft plans in evaluating a project because CEQA prohibits courts from imposing procedural or substantive requirements beyond those set forth in the statute or the Guidelines, citing Pub. Resources Code, § 21083.1].) Therefore, the City did not "violate" CEQA if it failed to conform to such a document. Regardless, the EIR's analysis of GHG did conform to the approach recommended by OPR.

As noted by Loomis, the Technical Advisory states that a lead agency must determine the threshold of significance for the Project and that its analysis must be based on best available information. As discussed above, the City developed its approach to climate change analysis based on the best information available at the time of the DEIR, including AB 32, Executive Order S-3-05, the CAT and OPR reports and the CAPCOA Appendix B mitigation measures. These authorities all support the conclusion that development projects need to include GHG reduction measures consistent with the State's overall efforts to achieve GHG emissions targets in order to reduce such projects' incremental contributions to global climate change to less than significant levels.

As noted by Loomis, the Technical Advisory states that compliance with CEQA entails three basic steps: first, identify and quantify the GHG emissions; second, assess the significance of the impact on climate change; and third, if the impact is found to be significant, identify alternatives and mitigation measures that will reduce the impact to a less than significant level. The City complied with these three basic steps by quantifying the GHG emissions for the Project, assessing the significance of the impact, and identifying mitigation (Mitigation Measures GCC-1 and GCC-2) to reduce the impact to a less than significant level. (DEIR, pp. 6-27 through 6-50.) The quantification of the GHG emissions for the Project, moreover, takes into account construction emissions, vehicular emissions, and emissions from energy consumption, which is consistent with the Technical Advisory recommendation for identifying GHG emissions, quoted by Loomis.

Loomis claims that even with compliance with the CAT strategies, the Project will result in an increase in GHG emissions. Loomis further claims that as a result, the public cannot measure or evaluate what will be the project's contribution to GHG emissions, only that the project's contribution may be less than it otherwise would have been several years ago. First, the calculated emissions for the Project were very conservative, as they took into account greenhouse gases attributed to the Project that were not necessarily new, because the Project does not create "new" emitters of GHGs (that is, newly minted people), but more likely includes emitters *redirected* from other retail establishments serving the same market. Moreover, the purpose of calculating the emissions is generally for informational and comparison purposes, because the threshold of significance for greenhouse gas emissions established by the City in this document is qualitative not quantitative. Because the EIR used a qualitative threshold, the EIR qualitatively analyzes various mitigation measures and City policies designed to reduce GHG gases to the extent feasible.

The implementation of the mitigation measures and compliance with City policies would reduce the emission of greenhouse gases attributable to the project through vehicle emission reductions,

vehicular trip reductions, HFC emission reductions, recycling programs, increases in building and appliance energy efficiencies, and decreased water use. With the implementation of these mitigation measures and compliance with City policies, the proposed project would be substantially consistent with the emission reduction strategies contained in the CAT's Report to the Governor, the emission reduction strategies contained in OPR's Technical Advisory, the applicable CAPCOA Appendix B mitigation measures and Executive Order S-3-05, and the EIR concluded the project's incremental contribution to any impact relating to global climate change would be less than cumulatively considerable. Therefore, it was not necessary to quantify the reduction in GHG due to the compliance with the CAT strategies, the compliance with the OPR Greenhouse Gas Emission Reduction Recommendations, the application of CAPCOA Appendix B mitigation measures, City policies and implementation of Mitigation Measure GCC-1 and GCC-2. As noted in Response to Comment 6-4, however, the project's consistency with these strategies, through implementation of mitigation and project features, will result in a more than 15% reduction in the project's GHG emissions.

Response 7-7 A

The commenter states that Sierra College to Bankhead over the railroad tracks should be six lanes but provides no basis for the comment or indication of what portion of the traffic analysis provided in the DEIR would support such a conclusion. Since that portion of Sierra College Blvd. is within the Town of Loomis, the Town certainly may determine that ultimate development of that section of Sierra College Boulevard should be six lanes. That determination would also be consistent with SPRTA's plans for that section of roadway, since that portion of Sierra College Blvd is currently programmed in Segment 2B of the SPRTA fee program. However, even if the Town of Loomis CIP proposes the widening of Sierra College Boulevard to six lanes south of Bankhead Road, the project impact analysis did not demonstrate the need for the six lanes at this segment. Thus, no mitigation was required of this Project to build or contribute to such widening.

Analysis of roadway segments to determine a project impact is a two step process. First the segment daily volume of trips is compared to the roadway capacity to yield a volume to capacity (V/C) ratio. That ratio is then given a Level of Service grade as explained on page 4-121 of the DEIR. If the overall daily volume shows an unacceptable LOS, then a second step takes place, and a directional peak-hour roadway segment analysis is prepared. (See p. 4-136 of DEIR.) A segment is considered to be impacted if this second step directional peak-hour segment analysis identifies an unacceptable level of service.

The section of Sierra College from the railroad tracks to Bankhead Road is part of the segment of Sierra College Boulevard between Taylor Road and King Road. Table 4.7-3 at page 4-127 of the DEIR shows the existing daily roadway segment level of service on Sierra College Boulevard between Taylor Road and King Road to be operating at LOS B on the weekdays and LOS A on the weekends. After an analysis of existing conditions plus project traffic, Table 4.7-6 on p.4-140 of the DEIR concludes LOS C on the weekdays and LOS A on the weekends.

The traffic study then examined the Taylor Road to King Road segment of Sierra College Blvd. by layering existing traffic plus predicted traffic from approved projects, and then a final step to add project traffic to existing plus approved projects traffic. Those results are presented in Table 4.7-10 and discussed on page 4-153 of the DEIR, and show the weekday traffic nearing capacity on a daily volume basis and the segment receiving a Level of Service grade E. The second step peak hour analysis was then done and those results showing acceptable levels of service are presented in

Table 4.7-11 at the top of page 4-156 of the DEIR for both existing plus approved projects, and existing traffic plus traffic from approved projects plus project traffic. Therefore, no project level impacts were identified requiring mitigation by this project on that particular roadway segment addressed by the commenter.

For the 2025 cumulative scenario, the traffic analysis did assume that Sierra College Boulevard would be widened to a four-lane arterial between English Colony Way and just north of Taylor Road and to a six-lane arterial between just north of Taylor Road and El Don Drive, consistent with the Loomis General Plan, as noted on page 6-54 of the DEIR. In the cumulative traffic analysis, both examined scenarios of with, and with out, the Dominguez Road flyover of Interstate 80 showed the Taylor Road to King Road segment of Sierra College Blvd. operating at LOS C or better. (See DEIR Table 6-10, p. 6-68 and Table 6-15, p. 6-91) At the cumulative impacts level, the addition of project traffic does not create cumulative traffic impacts requiring mitigation by this project for the particular roadway segment addressed by this comment.

Response 7-7 B

The commenter questions the availability of money for the improvements listed on page 4-114 of the DEIR and states the project should not be approved until the money is identified. The discussion on page 4-115 (top paragraph) of the DEIR referenced by Loomis refers to roadway and transit system improvement projects that are listed on the bottom of page 4-114.

The improvement project of widening Sierra College Boulevard is a larger project that includes widening of several roadway segments that are outside Rocklin City limits. This project and the other projects listed on the bottom of page 4-114 are funded by a Joint Powers Authority (JPA) known as the South Placer Regional Transportation Authority (SPRTA).

The SPRTA JPA formed in January 2002 and consists of Rocklin, Roseville, Lincoln, the County of Placer and the Placer County Transportation and Planning Agency (PCTPA). By choice, Loomis elected not to become a member of the JPA when it was formed. SPRTA was formed for the purpose of implementing a regional transportation and air quality mitigation fee to fund specific regional transportation projects including Sierra College Boulevard from State Route 193 (SR-193) to the south Placer County line. Current funding information from the SPARTA website indicates the following funding commitments:

SPRTA Projects

The following projects have been or are currently being funded with SPRTA fees:

Project	Estimated Total Cost	SPRTA Funding
Placer Parkway	\$660M	\$10M
Sierra College Blvd. Widening	\$43.99M	\$43.99M
Lincoln Bypass	\$324M	\$30M
I-80 / Douglas Blvd. Interchange	\$40	\$29.04M
SR-65 Widening	\$95M	\$50M
I-80 / Rocklin Road Interchange	\$30M	\$10M
Auburn-Folsom Road Widening	\$23M	\$8M
Transit Projects*	\$7M	\$7M
Administration Costs	\$3M	\$3M
Total	\$1225.99M	\$191.03M

*Transit projects include: HOV lane widening on I-80 through Roseville (“the Bottleneck”) matching funds and Park and Ride lot

“Fee-based mitigation programs for cumulative traffic impacts – based on fair-share infrastructure contributions by individual projects – have been found to be adequate mitigation measures under CEQA.” (*Anderson First Coalition v. City of Anderson* (2005) 130 Cal. App. 4th 1173, 1188; Guidelines §15130(a)(3) (“A project’s contribution is less than cumulatively considerable if the project is required to implement or fund its fair share of a mitigation measure or measures designed to alleviate the cumulative impact.”).) To be adequate, such mitigation fees “must be part of a reasonable plan of actual mitigation that the relevant agency commits itself to implementing.” (*Id.* at 1188.) SPRTA resulted in the establishment of an impact fee schedule for new development in the participating jurisdictions. With the creation of SPRTA and a list of transportation improvements identified in the JPA, as well as the regional impact fee schedule, the necessary funding for construction of regional improvements (including improvements to Sierra College Boulevard) has been ensured “as part of a reasonable plan of actual mitigation that the relevant agency has committed itself to implementing.” (*Id.*)

In addition, Loomis’ General Plan describes widening Sierra College Boulevard among its Summary of Transportation Related Capital Improvements. (“Town of Loomis General Plan, at 87, Table 4-8 [projecting improvement between 2005 and 2010]”) and earmarks over half a million dollars for the widening of Sierra College Boulevard.

Response 7-7 C

Based on a traffic study from the 1998 Loomis General Plan, Loomis claims that existing traffic in Loomis is composed mainly of traffic generated outside of Loomis. However, that study is not relevant to this EIR’s traffic analysis, which is based on baseline (existing plus approved projects) conditions, nor does that study stand for the proposition that the traffic generated outside of Loomis would all be traffic from Rocklin, or that Rocklin development along Sierra College Boulevard is somehow the main cause of increased traffic in Loomis. Placer County and the entire Sacramento regional area has experienced increases in growth and population for decades and every jurisdiction’s traffic numbers have increased. There is nothing inherently unique about the fact that traffic on

Loomis streets has increased, the same can be said for traffic on streets in Rocklin, Roseville, Lincoln, and the Sacramento area generally, as well as, Interstate 80 and State Hwy. 65.

Consistent with the City requirements, the “existing plus approved projects” conditions was used as the baseline, because that condition best reflects the physical environmental condition in which the project traffic will be added. The baseline conditions for the traffic analysis were developed based on traffic counts collected in approximately October 2006 and new traffic from the list of projects that were approved but not built as of August of 2008. (DEIR, p. 4-143 and Appendix E; see also CEQA Guidelines, section 15125, subdivision (a).) When preparing traffic counts for traffic studies, the baseline level traffic volumes and level of service are measured (physically counted) without regard to the origin or destination of the traffic, nor does the traffic analysis define the origin and destination of the traffic at any intersection or roadway segments. Those principals of traffic analysis have been used by every traffic consultant, including Fehr & Peers, in every traffic study submitted to the City and conform to all professional standards.

The list of projects identified for purposes of cumulative impact analysis on p. 6-5, cited by Loomis, is a list of projects anticipated to occur in the future, by 2025. Thus, while the list of projects on p. 6-5 includes a number of projects planned in Rocklin, this list should not be used to infer whether or how much of the traffic measured for baseline (existing plus approved projects) conditions in Loomis originates from Rocklin projects. Nothing in CEQA case law requires such an analysis as the commenter suggests should be done.

Response 7-7 D

The transportation and circulation review is not deficient as it analyzes the cumulative effects of the project on the study intersections and roadway segments, identifies significant impacts there from, and identifies improvements to mitigate the impacts due to the proposed Rocklin Commons project. The baseline cumulative 2025 traffic analysis (i.e. non-project traffic) in Chapter 6 identifies where intersections and roadways would operate at unacceptable levels prior to the addition of Project traffic. The purpose of this DEIR with respect to cumulative traffic impacts, however, is to determine whether the Rocklin Commons’ contribution to cumulative traffic is cumulatively considerable, and the City can only require mitigation in the DEIR to mitigate impacts associated with this Project. (See CEQA Guidelines, § 15126.4, subd. (a)(4)(B) quoting *Dolan v. City of Tigard* (1994) 512 U.S. 374 (the mitigation measure must be ‘roughly proportional’ to the impacts of the project).) The DEIR, therefore, is not required to include mitigation for effects associated with other development projects in the City/region identified in the baseline cumulative analysis. See also Response 7-7 E.

Response 7-7 E

The City does not dismiss cumulative effects in the DEIR; Loomis misconstrues the language on p. 4-192. The City determined a project’s contribution to an intersection or roadway segment already operating at an unacceptable level of service would not be significant unless a project would increase the existing condition or cumulative condition v/c ratio by 5 percent or more. An increase of 5 percent (addition of 0.05) to the v/c ratio would be considered a measurable worsening of the roadway or intersection operations and therefore would constitute a significant project impact. See Response to Comment 7-3 for additional discussion of the threshold of significance for traffic impacts at intersections operating at an unacceptable level of service.

While the City recognizes that Rocklin has grown in the past 10 years, the DEIR was not required to provide a discussion of the changes in LOS and v/c ratio on the listed intersections and segments in Loomis from 1998 to 2008. Essentially, Loomis suggests that a retrospective cumulative analysis is appropriate for this Project. The only relevant analysis for the purposes of this Project, however, is a prospective analysis that examines how the Project's contribution of traffic will affect baseline and cumulative traffic volumes and LOS going forward.

Actually, the tables included in the comment letter would support the City's conclusion that many factors are affecting the increase in traffic in Loomis, completely independent of this project, and provide no evidence that there are flaws in the traffic analysis performed for this project. The project traffic engineering consultant prepared the project traffic analysis in keeping with recognized professional standards, methodologies, and modeling. That traffic study was then peer reviewed by a third party independent traffic engineering consultant for adequacy of methodology and results which found the traffic study to be compliant in all respects. Both consultants support the City's threshold of significance and the adequacy of the traffic report.

In this case, the baseline conditions for the traffic analysis were developed based on traffic counts collected in approximately October 2006 and new traffic from the list of projects that were approved but not built (shown in Table 4.7.8) as of August of 2008, as well as growth anticipated in the City's General Plan when the City issued the NOP for the Rocklin Commons project. (See DEIR pp. 6-52 to 6-53; see also CEQA Guidelines, section 15125, subdivision (a).) Consistent with the City requirements, the "existing plus approved projects" conditions was used as the baseline, because that condition best reflects the physical environmental condition in which the project traffic will be added. Cumulative traffic volume data for 2025 conditions were developed using forecasts from the City traffic model, which takes into account the anticipated traffic growth based on new development in the region (including Lincoln, Roseville, Penryn, Loomis, Rocklin, and unincorporated Placer County). Thus, the change in the LOS and v/c ratios for Loomis intersections and roadways segments between 1998 and 2008 is not relevant to the analysis of the Rocklin Commons Project because that comparison is for a period of time prior to the Project NOP and prior to the 2025 cumulative scenario conditions.

Such a discussion requested by Loomis is not relevant because even if growth in Rocklin over the past 10 years did cause the changes in LOS and v/c ratio on the listed intersections and segments, as Loomis claims, the City's authority to impose mitigation is limited to impacts associated with this project. (See CEQA Guidelines, § 15126.4, subd. (a)(4)(B) quoting *Dolan v. City of Tigard* (1994) 512 U.S. 374 (the mitigation measure must be 'roughly proportional' to the impacts of the project).) Thus, the City cannot require the project applicant to fund traffic improvements unless such improvements are necessitated by the project's project-specific contribution to traffic impacts. Nor can the City require the project applicant to fully fund traffic improvements under the cumulative scenario when such improvements are only necessitated in part by the project's contribution to cumulative traffic impacts. In either case, to do so would more than fully mitigate the impacts of the project and would not be 'roughly proportional' to the impact, and therefore would be unconstitutional. (See CEQA Guidelines, § 15126.4, subd. (a)(4) (mitigation measures must be consistent with all constitutional requirements).)

Rocklin is conditioning its projects to mitigate for their traffic impacts wherever they may occur, and the cumulative analysis for the Commons project reflects this. Note, however, that the City cannot

ensure that these mitigation measures in Loomis will be implemented, even if the EIR requires them. Nothing in CEQA statutes, guidelines, or cases requires the public agency to prepare a sufficient plan or program to assure actual mitigation of extraterritorial impacts when such a program does not already exist. (See *Tracy First v. City of Tracy* (2009) 177 Cal. App. 4th 912.)

Response 7-7 F

As explained in the DEIR, p. 4-122, the daily LOS is not the operative analysis when determining whether a roadway segment will operate at a satisfactory LOS. As traffic along roadway segments will be highest during peak commute hours, if traffic operations are satisfactory during the peak hour, then the segment will also operate at satisfactory LOS during the remaining off-peak hours of the day. Analysis of roadway segments to determine a project impact is a two step process. First the segment daily volume of trips is compared to the roadway capacity to yield a volume to capacity (V/C) ratio. That ratio is then given a Level of Service grade as explained on page 4-121 of the DEIR. If the overall daily volume shows an unacceptable LOS, then a second step takes place, and a directional peak-hour roadway segment analysis is prepared. (See p. 4-136 of DEIR.) A segment is considered to be impacted if this second step directional peak-hour segment analysis identifies an unacceptable level of service.

Therefore, while the street segments noted on page 4-153 exceed theoretical daily capacity values, further analysis (as documented in Table 4.7-7) of peak hour traffic (highest hourly traffic during the day) shows that these Loomis roadway segments operate at acceptable level of service and have sufficient residual capacities during the peak hours. (See DEIR, p. 4-153 (when peak hour analysis applied “all affected segments are forecast to operate with acceptable volume-to-capacity (v/c) ratios”).)

The roadway segments having unsatisfactory LOS that are listed on page 4-154 under the Existing Plus Approved Projects (Baseline) Plus Project conditions also have unsatisfactory LOS under Existing Plus Approved Projects (Baseline) conditions. (See DEIR, Table 4.7-13.) As discussed in the DEIR on page 4-161, in both the a.m. and p.m. peak hours, however, seven of the eight roadway segments are forecast to operate with satisfactory v/c ratios in both peak hours with project conditions, as shown in DEIR Table 4.7-11. Therefore, the Project does not cause a significant impact on those seven roadway segments, including those within the Town of Loomis. Only southbound Sierra College Boulevard between Dominguez Road and Rocklin Road is expected to operate at LOS D in the p.m. peak hour if the proposed project and other approved projects were constructed while this roadway is a two-lane collector. However, a project has been planned and approved to widen this portion of Sierra College Boulevard which will mitigate the afore-mentioned impact. The Sierra College Boulevard Widening Project south phases are currently under construction. The only thing preventing construction of the north phase of the project, from Granite Drive to Taylor Road in Loomis, is Loomis’s refusal to contribute to the cost of the widening project, even though Loomis has funds received from a previous litigation settlement set aside for just such a purpose.

As discussed above, the City’s authority to impose mitigation is limited to impacts associated with this Project. (See CEQA Guidelines, § 15126.4, subd. (a)(4)(B).) This DEIR, therefore, only presents the impacts due to the Rocklin Commons project and does not attempt to mitigate baseline traffic effects associated with other development projects in the City/region. Also as noted above, other Projects approved in Rocklin have already been required to mitigate impacts in Loomis.

Moreover, both the City of Rocklin and the Town of Loomis have Capital Improvement Programs which define the roadway and intersection improvements needed to maintain the Level of Service (LOS) policy adopted in the General Plans. The City of Rocklin's CIP is updated periodically to assure that growth in the City and surrounding jurisdictions does not degrade the Level of Service on the City's roadways. As the Town of Loomis' CIP adopted an updated five-year Capital Improvement Plan in 2008, the City assumes that Loomis also updates its CIP periodically to identify improvements needed to maintain acceptable levels of service on roadways and intersections in the Town of Loomis. Therefore, the improvements identified in the CIPs would tend to capture the effects of past development projects and identify mitigation necessary to mitigate such effects.

Response 7-8

Under *Save Our Peninsula Committee v. Monterey County Bd of Supervisors* (2001) 87 Cal.App.4th 99, 141, quoted by Loomis from a passage in the DEIR, p. 4-168, mitigation is deemed adequate if it explains how the fee program will address the impact. (See also *Anderson First, supra*, 130 Cal.App.4th at p. 1187 (the fair share mitigation fee imposed by the City must be based on a "reasonable plan of actual mitigation that the relevant agency commits itself to implementing.")) This holding, however, assumes that there is an existing program by which mitigation measures can be funded on a fair-share basis. While Loomis has a Capital Improvement Program (CIP) for funding traffic improvements in the Town of Loomis, the program is not one that is set up to receive fair-share funding from other jurisdictions. Moreover, even if the Project could contribute fair-share funds to the CIP, the only improvement in the CIP relevant to the Project is the Sierra College Boulevard Widening Project. (See DEIR, p. 4-116.)

Contrary to Loomis's contention, the City is requiring "real mitigation" in Loomis. The mitigation measures described on pages 4-162 through 4-166 and 6-71 through 6-99 set forth the traffic improvements in Loomis that the City has required the Project to fund (in part or in full) or construct, which reflect the best professional judgment of the City and its traffic engineering consultants. The mitigation further requires that the applicant attempt to enter into an agreement with Loomis through which the applicant will either be responsible for constructing the improvements or provide Loomis with funding in an amount equal to the agreed upon estimated costs of the improvements. Therefore, the mitigation measures for impacts in Loomis attempt to create a reasonable plan for mitigation. The City is not failing to require the Project to implement mitigation, as Loomis suggests by citing *Woodward Park Homeowners Association, Inc. v. City of Fresno* (2007) 150 Cal.App.4th 683.

Moreover, the discussions following the mitigation measures for traffic impacts in Loomis note that the Town of Loomis has already preliminarily indicated a willingness to cooperate with the City in implementing improvements. The agreement required by the mitigation measures will, however, confirm the answers to Loomis questions set forth in its comment, namely "what the mitigation is, who has agreed that the mitigation is satisfactory and what the agreed upon cost is so a fee can be established and spread among projects."

Furthermore, once the Project is approved, the mitigation is enforceable because the City Council will have adopted Mitigation Measures. (Pub. Resources Code, § 21081.6, subd. (b) (a public agency shall provide that measures to mitigate or avoid significant effects on the environment are fully enforceable through permit conditions, agreements, or other measures); CEQA Guidelines, § 15126.4, subd. (a)(2) (mitigation measures must be fully enforceable through permit conditions, agreements, or other legally-binding instruments).) Therefore, the City is legally bound to require the project applicant to

pursue an agreement with Loomis through which the Project can be made to mitigate its impacts on roadways and intersections within Loomis. (See, e.g., *Lincoln Place Tenants Assn. v. City of Los Angeles* (2007) 155 Cal.App.4th 425, 447-449 (failure to comply with adopted mitigation measure is a failure to proceed in a manner required by law under CEQA).) The DEIR concludes that those impacts in Loomis will be significant and unavoidable only because the City cannot ensure that Loomis will cooperate with the applicant in entering into an agreement; thus, the City cannot ensure that the mitigation measures will be implemented. The City making a significant and unavoidable conclusion in these instances is consistent with recent case law. This conservative approach to impact characterization has recently been upheld by the Third District Court of Appeal. (See *Tracy First v. City of Tracy* (2009) 177 Cal. App. 4th 912 (where there is no plan, enforceable by the agency, that would insure that required mitigation funds would actually go toward mitigation, EIR appropriately concluded that the impact on the intersections was significant and unavoidable); see also *Sacramento Old City Association v. City Council of Sacramento* (1991) 229 Cal.App.3d 1011, 1028 (*SOCA*) (where the precise means of mitigating impacts is impractical at the time of project approval, the agency should commit itself to eventually working out such measures as can be feasibly devised, but treat the impacts in question as being significant at the time of project approval).)

The DEIR makes clear, therefore, that the Project will be required to mitigate impacts caused by its contribution of traffic to intersections and roadways in Loomis. Citing *City of Marina v. Board of Trustees of California State University* (2006) 39 Cal.4th 341, Loomis suggests, however, that if the Rocklin developers do not pay, then the City should pay to mitigate the traffic. Nothing in *City of Marina* supports such a claim. In *City of Marina*, the court found that where a project would cause impacts in a neighboring jurisdiction, the agency could not refuse to pay its share of the cost of infrastructure improvements to mitigate project impacts on the basis that the Board was legally prohibited from contributing because such improvements were the responsibility of another agency. While the court held that the “agency” was required to pay to mitigate the impacts, in that case, the agency was also the project applicant. Thus, nothing in *City of Marina* stands for the proposition that if the developer does not pay its mitigation fees to Loomis, then the City itself will be required to do so. (See *Tracy First v. City of Tracy* (2009) 177 Cal. App. 4th 912 (nothing in CEQA statutes, guidelines, or cases requires the public agency to prepare a sufficient plan or program to assure actual mitigation of extraterritorial impacts).)

Loomis’s claim that Rocklin must pay for improvements in Loomis if the developers do not is also contrary to Loomis’s claims in prior environmental documents, which indicated Loomis did not endorse such a requirement for projects in its jurisdiction. In responses to comments from the City of Rocklin on the Loomis Hills Estates Final EIR, Loomis stated that for roadways in Rocklin on which the project would contribute trips (Sierra College Boulevard and Rocklin Road), the project applicant would pay traffic impact fees to the Town of Loomis, but that application of those funds to regional roadway improvements would be “at the discretion of the Town of Loomis” in accordance with the Town’s CIP. (See Loomis Hills Estates Final EIR, p. 4-2 and 4-3.)

Using the City of Rocklin’s Lowe’s project as another example of inconsistency, Loomis has challenged the City’s mitigation measure requiring the project to pay its proportionate share to widen Sierra College Boulevard between Taylor Road and Granite Drive to four lanes. Yet Loomis applied the exact same measure to mitigate Homewood Lumber’s impacts to that same roadway (Homewood Lumber is a project located in Loomis on Sierra College Boulevard between Taylor Road and Granite Drive). Loomis’s Mitigated Negative Declaration for the Homewood Lumber project included

mitigation measures # 32 which specifically provides “The project applicant must pay its fair share toward the cost of improvements identified in the Town of Loomis General Plan. Fees shall be paid through the Town’s fee program at the time that building permits are issued, and shall include the Road Circulation/Major Roads and Sierra College Circulation Fee.”

Response 7-9

The discussion on p. 6-52, noted by Loomis, is a discussion of the land use and circulation system assumptions for the City traffic model. This discussion also mentions anticipated fee programs for the circulation improvements identified in the City’s General Plan, which include the City of Rocklin CIP, City of Rocklin development fees, and the SPRTA program. These programs do not address improvements to intersections or roadways in Loomis because Loomis chose not to be a part of the SPRTA JPA and Rocklin does not collect fees for projects outside its jurisdiction. As discussed above, the DEIR requires, as part of the measures for mitigating the Project’s impacts in Loomis, that the project applicant enter into an agreement with Loomis to provide the Project’s fair-share cost of improvements.

Response 7-10

The cumulative projects presented in Table 6-1 are a partial list of all the cumulative projects in the City. Even though the Whitney Ranch project is not listed in Table 6-1, the DEIR includes the analysis of the project’s cumulative effects on traffic and air quality. CEQA’s procedures require that cumulative impact analysis be based on either (1) a list of past, present, and probable future projects (the “list” method), or (2) a summary of projections contained in a general plan or related document (the “plan” method). (CEQA Guidelines, § 15130, subd. (b)(1).) The EIR’s cumulative analysis, which employs state of the art computer modeling, uses both the list and plan approach in order to be as conservative and exhaustive in its analysis as was possible and prudent. As a result, the cumulative traffic analysis not only includes a list of near-term projects that will contribute to the same cumulative impacts to which the Project is also contributing, but also reflects traffic forecasted out to the year 2025 by the City’s traffic model based on the land use and circulation system included in the City’s General Plan, which includes the Whitney Ranch project, and other General Plans in the area. The General Plan traffic model takes into account the anticipated traffic growth based on new development in the region (including Lincoln, Roseville, Penryn, Loomis, Rocklin, and unincorporated Placer County).

Response 7-11

The intersections having unsatisfactory LOS under the 2025 Without Project Without Dominguez Road conditions are listed on page 6-62. This is a list of intersections that are already failing (unsatisfactory LOS) even before the project traffic is added to the circulation system. As discussed above, the City’s authority to impose mitigation in the DEIR is limited to impacts associated with this Project. (See CEQA Guidelines, § 15126.4, subd. (a)(4)(B).) Therefore, the City cannot require the Project to mitigate these intersections on the basis that they are failing under baseline cumulative conditions, as indicated by the inclusion of the intersections on this list. The analysis of the Project’s contribution to these intersections is discussed later in this chapter and mitigation is required where the Project’s contribution to the unacceptable LOS is 5 percent or greater.

Similarly the roadway segments exceeding capacity under the 2025 Without Project Without Dominguez Road conditions are listed on pg 6-62. These segments are already exceeding daily capacity even before the project traffic is added to the circulation system. For the same reasons as

noted above, therefore, the City cannot require the Project to mitigate these roadway segments which are failing under baseline cumulative conditions. The analysis of the Project's contribution to these segments is discussed later in this chapter and mitigation is required where the Project's contribution to the unacceptable LOS is 5 percent or greater.

Response 7-12

The intersections listed on page 6-63 are the intersections that are significantly impacted by the Rocklin Commons project. The first list that is referred to in the comment identifies five intersections that are projected to operate at unsatisfactory LOS and are significantly impacted in the 2025 Plus Project Without Dominguez Road scenario. The subsequent section of the DEIR (pages 6-71 through 6-76) discusses the improvements that are necessary to mitigate the project related impacts to those five intersections. Where the intersections are already operating at unacceptable LOS under baseline cumulative (2025 No Project) conditions, however, the City cannot require the Project to incorporate mitigation which would improve failing intersections to acceptable levels of service. The City can only require the Rocklin Commons Project to mitigate the intersections to pre-project conditions. (See CEQA Guidelines, § 15126.4, subd. (a)(4)(B) quoting *Dolan v. City of Tigard* (1994) 512 U.S. 374 (mitigation measure must be "roughly proportional" to the impacts of a project).)

The second list that is referred to in the comment identifies five roadway segments that were forecast to operate with unsatisfactory LOS in the without project scenario and that would continue to operate with unsatisfactory LOS in the 2025 Plus Project Without Dominguez Road scenario. While the street segments exceed theoretical daily capacity values, as noted on DEIR, p. 6-63, the further analysis of peak hour traffic (highest hourly traffic during the day) shows that all of the listed roadway segments, including the three segments that are located in Loomis would operate at acceptable level of service and have sufficient residual capacities during the a.m. and p.m. peak hours. Hence, the project would not create a significant impact on these roadway segments and mitigation is not required.

Response 7-13

As discussed above, the Mitigation Measures for impacts in Loomis require that the applicant attempt to enter into an agreement with Loomis through which the applicant will either be responsible for constructing the improvements or provide Loomis with funding in an amount equal to the agreed upon estimated costs of the improvements. The DEIR concludes that those impacts in Loomis will be significant and unavoidable only because the City cannot ensure that Loomis will cooperate with the applicant in entering into an agreement; thus, the City cannot ensure that the mitigation measures will be implemented. The City making a significant and unavoidable conclusion in these instances is consistent with recent case law. (See *Tracy First v. City of Tracy* (2009) 177 Cal. App. 4th 912; see also *Sacramento Old City Association v. City Council of Sacramento* (1991) 229 Cal.App.3d 1011, 1028 (*SOCA*) (where the precise means of mitigating impacts is impractical at the time of project approval, the agency should commit itself to eventually working out such measures as can be feasibly devised, but treat the impacts in question as being significant at the time of project approval).)

The City cannot require the project applicant to enter into an agreement with Loomis prior to approving the Project, because the CEQA process has not yet been completed. Without the approval of the Project and adoption of the mitigation measures in the EIR, the agreement itself would be construed as a "project" subject to CEQA. Approval of an agreement that determines the details of Project mitigation measures, without first going through CEQA, would be improper. (See *Save Tara v. City of West Hollywood* (2008) 45 Cal.4th 116, 143 - 146 (before conducting CEQA review,

agencies must not “take any action” that significantly furthers a project “in a manner that forecloses alternatives or mitigation measures that would ordinarily be part of CEQA review of that public project”).)

Response 7-14

With respect to Mitigation Measure CI-6, as discussed above, the project applicant will be required to enter into an agreement with Loomis. It is through the agreements created that the specific details of the traffic improvements that Loomis is concerned about—calculating fair share and when it will be paid—will be worked out in detail.

Response 7-15

Loomis’ request is noted.

Applied Development Economics (September 8, 2009)

Response to Comments

See CBRE letter on next page

To: David Mohlenbrok
City of Rocklin

From: Elliot Stein and Papi Ray Diamond

Date: September 21, 2009

Re: Response to Comments from Donald Mooney and Applied Development Economics
Regarding Rocklin Commons EIR
Economic Impact Analysis and Urban Decay Findings

This letter responds to the memorandum prepared by Applied Development Economics (“ADE”) and dated September 8, 2009 attached to the letter from Donald Mooney to the City of Rocklin dated September 9, 2009. The responses are organized by their number and paragraph/section number.

7-16 The ADE memorandum raises questions about CBRE Consulting’s economic impact analysis methodology and suggests that, based on alternative assumptions made by ADE, urban decay “could” result from the development of Rocklin Commons. It is important to note that nowhere in Mr. Mooney’s letter or ADE’s memorandum does either conclude that the development of Rocklin Commons “will” result in urban decay. This section of the memorandum states the key points which will be addressed in responses to the body of the memorandum.

7-17 This section is an introduction to the memorandum and overview of demographic trends and projections. It contains no criticisms of the CBRE Consulting report and therefore does not require a response.

7-18 This section of the ADE memo is critical of the methodology used by CBRE Consulting in the economic impact analysis to estimate per capita spending. It would be helpful here to review the methodology used before responding to the criticisms.

Methodology

In CBRE Consulting’s methodology, per capita spending in the market areas is benchmarked to actual per capita sales in the control area. The control area chosen is the area covered by the Sacramento Area Council of Governments: the counties of El Dorado, Placer, Sacramento, Sutter, Yolo, and Yuba. The purpose of including a control area is to compare the market area to a geographic area with similar characteristics, so as to be representative of, or “control,” the spending patterns of the study area. The use of the control area accounts for characteristics unique to individual markets that might artificially inflate or deflate the calculated area spending pattern. Therefore, a control area is chosen carefully, with the goal being the selection of an area within which there is a relative balance between the inflow and outflow of retail spending.

The CBRE Consulting Retail Sales Leakage Analysis uses the control area sales by retail category as a dominant variable in the regression analysis, to impute the market area spending potential by category. The regression model estimates per capita spending for the market area by comparing the average household income in the control area to the average household income in the market area. In this case, the average household income in the control area was lower than average household incomes in the primary and secondary market areas. The regression model accounts for this difference and the difference in spending patterns for households of these different income levels. Within the industry, this approach is considered appropriate to produce reasonable estimates for a market area.

Sales Due to Visitors

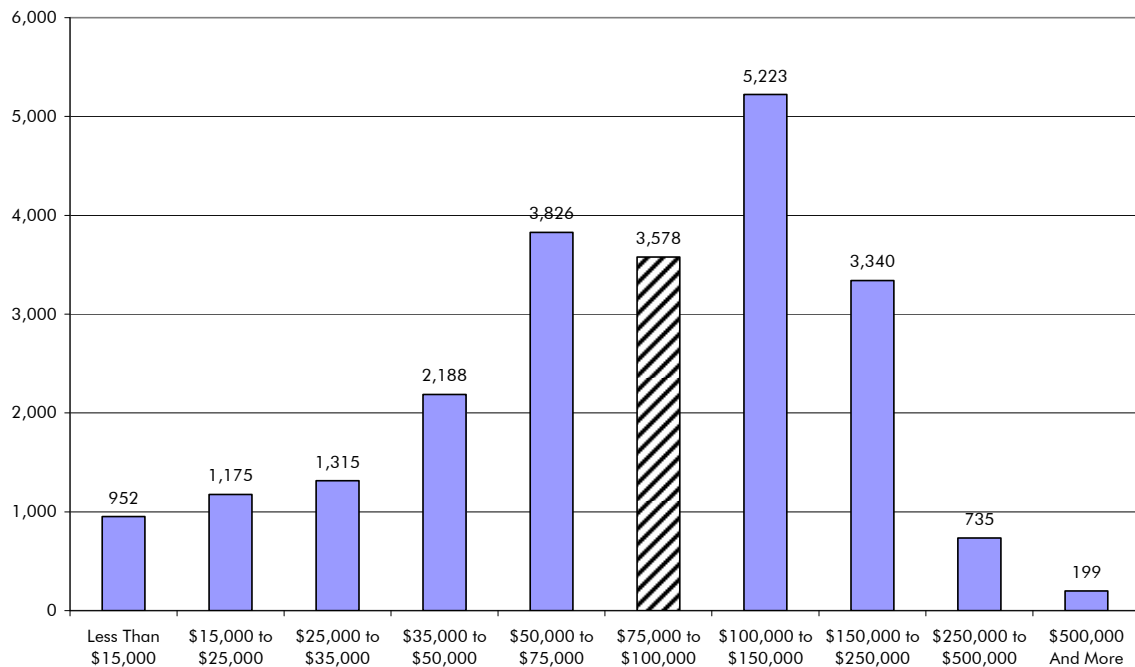
One criticism ADE has with CBRE Consulting's methodology is that the spending estimate could possibly be overstated due to tourists that travel from the San Francisco Bay Area to Lake Tahoe. ADE raises a false distinction between tourist spending and household spending. Although household spending is being estimated, it is really a proxy for all spending on retail, whether the spenders are residents, tourists, or businesses. The control area, defined earlier as the counties of El Dorado, Placer, Sacramento, Sutter, Yolo, and Yuba, certainly has some areas that are heavily travelled by tourists, but it also contains counties, such as Yuba and Sutter, which are unlikely to have much tourism. Local retailers, especially gas stations and fast food, may benefit from travelers stopping on their way through these areas. It is possible that visitor sales are a substantial component of local retail sales in those two categories. However, there is no practical way to separate out sales that occurred due to visitors versus residents. In addition, the primary and secondary market areas both lie on a major transportation corridor between Sacramento and Lake Tahoe, so it is important that the control area reflect this reality. Therefore, total potential spending on retail is not over estimated.

Average Household Income

Another criticism ADE has is that CBRE Consulting estimated resident spending by using an average household income of \$98,490 in the primary market area and \$97,560 in the secondary market area. ADE argues that this assumption overestimates spending by assuming that all households earn at least the average and spend in the same manner as households earning the average. This is not true. Some households earn less than the average; other households earn more than the average. Resident spending is calculated based on the average in order to get an overall figure for potential spending. This simplification is a reasonable approximation of potential spending. The chart below shows the distribution of households in the primary market area by average household income range.

Distribution of Households by Average Household Income
Primary Market Area Estimate for 2008

Distribution of Households by Average Household Income
Primary Market Area Estimate for 2008



Source: Claritas; and CBRE Consulting.

The average household income for the entire area falls into the category \$75,000 to \$100,000 (denoted in the chart as a bar with diagonal lines). The category with the largest number of households is actually the next highest category of \$100,000 to \$150,000. The four categories with the largest number of households are \$50,000 to \$75,000, \$75,000 to \$100,000, \$100,000 to \$150,000 and \$150,000 to \$250,000. Together these four categories comprise over 70 percent of total households in the primary market area. Therefore, it is CBRE Consulting’s professional opinion that using the average household income of \$98,400 for all households is a reasonable assumption.

7-19 The ADE memorandum also suggests that the spending estimate is overstated because age and ethnicity were not taken into account. As discussed in Response 7-4, CEQA does not specify the exact methodology required for urban decay studies, and no single methodology has been sanctioned by court cases. There is no requirement to examine race and age when estimating potential spending. Certainly, spending patterns do vary based on factors such as age, race, and income level. However, the way that they vary does not necessarily overstate potential spending. It may just as likely understate potential spending.

Despite the claim that examining race is critical to estimating spending, ADE declined to include the tables where such estimates are calculated. Therefore, it is difficult to follow the methodology ADE used to estimate spending potential. In addition, according to Claritas, in 2008 whites comprised over 80 percent of the population and Latinos comprised less than 8 percent of the population in the primary and secondary market areas. This homogeneous

population suggests that race likely does not influence spending patterns substantially in these areas. CBRE Consulting affirms that the methodology it used is valid and fairly represents potential spending the market areas.

Section 7-19 of the ADE memorandum also further proposes that by not incorporating the changing distribution of age, CBRE Consulting may have overestimated resident spending. This supposition is speculative. No data is presented to demonstrate that the aging of the baby boomers will necessarily decrease retail spending in the next 10 years. A more critical factor is how many residents there will be in the primary and secondary market areas and that number is projected to increase.

7-20 This section deals with several topics each addressed below.

Weekly Food Spending

In this section ADE compares its spending estimates with CBRE Consulting's spending estimates. It is suggested that CBRE Consulting's food store spending estimate, in particular, is too high. ADE refers to a US BLS website that estimates spending of \$91 per week on groceries for households on the West Coast. ADE compares this number to CBRE Consulting's implied weekly food store spending of \$189 (total spending divided by number of households divided by 52 weeks.) This is not an apples-to-apples comparison. The US BLS estimate is only for non-taxable food products such as milk, meat, cereal and vegetables. Grocery stores and supermarkets, however, sell a variety of general merchandise goods such as household cleaners, greeting cards, beauty products and pet supplies. CBRE Consulting's food store spending estimates are derived from the California Board of Equalization's actual taxable sales figures. However, about 70 percent of items sold in grocery stores are not taxed so CBRE Consulting increases the California Board of Equalization's figures to account for that. Therefore, ADE is comparing spending on non-taxable groceries to all spending at food stores. The US BLS estimate is also for a survey done in 2006 versus the CBRE Consulting estimate for 2013. Assuming a typical rate of inflation, the cost of items bought at grocery stores is likely to be substantially higher seven years in the future. In conclusion, ADE's comparison is faulty and erroneous. By using actual taxable sales dollars for the relevant areas from the Board of Equalization and adjusting for non-taxable sales items, CBRE Consulting's methods accurately characterize all spending at food stores.

Retail Sales Leakage in Food Stores Category

ADE's spending estimate finds no retail sales leakage in the food store sales category whereas CBRE Consulting's estimate finds \$40.8 million in retail sales leakage for food store sales in the primary and secondary market areas in 2006. Given the two different methodologies and data used, there are bound to be differences in the results. However, retail sales leakage in food stores makes sense given that two grocery stores in Rocklin have closed. Grocery stores typically have a market area of a 3-mile radius so customers who used to shop at the now closed Albertson's and Grocery Outlet in Rocklin likely now shop at another nearby grocery store such as the Raley's or Safeway. Also, depending on where they live, a store in Roseville, outside the primary and secondary market area, may be the most convenient for some residents. Therefore, given the decrease in food store choices in Rocklin, it is not surprising to find some retail sales leakage in the food stores category.

Retail Sales Leakage in the Secondary Market Area

ADE claims that there is an error in Exhibit 18 of CBRE Consulting's calculations. This is not an error but a key part of the methodology. For the stores planned at Rocklin Commons, a portion of sales will come from residents of the primary market area and another portion of sales will come from secondary market area residents. According to CBRE Consulting's estimates, both market areas have retail sales leakage in every category, indicating that residents do some shopping outside the primary and secondary market areas. CBRE Consulting assumes that 50 percent of the retail sales leakage in the primary market area will be absorbed by sales at Rocklin Commons and that 25 percent of the retail sales leakage in the secondary market area will be absorbed by sales at Rocklin Commons. These are reasonable assumptions based on the geography of the area and existing retail offerings. Therefore, it is appropriate to consider the secondary market area when examining impacts to primary market area retailers.

Impacts on Raley's Grocery Store

Potential Store Closure. ADE's analysis, using a different methodology and data, finds that there could be substantial impacts to Raley's grocery store, enough to potentially lead to a store closure. In CBRE Consulting's analysis of the impacts of Rocklin Commons, some impacts in the food stores category are estimated, but new population growth within one year is likely to mitigate the impacts by generating enough demand for the existing grocery stores in the market area as well as the one planned at Rocklin Commons. It is worth noting that while CBRE Consulting has included a potential 60,000-square-foot food store in its analysis (as a worst case scenario) the developer does not currently have a deal with a grocer and does not expect a large grocery store to be a part of the project. When cumulative projects are considered, there is the potential for one to two grocery stores to close. The Raley's store benefits by being part of a larger chain with the financial resources to sustain a temporary downturn in sales. But even if the Raley's were to close, a closure itself does not inevitably lead to urban decay. A good example is that although there have been two grocery store closures in the market area that have remained vacant for prolonged periods of time, those vacancies have not led to conditions of urban decay. Property owners have a responsibility to maintain their properties even during times of vacancy. Given the history of closed grocery stores in the market area, CBRE Consulting does not believe the closure of Raley's would lead to urban decay. Nor does ADE in its comments conclude that the closure of Raley's would result in urban decay, as noted above.

Recessionary Conditions. ADE states that the recession may cause a decline in sales to the Raley's store that would further put it at risk of closure. The recession has affected some categories of retail more than others. Automobile dealers have been strongly affected while retail categories that offer staples have been less affected. Many consumers have been spending less on eating out and doing more cooking at home which has benefited grocery stores. Because grocery stores sell critical everyday items, they are not as affected by recessionary conditions. If the recession does persist, though, it is less likely that the cumulative projects will get built as it will be difficult for developers to get financing and commitments from retailers for leases. This will reduce cumulative impacts on Raley's and other food stores in the market area.

7-21 This section of the ADE memorandum summarizes the earlier points that have already been discussed in this letter. It is of note that ADE does not declare that the Rocklin Commons project will inevitably lead to urban decay, only that the Raley's could close and that it could be hard to retenant the space, thereby making it difficult for the remaining stores in the center.

Two new issues were brought up in this section: the impacts on the home furnishings and appliances store category and fiscal impacts to the City of Loomis.

Impacts on Home Furnishings and Appliance Stores

The ADE peer review claims that CBRE Consulting did not indicate how impacts in the home furnishings and appliances category would be distributed within the market area and implied that identifying the distribution of impacts is required by CEQA. In fact, CEQA does not require that urban decay studies predict which individual stores will be impacted by new retail. As discussed above and in Response 7-4, nothing in CEQA statutes purports to tell professional real estate economists how to conduct their economic analyses, or precludes them from relying on information of the kind on which they and their professional colleagues traditionally relied. Regardless, the report does discuss potential impacts on home furnishings and appliances stores by location, concluding that although some smaller home furnishings and appliance stores in the primary market area may experience negative sales impacts, the bulk of the impacts are likely to be on stores located on the Highway 65 corridor. Clearly, this issue was addressed in the study and meets the requirements of CEQA.

Fiscal Impacts

ADE states that if Raley's closes, the Town of Loomis could lose sales tax revenue of \$133,000 per year. CBRE Consulting did not analyze this issue as it is not germane to the question of urban decay or blight stemming from the closure of existing businesses. Nothing in CEQA or CEQA case law suggests that pure *fiscal* impacts on local governments can be a source of urban decay. The CEQA Guidelines specifically provide that "economic and social changes resulting from a project shall not be treated as significant effects on the environment." (CEQA Guidelines, § 15064, subd. (e); see *Friends of Davis v. City of Davis* (2000) 83 Cal.App.4th 1004, 1019.) Any *physical* consequences of reduced revenue to the Town of Loomis are far too speculative to try to predict, as the Loomis Town Council would have to make policy decisions about how to get by with reduced general fund revenues. The outcome of any such deliberations simply cannot be known or intelligently predicted. Under CEQA while "some degree of forecasting" in preparing analyses is appropriate, one should stop short of addressing topics "too speculative for evaluation." (CEQA Guidelines, §§ 15144 & 15145.)

September 7, 2009

(sent via email)

City of Rocklin
Community Development Department
3970 Rocklin Road
Rocklin, CA, 95677

Ladies and Gentlemen:

RE: Rocklin Commons Draft Environmental Impact Report

Thank you for the opportunity to comment on the Rocklin Commons (RC) Draft Environmental Impact Report (DEIR), and for your flexibility in accepting a variety of avenues for submission.

Hydrology and Water Quality

Experts have predicted that in the coming years, our Sierra snow melt, coupled with warmer and more intense rains, will result in greater risk of flooding from storm water runoff. From what we can tell with this project, old methods for flood control are being used as if they are the Best Management Practices (BMPs) when we know that they have failed in the past (runoff collection and on-site detention systems, etc.). Please require the latest BMPs and Low Impact Development (LID) solutions hold runoff to pre-development levels. Please require the establishment of a security bond in the event of non-compliance (runoffs in excess of pre-development levels) and necessary modifications.

8-1

The Dry Creek Watershed Flood Plan is now over 17 years old; plenty has changed since then in the BMPs regarding flood impacts and mitigation. The City of Rocklin's General Plan's measures to minimize pollutants and sediments entering watercourses (Policy 19, page 4070), may have been appropriate in 1991, but are now outdated and inadequate to minimize water quality degradation. The project's parking lot areas are large and will bring pollutants to watercourses and exacerbate the kinds of flooding that has been predicted, unless pervious surfaces (pavers, etc.) are required. Please require more of the very latest in BMPs (and LID principles) with regard to the parking lots to reduce the anticipated runoff to equal or less than pre-development levels (Policy 6, page 4-65).

8-2

The RC DEIR states that the project will not negatively impact groundwater recharge with an apparent assumption that the "perched water" will flow "...horizontally towards the closest surface water source..." and that "...groundwater recharge...is limited and probably non-existent..." Are we to assume that Sucker Ravine is also completely above the granodioritic rock and thus no perched water will reach groundwater tables?

8-3

The use of the word "probably" is disconcerting—how many test borings were drilled? How deep were they? How far apart were they spaced, but most importantly, how can the claim be made that groundwater recharge will "probably" not be impacted?

We urge that the applicant be required to err on the side of caution and assume that runoff will find its way to recharge groundwater. We know for certain runoff will occur; we need to know for certain that the groundwater will not be negatively impacted.

The preparation of an erosion control plan and stormwater pollution prevention plan (SWPPP) is admirable; however, how will it be enforced? What guarantees are there that the “plan(s)” will be followed rigorously? Who will be monitoring? We urge the City to require an up-front performance bond in the event pollutants are present and/or a hazardous spill is not identified in a timely manner, prevented, or cleaned up.

8-4

Transportation and Circulation

Rocklin’s General Plan is clear as to the importance of safe and efficient roadways. However, as stated, Granite Drive is classified as a “truck route from Dominguez Road to Sierra College Boulevard.” (RC DEIR p 4-108). Congestion and its contribution to pollution is one impact, but safety concerns must be addressed as they relate to the “killer” curve just south of the project’s north entrance. The City should make every effort to straighten the curve, lower the speed limit, and/or realign Granite Drive to route it in a straighter line through the project with improvements on both sides of Granite Drive.

8-5

To expand upon the Granite Drive realignment, although the adjacent parcel to the north is privately owned, every effort should be made to realign Granite Drive for safety reasons and for more oak tree preservation. With appropriate design and engineering, the wetlands and swales could all be avoided, as well as many oak trees, with Granite Drive curving only slightly through what is now mostly designated parking lot in the current project design. In exchange for the realignment for safety, the parcel owners could be deeded the current Granite Drive roadway land areas for their use.

8-6

Ingress and egress to the project site, whether as a (south/west bound) left turn or a slow down right turn (north/east bound) is going to be extremely dangerous with the curve. Please address this issue and remedy it. If the project is approved as is currently designed, it is a recipe for traffic disasters.

8-7

We do not notice any public transit stops or roadway widening for bus stops. Please require permanent pull outs for public busses/transit and benches for riders.

Are bike lanes provided and sufficiently wide enough for safety?

Are pedestrian sidewalks provided and sufficiently safe on BOTH sides of Granite Drive?

8-8

If the answer to the above two questions is negative, please explain and mitigate appropriately.

As a part of the traffic mitigation, there should be more commuter parking provided as either an expansion of the existing “small” nearby commuter parking lot, or a new lot.

While we may have misinterpreted the intent, it is written (p.4-129) that the City does not subscribe to the notion that adding more “bad to bad” needs to be addressed with cumulative traffic impact studies, and that the situation does not meet CEQA thresholds for triggering study or mitigation. The City appears to take a position that “relatively small amounts of air pollution” do not subject the project or traffic impact to CEQA. If our interpretation is correct, we strongly disagree.

8-9

CEQA requires the lead agency to prepare an EIR whenever a “fair argument” can be supported that the project “may” have a significant adverse impact on the environment. The public does not have to “prove” that the project will have significant impacts. Instead, they only have to show that there is a reasonable degree of uncertainty on the question. This establishes an extremely low threshold.

The California Supreme Court has been fairly clear in establishing the need of the lead agency to resolve uncertainty caused by conflicting assertions. We would contend

that is the situation here. Thus, the City must review and present studies regarding ecological consequences from increased congestion, no matter whether it's a piling on of other "bad" impacts or simply a 0.05 threshold. Have the appropriate studies been completed and made available for public review?

8-9

Water Entitlements and Demands

Please recirculate this section as it pertains to the Sacramento River water diversion and the associated impacts. The information may have been correct when this DEIR's NOP was first circulated, but latest reports are that the entire Sacramento River diversion project, upon which some projects are relying, may be kaput.

Current information is that the diversion project is literally dead in the waters. PCWA's latest information is that they have agreed to "...suspend planning on a long-term project to divert water from the Sacramento River to serve parts of western Placer County. The project is affected by uncertainties over state water operations."

8-10

To base the water supply of any project on a Water Forum Agreement that is falling apart is unacceptable. Please explain how the collapse of the Sacramento River water diversion will impact the project, both immediately and cumulatively.

Biological Resources

The excessive removal of oaks (which require no watering), the resultant sterile parking lot, and the subsequent possible planting of ornamentals around buildings is unacceptable. Surely, any designer worth his/her salt could have saved most, if not all of the oaks, especially in the parking lot(s) instead of taking the easy way out with probably one of the most unimaginative parking lots designs ever presented. We can feel the oppressive heat emanating from it just by looking at the model.

In addition to possibly being immaterial and irrelevant, we disagree with the implications in the statement in the DEIR that the oak woodlands on the RC site offer less overall ecological value than high value oak woodland habitats. It is stated that without a substantial water source, that the ecological value is less. What evidence or what studies can possibly draw such a conclusion? Less than what? This is akin to stating the aesthetic values on the project site are less than Yosemite, and so they can be dismissed.

8-11

Oaks have value, simply in and of their own characteristics. In viewing the site from Granite Drive, the spacing of the oak presents almost a model of how oaks grow best—it may be a model for oak savanna. The use of the word "fragmented" to describe an almost perfect naturally designed oak landscape defies logic. Please explain how this DEIR can be so dismissive of the oaks' ecological values.

With 219 valley oaks, as well as 9 heritage oak trees, this project site must protect many more than is currently planned. Please explain why only 8 oaks are to be preserved out of a total of 361 oaks. Doesn't a 98% "take" of oaks violate the City's own tree ordinance?

A payment of \$48 per inch of TDBH of Replacement Trees is unacceptable. The revenue from the firewood will more than offset that feeble token fee amount. Please enforce the tree ordinance and protect oaks. What are the air quality implications of removing 98% of the oaks on this site? What are the impacts of replacement trees that will need watering compared to the existing oaks that require none?

Tree canopy statistics from the “findings” (page 4-54) are gravely misleading. It is well understood that Oak Tree Canopy is much more desirable than ornamental tree plantings. To suggest that Rocklin’s tree canopy has improved is debatable.

When any oak trees are replanted, relocated or replaced, the success rate is abominable. Without long-term monitoring, the results are akin to all the oaks replanted in Bickford Ranch—dead. The replant, relocate or replace plan cannot be assured and cannot be sustained. It also should not claim to be *less than significant* on a long-term basis, because it’s a gamble. Please explain how anyone could assume this is a reasonable MM for such a monstrous loss of valuable oak trees, especially when other projects have shown such MM do not necessarily work.

8-12

Please explain how the required fees to acquire land appropriate for oak tree reforestation can be a justified as a MM. Please explain how the amount of such a required payment will be determined to cover the cost of the land acquisition, the arborist compensation, education programs, and enforcement of the City’s tree ordinance. What will that required amount be when considering the demise of over 353 valuable oaks, including heritage oaks? Please explain how any amount can be arrived at when historically the fees have been so minimal and inadequate that they are simply useless. Instead, please require the applicant to provide the land for the reforestation FIRST, before any permits are issued.

8-13

The five seasonal wetlands and three wetland swales are noted, but there is a grave contradiction that must be remedied. In the Mitigation Measure (MM) BIO-1: Loss of Wetlands statement, the DEIR specifically states,

“To avoid adverse impacts to waters of the United States, and to achieve a goal of no net loss of wetlands functions and values, the project’s Nationwide Permit 39, Special Condition 1, states that mitigation for the loss of 0.479 acre of seasonal wetland and 0.002 acre of open water, will be purchased through the Corps’ In-lieu fee fund (National Fish and Wildlife Foundation Sacramento District Wetlands Conservation Fund) at a 1:1 ratio.”

8-14

Thus there is a net loss of .481 acres, the fill that will occur on the project site. A 1:1 ratio means that currently there is .481 acres, but it will be destroyed via fill. Elsewhere there is another .481 acres, in existence, that may be purchased/preserved. That may appear to be a no-net loss, but it is in fact a net loss of .481 acres. Please increase the mitigation ratio to a true, honest “no net loss” ratio of at least 2:1, but preferably 3:1.

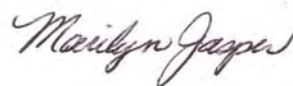
With regard to migratory and/or other listed or special species, eagles have also been observed in Clover Valley. It is not a stretch to believe that they may utilize the habitat of this project site. Were studies conducted to completely eliminate the site as potential habitat for eagles?

8-15

The impacts to Sucker Ravine, in draining into Secret Ravine (which provides spawning and rearing habitat for the federally threatened Central Valley steelhead and spawning habitat for fall and late fall-run Chinook salmon) must be identified.

8-16

Thank you for considering our views,



Marilyn Jasper, Chair

Sierra Club – Placer Group (September 7, 2009)

Response to Comments:

Response 8-1

The commenter refers to “experts” who predict future greater risk of flooding due to stormwater runoff, but fails to identify the “experts”. Stormwater runoff facilities for any project in Rocklin are designed to handle the 10-, 25- and 100-year storm events so that there is no encroachment of the floodplain into the living or work space of any structure. In fact, the Federal Emergency Management Agency (FEMA) requires that the first floor elevation of any structure be designed for a one-foot freeboard above the 100-year floodplain elevation. The City goes beyond that design parameter in requiring that the first floor elevation be two feet above the 100-year floodplain elevation. This provides an extra level of flood protection and therefore meets the definition of Best Management Practices. As discussed in impact WQ-1, the proposed project includes a stormwater runoff collection and detention system pursuant to the guidelines set forth in the Stormwater Management Manual that would be sufficient to reduce the post-project peak flows to below pre-project levels. Therefore, the project would not be expected to substantially alter the course of a stream or river, or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems. This impact is considered less than significant and no additional BMP or Low Impact Development measures are required to mitigate this less than significant impact. The City also has a monitoring program for private storm drain detention basins and existing mechanisms to make sure that these basins are maintained properly. Therefore, there is no need for a security bond.

Response 8-2

The commenter is correct in pointing out that that Dry Creek Watershed Plan was approved in 1992, and that the City of Rocklin’s General Plan was adopted in 1991. However, it is incorrect to assume that the City has not improved or updated its approach to stormwater quality requirements since these dates. By their very name, Best Management Practices are constantly evolving and being improved upon. Staff assigned to inspect projects for stormwater quality measures undergo at least one, and quite often more than one, annual training event to stay current on the latest Best Management Practices. Staff also coordinates regularly with the State Water Quality Control Board personnel to make certain that the City is appropriately addressing stormwater quality and is monitoring its projects using the latest techniques and practices.

As such, the Project includes BMPs that are adequate to capture and treat the stormwater discharge from the Project site. The project is divided into five sub watersheds that drain to five of the seven existing drainage pipe stubs or culverts within Granite Drive that serve the shed area bounded by Granite Drive, I-80 and Sierra College Boulevard. The largest of the five sub watersheds consists of approximately 26 acres and includes a storm water detention basin. This storm water detention basin includes approximately three quarters of an acre of storage volume that will be used as part of a treatment train for storm water quality treatment of the sub watershed. This third step of the water quality treatment train would take place after the first-step BMP, which consist of administrative controls such as signage at inlets to prevent illicit discharges into storm drains, parking lot and other pavement area sweeping, public education, and hazardous waste management and disposal programs, and after second-step BMP, which may include underground hydrodynamic separators or catch basin

filters, or, upon approval of the City of Rocklin, a substitute device of equal or greater effectiveness. The second-step BMP would contain a media or structure designed to remove oil and grease. The third-step water quality basin BMP would be designed according to the Guidance Documents for Volume and Flowbased Sizing of Permanent Post-Construction Best Management Practices for Stormwater Quality Protection published by the Placer Regional Stormwater Coordination Group (PRSCG) (May 2005).

The four remaining sub watersheds vary in size from approximately 1.7 acres to 5.4 acres in size for the remaining 13 acres of the 39 acre project. Each of these sub watersheds will incorporate a treatment train that consists of administrative controls such as signage at inlets to prevent illicit discharges into storm drains, parking lot and other pavement area sweeping, public education, and hazardous waste management and disposal programs, second-step BMP that would include charcoal catch basin insets, or, upon approval of the City of Rocklin, a substitute device of equal or greater effectiveness, and the third-step water quality BMP that would consist of a CDS unit to complete the treatment train for each sub watershed.

Pursuant to mitigation measure WQ-3, before approval of the project improvement plans, the project applicant is required to submit the final BMPs design for each of the five sub watershed areas to the City. The submittal shall include the final detention basin design and detention water quality design along with supporting calculations. The BMPs design is required to conform to the requirements of the City's Stormwater Runoff Pollution Control Ordinance (Title 8, Chapter 8.30 of the City Code) and the Grading and Erosion and Sedimentation Control Ordinance (Title 15, Chapter 15.28 of the City Code), which regulate stormwater and prohibit non-stormwater discharges except where regulated by an NPDES permit. The BMPs will also be reviewed for adequacy by the City of Rocklin, Engineering Division prior to approval of the onsite improvement plans for the site to ensure that they will effectively remove pollutants from the site's stormwater runoff. Long-term functionality of the stormwater quality BMP will be provided for through a maintenance and inspection program. Prior to issuance of the first occupancy permit, the applicant is required to submit to the City of Rocklin Department of Public Works a Maintenance and Monitoring Plan for all stormwater BMPs. The Maintenance and Monitoring Plan shall 1) identify a schedule for the inspection and maintenance of each BMP, 2) identify methods and materials for maintenance of each BMP, and 3) include provisions for the repair or replacement of BMPs. This plan employs current best practices and technologies to mitigate any potential impacts. With the implementation of Mitigation Measure WQ-3, this impact is considered less than significant and no additional measures are required to mitigate this impact. See also response to comment 8-1.

Response 8-3

As noted on page 4-63 of the DEIR, the granodioritic rock continues under Sucker Ravine Creek because testing indicated that water infiltrating will collect and become "perched" or it will move horizontally towards the closest surface water source, in this case Sucker Ravine. In other words, the water will not infiltrate the groundwater under Sucker Ravine Creek. The presence of the bedrock was confirmed by the drilling and sampling of 20 test borings across the property site to a maximum depth of approximately 15 feet below existing site grades, or to practical auger refusal. A permanent groundwater table was not observed within the test borings. The perched water condition observation is based on that data and previous investigations from September 1987 and February 2005 (Wallace Kuhl & Associates 2005). As noted on page 4-63 of the DEIR, the most recent data for the project site indicates that groundwater in the vicinity of the site is at an approximate elevation of 100 to 120 feet

above mean sea level, or roughly 200 feet below existing site grades (Wallace Kuhl & Associates 2005). The perched water condition discussed in the DEIR means that water will “pool” underground between the granodioritic rock surface and the surface of the project site. It is only after the surface of that underground pooled water exceeds the vertical rock constraints on its sides that it will leave the limits of the project site and move horizontally to other lower adjacent areas. If those adjacent areas also have underlying rock that creates perched conditions, the water would continue to move horizontally until it reaches other areas that it can pool in, escape to the surface via a side slope or stream bed (Sucker Ravine) or move vertically downward to groundwater. In the event it moves towards groundwater, it would have moved a minimum of several hundred feet underground (i.e. the underground horizontal distance through the site plus the 200 vertical feet to groundwater) and been subject to the cleansing /filtering properties of the underlying soils. Furthermore, the post construction BMPs proposed for the project would provide water quality treatment of the runoff prior to it entering the soils. As, based on the presence of granodioritic rock confirmed through test borings, it is very unlikely that the project runoff would reach the groundwater table, it is even more unlikely, based on the Project BMPs and the depth of the free groundwater table, that the runoff would negatively impact groundwater quality.

Response 8-4

This project, as well as all projects which disturb greater than one acre of land, are required to prepare a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP for each project is placed in an unlocked water-proof container at the jobsite and is available for anyone to review. A project monitor must make periodic updates to the SWPPP based on the contractor’s efforts to adhere to the requirements of the SWPPP. The City and the Central Valley Regional Water Quality Control Board (RWQCB) are the monitoring and enforcement agencies for the SWPPP and will be identified as such in the Mitigation Monitoring and Reporting Program that will be adopted if the Project is approved. Further, as discussed above, as part of Mitigation Measure WQ-3, the Maintenance and Monitoring Plan shall 1) identify a schedule for the inspection and maintenance of each BMP, 2) identify methods and materials for maintenance of each BMP, and 3) include provisions for the repair or replacement of BMP. A City inspector will, therefore, monitor the SWPPP to make sure that it is kept up to date, and also inspects the erosion control measures installed to make sure that they are functioning properly. For projects such as this one, the City has the ability to revoke the project’s Use Permit if the project is not adhering to any of the project’s approved conditions. Failure to maintain the SWPPP or erosion control measures could prompt a revocation of the Use Permit, whereupon the City or a contractor hired by the City would step in and maintain the site. Because the approval, monitoring and enforcement of the SWPPP is adequate mitigation for the Project’s potential impacts to long-term water quality, the City declines to require a separate, upfront performance bond.

Response 8-5

Comment noted. A traffic collision history report was generated for the segment of Granite Drive between Sierra College Boulevard and Dominguez Drive. This report found that from January of 1999 to September of 2008 (a period of nearly ten years) there have been four (4) accidents that have occurred on that segment of Granite Drive. Based on the total number of collisions, the length of the studied roadway segment, the amount of daily traffic that the roadway received, and the period of assessment, a collision rate was determined to be 0.26 collisions per million vehicle miles. Per the *2007 Collision Data on California State highways (road miles, travel collisions, collision rates)*, the collision rate for a suburban 4 lane undivided roadway with a speed of less than 45 miles per hour is 4.95 collisions per million vehicle miles. As can be seen from the data presented above, the segment

of Granite Drive that includes what the commenter refers to as the “killer curve” has a collision rate that is significantly lower than the statewide average for similar facilities. Thus, the roadway is relatively safe as compared to similar roadways and there is no need for modifications to the roadway as suggested in the comment.

Response 8-6

See response to Comment 8-5. Per response to comment 8-5, the curve on Granite Drive does not present the safety concerns as suggested by the comment and there is no reason to modify the roadway alignment and bifurcate the project site.

Response 8-7

When the northern ingress and egress to the project site were designed, the existing alignment of Granite Drive (horizontal curve) was taken in to consideration. Based on this approach, the northern access (egress) to the project site was limited to a right-out only movement. Hence the current design restricts the vehicles that are leaving the project site from making a left turn on to Granite Drive. The ingress allows vehicles from both directions (along Granite Drive) to enter the project site. It should also be noted that a second (southern) full access which is planned to be signalized as a part of the project is also provided along Granite Drive. As designed, adequate sight distance exists for all locations of ingress and egress to and from the project site from Granite Drive.

Response 8-8

Granite Drive was constructed under an Assessment District administered by the City of Rocklin. It was constructed to city standards at the time of the Assessment District, is part of the City street system and is maintained by the City. Granite Drive currently has sidewalks on both sides of the road as well as striped/signed Class II bike lanes on both sides of the road. As noted above, all of these facilities were constructed to city standards.

The project proponent consulted with Will Garner of Placer County and Larry Wing, City of Rocklin Engineer. A bus stop will be provided on the north side of Granite Drive at the signalized intersection into the shopping center in anticipation of a bus route modification to include the shopping center.

The commenter suggest that the commuter parking be increased as part of the traffic mitigation, however, providing additional commuter parking at the Caltrans park-n-ride would not have an offset or reduce the proposed project’s traffic impacts.

Response 8-9

The commenter misinterprets the City’s position regarding cumulative traffic impacts. For an intersection or roadway segment that is already operating at an unsatisfactory level of service, the City utilizes a threshold by which an increase of 5 percent (addition of 0.05) to the volume-to-capacity (v/c) ratio would constitute a significant project impact. The City believes that the nature of traffic impacts is different from many other categories of environmental impact, which often involve public health or ecological concerns. Unlike many other types of environmental effects addressed under CEQA, cumulative traffic impacts, viewed in terms of service level changes, often are without health or ecological consequences but rather translate only into human inconvenience (e.g., waiting longer to make turning movements or to get through intersections). Worsened congestion might cause irritation or inconvenience to people, but not any adverse effects on public health or ecosystems. Thus, while the addition of relatively small amounts of air pollution in a polluted air basin might

worsen the adverse health effects of air pollution, no similar health effects result from additional congestion. Notably, moreover, the mitigation for traffic impacts – laying more pavement, frequently – tends to cause adverse ecological consequences, such as loss of biological resources. Clearly, traffic impacts are a kind of “environmental” impact different than many others.

The commenter is concerned about the ecological consequences from increased traffic congestion and the effect of the 0.05 threshold on analyzing those impacts. The City’s view regarding analyzing cumulative traffic impacts does not apply to the DEIR’s analysis of air quality impacts; the impacts on air quality from the increased traffic from the Project are separately analyzed in the DEIR in Chapter 4.2.

Response 8-10

Contrary to the commenter’s claim, the Sacramento River project is not dead, but rather is on hold temporarily because the project will not likely be needed by PCWA until 2018 to 2025 due to the economic slowdown, which has greatly reduced the pace of development that, as of a few years ago, caused the Placer County Water Agency (PCWA) to undertake the preparation of an EIR/EIS for that project on the assumption that it would be required much earlier. (Pers. Comm. Steve Yeager of PCWA.) Thus, PCWA still intends to pursue the project, but there is currently no urgency for doing so. On this basis, the analysis in the DEIR indicating that there is a reasonable certainty that the water supply from the Sacramento River will likely become available in the future for future cumulative development is still accurate, and no recirculation of the Water Supply discussion is required. Notably, the Rocklin Commons project does not require any water from the Sacramento River, as PCWA has sufficient water from existing supplies, most notably the new permanent American River Pump Station near Auburn.

Response 8-11

The commenter characterizes the tree removal on the site as excessive. The commenter also disagrees with the conclusions in the draft EIR that the oak woodland on the Project site is of lesser overall ecological value when compared to the characteristics of high-value oak woodland habitats. The commenter also objects to the use of the term “fragmented” to describe the oak woodland on the Project site and the amount of \$48 per inch of total diameter breast height for an offsite mitigation fee.

Rocklin Municipal Code Chapter 17.77 titled Oak Tree Preservation, commonly referred to as the Oak Tree Preservation Ordinance, was enacted to manage oak tree and woodland resources in the City. As stated in the opening section, “The goal of this chapter is to address the decline of oak woodlands due to urbanization through a considered attempt to balance against the social benefits of private property ownership and development. To reach this goal, this chapter implements a comprehensive design review process for new development, offers incentives for oak tree preservation, and provides feasible alternatives and options to removal where practicable. This chapter is enacted in furtherance of Rocklin General Plan/Open Space Conservation and Recreation Element Policies 1 and 4.” The City’s Oak Tree Preservation Ordinance, and its application to commercially zoned property such as the Rocklin Commons site, is discussed in detail on page 4-49 of the DEIR.

The City Council amended the Oak Tree Preservation Ordinance in 1997 to exempt development in land zoned B-P; C-1, 2, 3, 4; C-H; M-1, 2 or an equivalent PD zone, from the application of the

specific mitigation measures stated in subpart 17.77.080.B. of the Oak Tree Preservation Ordinance. Based on this amendment by the City Council, it must be assumed that the council intended the mitigation measures to be developed on a case by case basis to meet their goals for oak tree preservation. As stated above, “The goal of this chapter is to address the decline of oak woodlands due to urbanization through a considered attempt to balance against the social benefits of private property ownership and development.”

In the process of developing a mitigation strategy for the Rocklin Commons project, an effort was made to balance the impacts from loss of individual oak trees, and loss of the project site’s oak woodland habitat against the multiple development constraints faced by large commercial projects. The starting point in this balancing effort is the City’s standard of mitigation, which is no net loss of mature, healthy oak trees. All of the mature, healthy oak trees cut down to facilitate development on the project site will be replanted, relocated, and or replaced over time so as to eventually satisfy this performance standard.

For a commercial development to be successful and meet the project objectives of both the City and the developer, a number of primary factors must be considered in light of the development of feasible mitigation for preservation of oak trees on a commercial site. First, unlike a residential project which can more readily accommodate slopes, fills and grade differentials to work around trees or groves of trees to be preserved, a commercial site must typically be graded extensively, with a minimum of substantial grade changes. This large scale grading is required to provide proper drainage and stormwater control, to comply with accessibility regulations, to have a functioning parking lot design providing effective and safe traffic circulation routes and pedestrian paths of travel, and to accommodate necessary access routes for delivery trucks and fire equipment.

Though wholesale grading of commercial sites is nearly always required for the stated reasons, the commercial site is required to install comprehensive landscaping to offset the loss of vegetation from the site grading. Rocklin Commons will plant and maintain approximately 704 new trees inclusive of all proposed species, and of those, approximately 30 trees which are oak species. This Project’s commercial landscaping plan is far in excess of what is typically required for any residential project or a basic commercial project, thereby attempting to balance the engineering and design requirements of the commercial project against the biological and aesthetic impacts of extensive site contouring and grading. However, since only 30 new oaks will be planted, additional mitigation for oak tree loss is required.

Other major factors to be considered in balancing the impacts of oak tree and oak woodland removal against the objectives of the City and the landowner for the project are the need to produce a successful project in the marketplace and the opportunities for jobs created by a viable commercial project. Good planning practices, and the realities of convenient and visible access, drive the need to locate commercial properties in specific areas. There is less flexibility in locating commercial uses compared to residential uses. From the City’s standpoint it is desirable to have commercial land uses located on major transportation corridors to maximize visibility, provide efficient and convenient access, and minimize commercial traffic impacts in residential areas. These planning concepts are consistent with the requirements of successful commercial developments which need good visibility, exposure to a high rate of drive by traffic, and multiple points of access whenever possible. To create and maintain numerous and steady employment opportunities the project must be economically viable. Good location is vital component to success.

Concerning the part of the comment regarding the conclusions of the DEIR on ecological value, the facts speak for themselves. As explained on page 4-43 of the DEIR and shown in Figure 3.2-3 in the Project Description, the site is bordered on two sides by multi lane high traffic arterial streets, Interstate 80 on another side, and the remaining border is shared with the former KIA car dealership now occupied by Harley Davidson of Rocklin. These existing streets, highways and urban development have isolated this site to a substantial degree from many wildlife movements, not to mention the existing freeway noise which would also discourage wildlife from utilizing the site. In addition, this site was previously utilized as a farm and orchard, and is not a woodland area which has never experienced human intrusion (DEIR page 4-43).

Further support for the City's characterization of oak woodlands of high ecological value comes from the California Oaks Foundation, one of the preeminent oak preservation organizations in the country. The California Oaks Foundation model oak tree preservation ordinance uses the following definition: "Ecologically sensitive oak woodland" means oak woodland containing the following habitat elements: (1) multiple or single layered canopy; (2) riparian zones; (3) burrows, caves and cliffs; (4) snags; (5) downed woody debris; and (6) wetlands. The greater the number of these habitat components present, the greater the oak woodland ecological sensitivity.

The point was made in the DEIR regarding the water source because of the high value placed on water sources for development of high quality habitat. The Rocklin Commons site has no active stream or creek, though there are low spots creating seasonal swales and wetlands. Wildlife species require three basic elements for survival: food, water and habitat cover. Without a substantial water source, the project site has less ecological value because one of the three basic elements for wildlife survival is non-existent. Furthermore, ecological values of the project site are diminished without a substantial water source because food sources are also likely to be affected by the lack of substantial water. For example, fewer plant species that provide forage value will grow on the project site due to a lack of a substantial water source, and fewer wildlife prey species that serve as a food source for predator species will occur on the project site due to a lack of a substantial water source. Finally, even habitat and understory cover values are diminished due to a lack of a substantial water source, since a substantial water source will provide a means for the growth of the understory cover. This is especially true in riparian habitat areas where riparian vegetation is dependent upon a substantial water source. Riparian habitat areas are especially critical to wildlife populations in urbanizing areas such as western Placer County where wildlife habitats are reduced due to development.

Regarding the amount of \$48 per inch of total diameter breast height for an offsite mitigation fee, the City has evaluated the project's impacts to oak trees and the site's oak woodland. In compliance with the stated goal of the Oak Tree Ordinance "... to address the decline of oak woodlands due to urbanization through a considered attempt to balance against the social benefits of private property ownership and development" and after considering the mitigation strategy set forth in Mitigation Measure BIO-3, the City selected the amount of the offsite mitigation fee to balance the costs of establishing off site mitigation, after accounting for onsite preservation, onsite transplants, onsite tree plantings, against the City's competing goal to enjoy the social benefits of private property ownership and development.

Response 8-12

The commenter states that tree canopy statistics are misleading. The commenter goes on to express the opinion that the mitigation strategy of replanting, relocating or replacing oak trees cannot be assured and is not sustainable and is an unreasonable mitigation measure.

The statistical information presented is not misleading in that there was no attempt in the DEIR discussion, or in the City's Urban Forest Report, to distinguish the canopies of different tree species. The Urban Forest Report and its citation in the DEIR make the point that the overall tree canopy cover in the City has increased as development has occurred over time. These findings were statistically based on actual surveys of random locations of Rocklin's tree canopy over time and are not debatable with respect to the point that Rocklin's tree canopy has improved. For a citation to the City's Urban Forest Report and further discussion of the Oak Tree Preservation Fund see page 4-49 of the DEIR.

A simple internet search under oak woodland mitigation will yield multiple sources of information which mirror the mitigation strategy applied by the City to this project: 1) protect and preserve existing oaks, 2) transplant trees on site if the opportunity exists, 3) plant new trees on site, and then 4) utilize an offsite mitigation fee to create new oak woodlands or enhance existing oak woodlands in the immediate vicinity of the project location. The commenter's opinion that the mitigation is inadequate is inconsistent with the conclusions of most oak preservation organizations including the California Oaks Foundation and the UC Integrated Hardwood Range Management Program, and contrary to California law specifically addressing preservation of oak woodlands.

In 2004 the California Environmental Quality Act (CEQA) was amended with the passage of SB 1334, (Chapter 732, and Statutes of 2004). As amended, CEQA now requires a county to determine whether a project within its jurisdiction may result in a conversion of oak woodlands that will have a significant effect on the environment. Public Resources Code 21083.4 section provides that if a county determines that a project will result in a significant effect to oak woodlands, the county shall require one or more of the following oak woodland mitigation alternatives to mitigate for the significant effect associated with the conversion of oak woodlands: 1) Conserve oak woodlands through the use of conservation easements; 2) Plant an appropriate number of trees, including maintaining plantings and replacing dead or diseased trees; 3) Contribute funds to the Oak Woodlands Conservation Fund for the purpose of purchasing oak woodlands conservation easements; or 4) Other mitigation measures developed by the county. Although this statute only applies to counties and thus does not apply to the City of Rocklin, the City's mitigation strategy is nevertheless consistent with CEQA's required mitigation for oak woodland impacts from county projects.

Response 8-13

The commenter again addresses the off site mitigation fee imposed on the project and states the opinion that "... historically the fees have been so minimal and inadequate that they are simply useless." Please see the last paragraph of response to comment 8-11 regarding the offsite mitigation fee. See DEIR page 4-49 for a discussion of oak woodland mitigation areas with the City. As noted above in response to comment 8-12, offsite mitigation programs are an accepted and necessary mitigation strategy to address the reality that, in most cases, on site mitigation cannot be relied upon to fully mitigate the impacts from development of commercial land uses. The city has more than 400 acres of land available for oak woodland restoration. These sites are spread out throughout the city in parks and open space areas. Two notable areas for oak restoration projects are in Johnson Springview

Park and the Whitney Oaks open space tree preserves. City restoration projects utilize 15 gallon trees and/or dee pots with gel packs for moisture retention, both types of replantings eliminate the need for elaborate and costly irrigation systems. For all of the reasons stated in this response and responses to comments 8-11 and 8-12, the City has determined that an offsite mitigation fee of \$48 per inch of total diameter breast height is appropriate for this project.

Response 8-14

The commenter requests that the Project increase the wetland mitigation ratio. As discussed under Mitigation Measure BIO-1, the applicant has already secured authorization from the Army Corps of Engineers (ACOE) for fill of 0.481 acres of jurisdictional waters of the United States under Nationwide Permit No. 39 which requires mitigation at a 1:1 ratio. (DEIR, p. 4-51.) The project's Nationwide Permit 39, Special Condition 1, states that mitigation for the loss of 0.479 acre of seasonal wetland and 0.002 acre of open water, will be purchased through the Corps' In-lieu fee fund (National Fish and Wildlife Foundation Sacramento District Wetlands Conservation Fund) at a 1:1 ratio. Therefore, the mitigation ratio stipulated in the project's Nationwide Permit is acceptable under both the Clean Water Act and CEQA. As the ACOE has already authorized this mitigation ratio, the City declines to require an increase in the ratio as suggested by the commenter.

Response 8-15

The DEIR noted that bald eagle are known to occur in the region; however, this special-status species requires specific habitats for foraging and reproduction that are not present within the project site; therefore, bald eagle are not considered likely to occur. Preconstruction surveys for raptors, required by Mitigation Measure BIO-10, however, will occur prior to vegetation removal and/or project construction, through which any eagles on site that may be affected by the Project would be discovered.

Response 8-16

Sucker Ravine Creek hydrologically connects to Secret Ravine Creek on the south side of I-80, west of Rocklin Road, approximately 2 miles downstream of the project site. Special-status fish populations are known to occur in Secret Ravine Creek, but appear to have been declining in recent years; however, the reason for this decline in fall-run Chinook salmon stocks in Secret Ravine Creek is unclear. The decrease in the numbers of live Chinook salmon, carcasses, and redds observed in 2007 in the Dry Creek Watershed is similar to low numbers observed in other California streams. (A "redd" is a gravel-covered depression [or nest] in which salmon lay their eggs.) Thus, the decline appears to be a coast-wide phenomenon, and is likely related to ocean conditions (Pacific Fishery Management Council 2008) rather than causes local to Secret Ravine Creek.

Based on the positive results of presence/absence surveys conducted by California Department of Fish and Game (CDFG) in 2004 and 2005 and observations of juvenile salmonids in 2007 by ECORP biologists, successful spawning and rearing is still occurring, even though the overall quality of the stream habitats within lower Secret Ravine Creek (i.e., including the area of discharge for Sucker Ravine Creek) is currently relatively poor for anadromous fish. The results of habitat typing conducted by ECORP biologists in 2007 upstream of the confluence of Sucker Ravine Creek and Secret Ravine Creek indicate that limited spawning and rearing habitat is present for both Central Valley steelhead and Chinook salmon. In general, spawning and rearing habitat for anadromous salmonids requires cold flowing water, suitable substrates, and readily available food sources. Both steelhead and Chinook salmon require gravel and cobble substrates with limited amounts of fine

sediments (sand, silt, and clay) for spawning. Fry (a term used for a young salmon after it hatches from the egg), and older juveniles require adequate instream cover (cobble or boulders, large woody debris, undercut banks, or submerged and overhanging vegetation) for protection from predators. The stream habitats in both Dry Creek and lower Secret Ravine Creek, however, consist primarily of flatwater areas comprised of runs and shallow pools with very few riffles (ECORP 2007, 2008). Moreover, the small amount of riffle and pool tail-out habitat that occurs in lower Secret Ravine Creek is already degraded by an abundance of sand, resulting in embeddings of cobble and gravel substrates.

The poor to moderate quality of the stream habitats in Secret Ravine Creek is also evidenced by the moderate benthic macro invertebrate (BMI) diversity noted within lower Secret Ravine Creek. Macroinvertebrates are an important food source for Chinook salmon and steelhead and are also good indicators of stream quality. While the “*A benthic macro invertebrate survey of Secret Ravine*” (U.C. Berkeley 2003) study attributes the differences in BMI community structure between upstream and downstream sites within lower Secret Ravine Creek to impacts associated with urban runoff and nutrient loading in the vicinity of the downstream site (just upstream of the confluence with Miners Ravine Creek), no information (water quality data or sources of impairment) was provided in the study to support this conclusion.

The abundance of fine sediment has been identified by CDFG, the Dry Creek Conservancy, Vanicek (1993), Ayres, et al. (2003), and others as a major issue relative to spawning and rearing habitat for both Central Valley steelhead and Chinook salmon in the lower reaches of the creek. According to the results of an ecological risk assessment conducted by Ayres, et al. (2003), sediment is associated with two other stressors, stream flow and channel morphology. The risk assessment used two models (the Modified Relative Risk Model and the Stressor-Driven Risk Model) and available data to help understand and predict links between sources, stressors, and their resulting ecological effects. Even though both models identified sediment as the primary stressor in the creek, neither model was able to accurately account for the relative contributions that any particular stressor has on the system. Ayres, et al. (2003) attributed increased sedimentation in Secret Ravine Creek to the presence of impervious surfaces and off-highway vehicle use. Most of the existing impervious surfaces within close proximity to the creek, however, are associated with Interstate 80, single family residences that occur along much of the stream channel, and residential roads that cross the creek. In general, small to large amounts of impervious surfaces are already present along portions of Secret Ravine Creek.

The Project would discharge to Sucker Ravine Creek at a point 2 miles upstream of its confluence with Secret Ravine Creek. The DEIR requires implementation of Mitigation Measures WQ-2 and WQ-3 through which the Project will implement Best Management Practices designed to minimize sedimentation and release of products used during site operations, making it unlikely that sediment or products released by the Project will reach Secret Ravine Creek. The Project is not anticipated to contribute to any impacts to anadromous fishes in Secret Ravine Creek.

3.0 CORRECTIONS AND REVISIONS TO THE DRAFT EIR

This section contains changes to the text of the Draft EIR that are being made based upon agency and public comments received and responded to in Chapter 2 of this Final EIR as well as minor changes based on City review of the DEIR. The changes are presented in the order in which they appear in the Draft EIR and are identified by Draft EIR page number. Text deletions are shown in strikeout (~~strikeout~~) and additions are shown in underline (underline).

3.1 CORRECTIONS

Section 4.2 AIR QUALITY

PAGE 4-25 Mitigation Measure AQ-2 is revised as follows:

The City shall require that emission control measures be incorporated into project design and operation. Such measures ~~may~~shall include, but are not limited to, the following items:

- The project applicant shall provide transit enhancing infrastructure that includes transit shelters, benches, street lighting, route signs and displays, and/or bus turnouts/bulbs, where determined to be feasible in consultation with City staff and Placer County Transit Agency staff.
- The project applicant shall provide bicycle enhancing infrastructure that includes secure bicycle parking.
- Only electric equipment shall be used for project landscaping maintenance and the project applicant shall provide on-site electrical charging stations sufficient to re-charge that equipment.
- The project applicant shall increase wall and attic insulation at least 5% beyond Title 24 requirements that are in effect at the time of approval of project design review.
- The project applicant shall use energy efficient windows (double pane and/or Low-E).
- The project applicant shall use Energy Star compliant highly reflective roofing materials and at least 3% cool paving (high albedo pavement).
- The project applicant shall plant trees in the project parking lots that are expected to provide 50% tree coverage in parking areas within 10 years as described in CAPCOA mitigation measure T-14 – Parking Area Tree Cover.
- The project applicant shall use programmable thermostats for all heating and cooling systems.
- The project applicant shall use awnings or other shading mechanisms for most windows and walkways per plan.
- The project applicant shall utilize day lighting systems such as skylights, light shelves, interior transom windows in all buildings over 25,000 square feet.