

SIERRA ● CURTIS  
Neighborhood Association

February 26, 2015

**SENT VIA EMAIL TO (aablog@cityofsacramento.org)**

Antonio Ablog  
City of Sacramento Planning Division  
300 Richards Boulevard  
Sacramento, CA 95811

RE: Curtis Park Village Fuel Center (P14-036)

Dear Mr. Ablog:

This letter provides additional comments from the Sierra Curtis Neighborhood Association (“SCNA”) regarding the gas station and minimart proposed by Petrovich Development for Curtis Park Village (application number P14-036) (“Gas Station”). SCNA previously submitted a letter dated November 15, 2014 that noted many omissions, errors, inconsistencies and inaccuracies that rendered the application seriously flawed. (See Exhibit 1.) To date SCNA has not been notified that the application has either been rejected as incomplete or that necessary corrections and/or additions have been submitted. Accordingly, SCNA renews those same objections as well as its substantive opposition to the Gas Station based on basic land use policy issues.

Our prior letter also stated that SCNA would seek advice regarding the environmental review that the City should require for the Gas Station since City staff previously indicated that no such review would occur. Having now obtained that advice, SCNA’s position is that a Supplemental Environmental Impact Report (“SEIR”) is required for the City to analyze and disclose the new significant impacts associated with the Gas Station proposal.

Since the Curtis Park Village (“CPV”) was previously approved on an Environmental Impact Report (“EIR”), the nature of any CEQA review for subsequent applications to revise the project is governed by Public Resources Code section 21166 and CEQA Guidelines section 15162. CEQA Guidelines section 15162 provides in relevant part:

(a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; . . .

Here, available information indicates that revising the CPV to include the Gas Station will result in new significant impacts and a substantial increase in the severity of previously identified significant impacts at least in the areas of (i) toxic air contaminants (“TAC”), (ii) residential exposure to hazardous substances, and (iii) transportation.

What is more, the City’s assessment of these important environmental and human health issues does not occur in a vacuum. Safeway has proposed virtually identical gas stations for other areas of the state, and the CEQA lead agency review of these other proposals provides useful guidance to the City. For example, in 2013 the city of San Jose approved a Safeway gas station, the “Cottle Safeway fuel center” (file number CP12-053) which also included 16 dispensers (“San Jose Gas Station”). The CEQA review document for the Cottle Safeway was a CEQA Addendum; and the significant differences with the proposed Gas Station at issue here squarely demonstrate that a SEIR is required in this instance, as discussed more fully below. Further, the city of Petaluma is currently working on an EIR for a Safeway gas station located on South McDowell Boulevard (file number PLSR-13-0012) that also includes 16 dispensers (“Petaluma Gas Station”). More specific guidance from these two other gas stations is provided below.

**1. The Gas Station Will Expose Residents to a Cancer Risk That is Many Times Above the Threshold of Significance.**

An SEIR must be prepared to fully analyze and disclose the long-term cancer risks posed to nearby Curtis Park residents from the proposed Gas Station.

Gas stations emit benzene, which is a TAC with both short-term acute health impacts and long-term chronic (i.e., cancer) health impacts. Another major TAC is diesel particulate matter (“DPM”). The CPV EIR, consistent with standard practice, identified 10 increased cancer risks per million as the relevant significant threshold for long-term chronic health impacts from TACs. (DEIR, p. 5.3-8.) The CPV EIR ultimately found the impact less than significant without the need for any mitigation. (DEIR, p. 5.3-17-18.)

The proposed Gas Station, however, will result in cancer risks significantly above the threshold of significance. As a preliminary matter, however, it is noted that the application for the Gas Station does not provide the estimated “throughput,” which is the annual amount of gasoline pumped at a gas station and usually expressed in millions of gallons per year. This omission is significant because the most important factors for

calculating human health risk are (i) throughput, and (ii) distance to the nearest sensitive receptors<sup>1</sup>. Estimates are necessary since neither the developer nor Safeway have been forthcoming with this necessary information. Fortunately, comparable information is available. The San Jose Gas Station assumed a throughput of 7 million gallons per year based on Safeway's representation. The city of Petaluma assumed 8.5 million gallons per year based on Safeway's representation. As both of these projects have the same 16 dispensers as the proposed Gas Station, it is reasonable to assume a minimum throughput of seven million gallons.

The California Air Resources Board ("CARB") has adopted a very clear policy on siting new gas stations: "Avoid siting new sensitive land uses within 300 feet of a large gasoline dispensing facility (defined as a facility with a throughput of 3.6 million gallons per year or greater)." (CARB Land Use Handbook, p. 32.) Consistent with this land use policy, the San Jose Gas Station was approved at a location that was 335 feet away from the nearest residential receptor. (File number CP 12-053, staff report dated March 13, 2013.) The CEQA Addendum for the San Jose Gas Station found the impact to be less than significant because of this considerable distance, explaining in relevant part:

Benzene emitted from fuel vapors is the TAC of concern due to its potential to cause cancer. The California Air Resources Board's (CARB's) Land Use and Air Quality Handbook reports that large gasoline dispensing facilities with a throughput of nine million gallons per year can have significant health risks of 25 per million at 50 feet and approximately five in one million at 300 feet. BAAQMD applies age sensitivity factors that account for the greater sensitivity of infants and small children to cancer causing TACs. Application of the age sensitivity factors, and adjustments to a dispensing station with annual throughput of seven million gallons, indicates the screening level cancer risk to be 33 per million at 50 feet to less than seven per million at 300 feet. The proposed fuel station would be over 300 feet from the nearest residences, so lifetime cancer risks would be less than 10 in one million, which would be a less-than-significant impact under CEQA.

(Addendum to the Hitachi Campus and Transit Village Final EIR (SCH#2004072110) for the Cottle Safeway Fuel Station (File No. CP12-053) p. 25.)

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<sup>1</sup> Sensitive receptors include schools, parks and playgrounds, day care centers, nursing homes, hospitals, and residential dwellings.

Here, however, the proposed Gas Station would be located merely 85 feet from the nearest residential receptors. Further, approximately 50 residential units – both existing and new households – will be within CARB’s 300-foot radius. A preliminary “rough” health risk assessment performed by SMAQMD staff estimated the health risk at the nearest residential receptor to be approximately 3.7 cancers per million gallons of throughput. Seven million gallons of throughput would translate to a health risk of 25.9 increased cancers per million at the nearest residential receptors. This cancer risk, which accounts only for the benzene emitted by the Gas Station itself and excludes other sources of TACs such as diesel-powered tanker and delivery trucks, is itself more than 200% of the accepted significant threshold of 10 increased cancer risks.

What is more, SCNA’s air quality expert, Dr. Petra Pless, explains that the SMAQMD’s “rough” conclusions described above are based on the SMAQMD’s ministerial Title V authority to construct/permit to operate approvals using a health risk assessment methodology that is no longer the state of the art and not sufficiently protective of human health.<sup>2</sup> A more modern methodology for calculating human health risk was adopted by the California Office of Environmental Health Hazard Assessment (“OEHHA”) in 2009, and is significantly more refined in its estimates of cancer risk. As Dr. Pless explains, the OEHHA methodology results in a health risk of approximately 70 increased cancer risks per million at the nearest residences, which is 700% of the threshold of significance.<sup>3</sup> The City has a duty under CEQA to employ the OEHHA methodology for analyzing the Gas Station’s health risks since it is the most current, generally accepted methodology for estimating human health risk. (*Berkeley Keep Jets Over the Bay Comm. v. Board of Port Comm’rs* (2001) 91 Cal.App.4th 1344, 1370.) In fact, while the SMAQMD continues to rely on its outdated methodology for its Title V permitting, its CEQA Guide expressly references the more modern and refined OEHHA methodology when lead agencies perform CEQA review for new TAC emission sources.<sup>4</sup>

Further, the City has a duty under CEQA to analyze the combined health risk from all of the Gas Station’s TAC emission sources since they are treated additively in health risk assessments. The SMAQMD’s CEQA Guide makes this point with clarity: “The District recognizes that permitted stationary sources of TACs and non-permitted sources of TACs may operate on the same project site. Lead agencies shall evaluate the combined impact of all TAC emissions generated on the project site.”<sup>5</sup> These additional sources of TACs include diesel tanker trucks serving the Gas Station, queuing and idling vehicles using the Gas Station, diesel trucks serving the retail component of the CPV, and

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<sup>2</sup> See Exhibit 2, letter from Dr. Petra Pless dated February 20, 2015, p. 9-10.

<sup>3</sup> *Id.* at p. 11.

<sup>4</sup> *Id.* at p. 10.

<sup>5</sup> Sacramento Metropolitan Air Quality Management District CEQA Guide December 2009, Revised June 2014, page 5-8.

diesel locomotive engines using the existing railway line. The combined TAC emissions from these other sources will only further increase the significant cancer risk associated with benzene emissions from the proposed Gas Station.

In summary, the proposed Gas Station will result in an increased cancer risk to Curtis Park residents that is several times the applicable threshold of significance. This extremely high cancer risk requires the City to prepare a SEIR that will fully inform both the decision-makers and the public about the extraordinary health risk facing Curtis Park residents from the proposed Gas Station project. What is more, any attempt to conceal or trivialize the project's impact through use of an outdated methodology that understates the human health risk will not be accepted by the public or SCNA.

## **2. The Gas Station Will Increase the Risk of Exposure to Hazardous Substances by Curtis Park Residents.**

Reconfirming its inappropriate proposed location within the CPV, the Gas Station will substantially increase the risk of exposing residents to releases of hazardous substances. On this issue, the CPV EIR identified the following relevant thresholds of significance:

- “Substantially increase the risk of exposure of site occupants to inadvertent or accidental releases of hazardous substances to the environment from non-residential uses during project occupancy; and/or
- Substantially increase the risk of exposure of site occupants to inadvertent or accidental releases of hazardous substances transported on adjacent roadways and rail lines within the project area.”

(DEIR, p. 5.8-7.)

The CPV EIR found this impact less than significant without the need for any mitigation. (DEIR, p. 5.8-15.) The DEIR's entire discussion of the issue provides:

The proposed project would include residential, commercial, and open space/park uses. *These land uses would not involve the routine use, transport, or disposal of hazardous materials. In addition, the truck routes designated for the commercial uses would not utilize the proposed residential roadways.* Therefore, the proposed project would not increase the risk of exposure of site occupants to inadvertent or accidental releases

of hazardous substances from non-residential uses or substances transported on adjacent roadways, resulting in a less than significant impact.

Mitigation Measure(s): None required.

(*Ibid.* (Emphasis added).)

The proposed Gas Station dramatically alters this analysis. Not only would the Gas Station involve *both* the routine use and transport of large quantities of a hazardous substance, but such use and transport would occur in extremely close proximity to residential dwellings. Specifically, the Gas Station would be located literally across the street from homes, and petroleum tanker trucks will be travelling on the same street as these dwellings within merely 15 to 20 feet of their doorsteps. What is more, the transport would occur on Crocker Drive, a residential roadway. Thus, the CPV EIR's analysis of this issue is completely inapplicable to the proposed Gas Station, and will need to be revised in its entirety.

In short, the routine use and transport of large volumes of gasoline in such close proximity to residential dwellings present two new significant impacts that must be disclosed and addressed in the SEIR.

### **3. The Gas Station Will Create New Significant Traffic and Safety Impacts Requiring an SEIR.**

The proposed Gas Station will result in new and/or exacerbated significant impacts in the area of transportation and transportation-related safety impacts that should also be analyzed in the required SEIR.

First, it is beyond reasonable dispute that the proposed Gas Station will result in significant additional traffic trips above the project as approved. On this issue, the San Jose CEQA Addendum offers some, albeit incomplete, guidance. First, the traffic study found that the San Jose Gas Station would generate 2,480 daily vehicle trips.<sup>6</sup> Notwithstanding this addition of vehicle trips, the CEQA Addendum ultimately concluded that the impact was less than significant specifically because the proposed project included reducing the amount of retail by 110,000 square feet: "Essentially, the project intends to replace 110,000 s.f. of approved retail development with a 16-pump gas station."<sup>7</sup> Here, however, there is no significant reduction in the total commercial space, and so the vehicle trips associated with the gas station are added to the vehicle trips

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<sup>6</sup> San Jose CEQA Addendum, Attachment B, p. 2.

<sup>7</sup> *Id.* at p. 1.

resulting from the CPV project as approved. Thus, the proposed Gas Station will result in significant additional vehicle trips. (CEQA Guidelines, § 15162, subd. (a)(1).)

But the necessary revisions to the prior CPV EIR's traffic analysis are not limited to additional vehicle trips. As traffic engineer Larry Wymer further explains, the proposed Gas Station's "trip characteristics are drastically different" from the standard retail uses that were analyzed in the prior EIR.<sup>8</sup> Thus, Mr. Wymer opines, "In addition to gas stations adding new project trips to area roadways, they also by their very nature significantly alter existing (i.e., no project) travel patterns via significant pass-by/diverted trip in which drivers will alter their normal travel patterns to fuel at the new gas station."

As mentioned above, the San Jose CEQA Addendum provides some helpful guidance to the City regarding the additional traffic impacts associated with the proposed Gas Station, and is inconsistent with the traffic assumptions asserted by Petrovich Development. As Mr. Wymer further explains:

Trip generation, distribution, pass-by, and diverted trip assumptions as included within the Curtis Park Village FAQ section are completely inconsistent with those outlined within the "Cottle Safeway Fuel Station - Addendum to the Hitachi Campus and Transit Village Final EIR - (March 2013)" prepared for the City of San Jose. This inconsistency invalidates the FAQ conclusion, and if the conclusions as outlined for the Cottle Safeway Fuel Station in San Jose are applied to the Curtis Park Village site the result would potentially be significant increases and variations in trip generation and trip distribution/assignment.<sup>9</sup>

Thus, while the San Jose CEQA Addendum is generally helpful in establishing that the Gas Station will result in a significant increase in trip generation above the CPV project as approved, it does so somewhat imprecisely because the San Jose Addendum's trip generation assumption relies on the "service station" designation.<sup>10</sup> This use designation does not adequately describe trip generation associated with a loyalty gas station, which will generate significantly more trips than a typical gasoline station for the same number of dispensers.<sup>11</sup> This is confirmed by the experience of the city of Petaluma, which rejected reliance on the typical "service station" designation and instead performed its own traffic count study of similar loyalty gas stations to determine more

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<sup>8</sup> See Exhibit 3, letter from Larry Wymer, T.E., dated February 20, 2015.

<sup>9</sup> Exhibit 3, p. 1.

<sup>10</sup> San Jose CEQA Addendum, Attachment B, p. 2.

<sup>11</sup> Exhibit 3, p. 1.

accurate trip generation.<sup>12</sup> The traffic study included in the future SEIR will need to rely on this more accurate trip generation information.

Second, the Gas Station will result in a new significant impact involving conflict with transit, bicycle and pedestrian facilities. As Mr. Wymer explains, “A revised traffic analysis should consider potential pedestrian/bicycle conflicts with fuel trucks and queuing vehicles entering and exiting the gas station.” (Exhibit 3, p. 2.) This conflict is significant. The new pedestrian overcrossing will result in hundreds of pedestrians and bicyclists crossing the CPV site daily on their way to and from the pedestrian bridge. Based on the City’s own calculations previously submitted to SACOG, Mr. Wymer computed an average of 700 pedestrian and 345 bicycle trips per day, with many of those pedestrians and bicyclists travelling across the proposed Gas Station’s driveways in potential conflict with queuing vehicles and fuel trucks.

Not surprisingly, the City’s zoning ordinance prohibits gasoline stations in transit overlay zones. (City Code, §17.340.050, subd. (11).) While the CPV is not, strictly speaking, zoned “transit,” it is as a practical matter a transit-oriented development and accepted funds from the California Department of Housing and Community Development’s Transit Oriented Development program. In fact, the City has represented that the CPV is “one of the region’s preeminent transit oriented developments” for purposes of obtaining these grant funds.<sup>13</sup> To the extent the proposed Gas Station “decrease[s] the performance or safety” of the pedestrian overcrossing and the Sacramento residents who would rely on it, this is a significant impact under CEQA that the SEIR will need to address. (CEQA Guidelines, Appendix G, Section XVI, subd. (f).)

Thus, in addition to TAC emissions and exposure to hazardous substances, the required SEIR will also need to address at least two new significant transportation-related impacts from the proposed Gas Station.

\* \* \*

The discussion set forth above overwhelmingly demonstrates that the proposed Gas Station is completely inappropriate for the CPV site. SCNA hopes that the project applicant will realize this fact and withdraw its application so that neither the City nor the public waste further resources analyzing such a misguided proposal. Assuming, however, that the developer insists on requiring the City to move forward with its review

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<sup>12</sup> Pers. Comm. with Olivia Ervin, environmental planner.


<sup>13</sup> See Exhibit 4, excerpt from City grant application for the pedestrian overcrossing.



of the application, CEQA requires the City to prepare an SEIR as the CEQA document for that review. SNCA respectfully requests that the City respond by March 12, 2015 confirming that it will prepare and circulate the required SEIR and that no action will be taken on the Gas Station proposal until the SEIR is certified.

Very truly yours,

**SIERRA CURTIS  
NEIGHBORHOOD ASSOCIATION**

By:   
Eric A. Johnson, President

Attachments:

1. Letter from SCNA dated November 15, 2014.
2. Letter from Dr. Petra Pless dated February 20, 2015.
3. Letter from Larry Wymer dated February 19, 2015.
4. Excerpt from City grant application for pedestrian overcrossing.

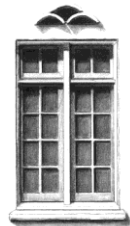
Cc (via email):

City Council

Mayor Kevin Johnson (mayor@cityofsacramento.org)  
Mayor Pro Tem Angelique Ashby (aashby@cityofsacramento.org)  
Vice Mayor Allen Warren (awarren@cityofsacramento.org)  
Councilmember Jeff Harris (jharris@cityofsacramnto.org)  
Councilmember Steve Hansen (shansen@cityofsacramento.org)  
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Councilmember Rick Jennings, II (rjennings@cityofsacramento.org)  
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Planning and Design Commission

Chair David Nybo (dnybo@wateridge.net)  
Vice Chair Alan LoFaso (ALofaso@sbcglobal.net)  
Commissioner Jose Bodipo-Memba (Bodipo50@gmail.com)  
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Antonio Ablog  
February 26, 2015  
Page 10 of 10

Commissioner Douglas Covill (dcovill@cbnorcal.com)  
Commissioner Rommel Declines (sacplanning\_declines@me.com)  
Commissioner Todd Kaufman (todd.s.kaufman@gmail.com)  
Commissioner Kim Mack (kimjoanmc@att.net)  
Commissioner Matthew Rodgers (matt@mrpe.com)  
Commissioner Joseph Yee (jyee@dc@gmail.com)  
Commissioner Vincent Darrel Teat Jr. (dteat@nehemiahcorp.org)

# **EXHIBIT 1**

SIERRA ● CURTIS  
Neighborhood Association

November 15, 2014

Antonio Ablog  
City of Sacramento Planning Division  
300 Richards Boulevard  
Sacramento, CA 95811

Sent via email (aablog@cityofsacramento.org)

Dear Mr. Ablog:

The Sierra Curtis Neighborhood Association (SCNA) opposes the gas station and minimart proposed by Petrovich Development for Curtis Park Village, as it fails on two basic levels.

First, this project is fundamentally inconsistent with most of the Curtis Park Village Development Guidelines (P04-109), and the use itself is counter to the overall thrust of the Development Guidelines which envision an infill project serving largely the surrounding neighborhoods. A gas station was not one of the uses considered during the environmental review and the PUD zoning process that was completed in 2010. The Curtis Park neighborhood does not contain a gas station currently; instead neighbors use the many gas stations located on the major transportation corridors around our neighborhood including Sutterville, Broadway, Franklin and Freeport. We firmly believe that our neighborhood has more than enough gas stations in close proximity and we don't need another one, especially not in this location.

Second, this application is chock full of material inconsistencies on very important and basic items such as lot dimension. There are so many major omissions from this application, such as the lighting and signage proposed, that it is impossible to analyze. As submitted, it appears city staff would be unable to complete a proper review and make any type of recommendation to the Planning Commission based on the application, due to the rampant inconsistencies and omissions.

***A fuel center is fundamentally inconsistent with PUD guidelines for P04-109 Curtis Park Village***

The overall purpose of this PUD's development guidelines is to ensure that the proposed uses of this infill development blend with and enhance the quality of life and charm of the existing Curtis Park neighborhood. Compatibility with the existing neighborhood has been the watchword for a very long time. The proposed gas station works against this general purpose. Section 1.2 outlines the goals and objectives of this PUD; goal #4 is to "maximize opportunities for efficient transit provided by the public transportation and roadway corridors serving the site of the PUD." One of the objectives for this goal is to encourage the use of public transportation and to develop appropriate linkages to surrounding

neighborhoods including pedestrian, bicycle, vehicle and alternative transportation modes. A gas station in this location frustrates this goal.

The gas station is proposed for the corner of Crocker Drive and the shopping center access road, which was intended to be the “Main Street” for the commercial area (see 2.2 of the PUD Guidelines). This “Main Street” will be the primary pedestrian and bike route to access the bridge to the City College light rail station and builds on the already popular bike lane on Crocker Drive. It will also provide the primary pedestrian and bike access to the stores in the shopping center as well as adjacent housing. We see the construction of a major auto-attracting use on a key corner of this Traditional Shopping Center as inimical to the goals of this infill project. See 2.2 SC-PUD Zone which states: “The character of the commercial area is to be sensitively informed by the adjacent pedestrian and bicycle friendly, urban-forested neighborhoods.”

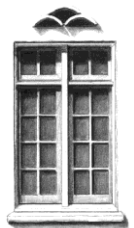
Section 2.2 also notes that the location of the Shopping Center “provides a unique opportunity for the commercial area of CPV to be both economically successful and an active buffer between both the new and existing residential neighborhoods and these large transportation corridors”. The placement of a gas station as part of the CPV commercial area would not provide a buffer but would instead draw large amounts of traffic from the adjacent major transportation corridors into the neighborhood.

Section 3.1 Site Design and Building Orientation lists the features that are to be encouraged for the arrangement and siting of buildings. The proposed gas station site design violates virtually every single one of these provisions.

Section 3.2 describes the building design principles and building forms for CPV’s buildings. Again, the gas station use conflicts with the key concepts stated in this section: “Key concepts direct the feel of a neighborhood and determine community identity, economic vitality and levels of activity and use. Individual building forms and facades influence cohesiveness, comfort and aesthetic pride and at the same time invite usage, increase a sense of security and generate pedestrian activity.” Building a gas station use at the key entry point to the traditional shopping center reduces aesthetics and decreases security for pedestrians and cyclists wishing to access the shopping center.

The mass and scale of this project also violate the CPV PUD guidelines in Section 3.2.

Section 4.1 addresses Streetscape and Circulation which notes “Curtis Park Village will have an intimacy of scale and a sense of community that will invite pedestrian use and interaction.” The proposed gas station would work against this type of circulation by introducing a large number of automobiles entering and exiting the main street of the traditional shopping center with the sole purpose of purchasing gas.



Section 4.2 Bicycle and Pedestrian Circulation correctly notes that the “success of Curtis Park Village as a community will be strongly linked to its success as a pedestrian and bicycle friendly community. Creative design solutions that further enhance the walkability and connectivity of the area are strongly encouraged.” This section goes on to require that pedestrians and bicyclists be given the same importance as motor vehicles and buffer them from the street where possible. Placing a large gas station at a very central point of the new neighborhood actively discourages pedestrians and bicyclists in Curtis Park Village and violates the intent of the CPV Development Guidelines.

Furthermore, this project is not consistent with the General Plan definition of a Traditional Center<sup>1</sup>. The Traditional Center designation emphasizes walkable neighborhoods; people don't walk to a gas station. Gas stations are, by definition, designed to attract motor vehicles, which degrade the pedestrian experience and contravene the goal of a walkable neighborhood. The combination of the Safeway loyalty discount program and the lack of nearby Safeway gas stations will result in this station attracting thousands of vehicles into the Village making this use a major regional traffic draw. We note that this gas station can service 16 cars at once and is proposed to operate 24 hours a day, 7 days a week.

***Errors, omissions and contradictions prevent a complete and proper analysis of the application***

1. Subject Site Information  
*Page 9 of 17*

These 3 lines were filled in by the applicant:

Total property size in acres (gross/net): Fuel Center lot size .46 Acre (portion) of 6.92 Acre (net)

Square feet if less than one (1) acre: Fuel Center lot size 20,009 sf

Lot dimensions: Approximately 200' x 200'

The stated square feet and the lot dimensions do not match up.

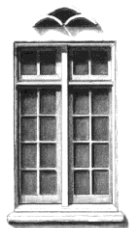
200' x 200' = 40,000 square feet. This contradicts the applicant's claim of 20,009 sq ft.

The City cannot know if it's approving 20,000 or 40,000 square feet.

The applicant needs to correct the mistake and recirculate the application.

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<sup>1</sup> Traditional Centers are a critical element of sustainable, walkable traditional neighborhoods that provide essential daily services within walking distance of surrounding residents. Infill development in areas designated Traditional Center can create additional character and spatial definition. Sidewalks integrated with pedestrian amenities can also provide an active pedestrian component and physical connections to adjoining neighborhoods.



## 2. Neighborhood Contact

*Page 12 of 17*

"Please describe any contact you have had regarding the project with the following: Neighborhood/property owners adjacent to the subject site, Neighborhood Associations, Business Associations, or Community Groups in the project area:"

"Numerous meetings with surrounding neighbors and neighborhood groups including Sierra Curtis Neighborhood Assoc. ..."

The applicant has not held a meeting with the Sierra Curtis Neighborhood Association to discuss the Fuel Center. There is a great desire in Curtis Park to meet with City officials and the applicant to discuss, for the first time, the inclusion of a gas station in this project. The City should either require the applicant to hold a community meeting or require the applicant to remove the statement on page 12 of 17 that incorrectly states that the applicant met with SCNA to review the Fuel Center as this is untrue.

The applicant needs to correct the mistake and recirculate the application.

## 3. Site Characteristics

*Page 13 of 17*

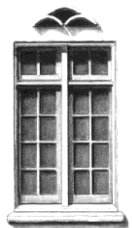
Are you proposing any new signs with the project? Yes and No are both checked.

If yes, please describe the number and type. (left blank by the applicant)

Gas stations tend to have large, illuminated signs that show the prices for Regular, Plus, Premium and Diesel. This sign (or signs) is not described in the application or shown anywhere on the plans included in the application. What are the dimensions? How high will it be? Will it be visible from Sutterville Road? Will the sign shine through the windows of the new homes directly across the street?

The missing signage information proposed for this project makes it impossible for City staff to determine if the project comports with the Signage and Graphics Section 6.0 of the PUD Guidelines.

The applicant needs to correct the mistake and recirculate the application.



4. Non-Residential Projects - Lot Coverage

*Page 15 of 17*

Total Building Coverage Area, existing and proposed\* include all covered structures (patios, porches, sheds, detached garages, etc.) (sq ft.): 740  
Project Site Lot Area (sq ft): 20,009 sq. ft.  
Total lot coverage percentage: 34.7 %

740 square feet is not 34.7% of 20,009 square feet.

What square footage would the City be approving? A total coverage of 34.7% of 20,009 sq. ft. would be a 6,943 sq. ft. building.

The applicant needs to correct the mistake and recirculate the application.

5. Design Guidelines

*Page 16 of 17*

The applicant did not indicate by a yes or no that they have read the applicable Design Guidelines and have completed the Design Guidelines Checklist for the district or area of this project.

The City should assure that the Design Guidelines Checklist has been completed and that it is available for review by the general public.

In summary, we request that the city of Sacramento reject the existing application to build a fuel center in Curtis Park Village. Additionally, since this use was not studied in the original environmental review, SCNA has hired legal counsel to advise us regarding what kind of environmental review the City should require if this project moves forward. We will write separately in the near future on this aspect of this proposed project.

Sincerely,



Eric Johnson  
President, Sierra Curtis Neighborhood Association.

Cc: Councilmember Jay Schenirer (jschenirer@cityofsacramento.org)  
Councilmember Steve Hansen (shansen@cityofsacramento.org)  
Chris Poncin, Petrovich Development (chris@petrovichdevelopment.com)





# **EXHIBIT 2**

**Pless Environmental, Inc.**

440 Nova Albion Way, Suite 2  
San Rafael, CA 94903  
(415) 492-2131 voice  
(815) 572-8600 fax

February 20, 2015

*Via Email*

Patrick Soluri  
Soluri Meserve  
1010 F Street, Suite 100  
Sacramento, CA 95814  
*patrick@semlawyers.com*

*Re: Curtis Park Village Fuel Station at Curtis Park Village, Sacramento*

Dear Mr. Soluri,

Per your request, I reviewed the Application Package<sup>1</sup> for the Curtis Park Village Fuel Station ("Project"), a proposed fuel dispensing station in the Curtis Park neighborhood in the City of Sacramento ("City"), for potential impacts on air quality impacts and health risks.

**I. Project Description**

The fuel dispensing station, proposed by PDC Construction Company, Inc. ("Applicant"), would be located on a 0.46-acre lot at the northwest corner of Crocker Drive and Sutterville Road in the southern portion of Curtis Park Village, a new 72-acre mixed-use development on vacant land that is currently under construction.<sup>2</sup> The aerial photographs below show the entire development and the location of the proposed fuel dispensing station within the development.

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<sup>1</sup> City of Sacramento, Planning Division, Development Project Routing Form, File No. P14-036, September 18, 2014 and attachments (hereafter "Application Package").

<sup>2</sup> *Ibid.*



**Curtis Park Village site (undeveloped area)**  
(from: Google Earth)



**Location of Project (red line) within Curtis Park Village**  
(from: P14-036 Information Package, *op. cit.*)

The Application Package describes the Project as an extension of services provided by the anchor tenant (Safeway, according to the developer Petrovich Development Company<sup>3</sup>) for the Curtis Park Village Neighborhood Shopping Center, consisting of a 24-hour state-of-the-art self-service fuel station with eight multi-product dispenser stations and a fuel kiosk providing typical services such as automobile fluids, coffee, water, soda, snacks, etc., with typical closing during the late-night/early-morning hours. As shown above, the proposed fuel dispensing station would be located directly adjacent to Crocker Drive to the west. To the east, Crocker Drive borders residential properties that will be developed by Curtis Park Village, east of which are existing residences.

## II. California Environmental Quality Act Review

The Curtis Park Village development was analyzed under the California Environmental Quality Act ("CEQA") in an Environmental Impact Report ("EIR"),<sup>4</sup> which was certified by the Sacramento City Council in April 2010,<sup>5</sup> adopted in September 2010<sup>6</sup>, and amended in January 22, 2013.<sup>7</sup> The EIR did not analyze the potential impacts of locating a fuel dispensing station within the proposed development.

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<sup>3</sup> Petrovich Development Company, What Businesses Are Coming to Curtis Park Village? September 8, 2014; <http://www.petrovichdevelopment.com/news/businesses-coming-curtis-park-village/>.

<sup>4</sup> City of Sacramento, Curtis Park Village Project, Project # P04-109, Environmental Impact Report, SCH #2004082020, February 2010; Final EIR: <http://portal.cityofsacramento.org/~media/Corporate/Files/CDD/Planning/Environmental%20Impact%20Reports/CurtisParkVillageFinalEIR.pdf>; Final EIR Appendices: <http://portal.cityofsacramento.org/~media/Corporate/Files/CDD/Planning/Environmental%20Impact%20Reports/CurtisParkVillageFinalEIRAppendices.pdf>; Draft EIR: <http://portal.cityofsacramento.org/~media/Corporate/Files/CDD/Planning/Environmental%20Impact%20Reports/CurtisParkVillageDEIR.pdf>.

<sup>5</sup> Sacramento City Council, Resolution No. 2010-174, Certifying the Environmental Impact Report for the Curtis Park Village Project (P04-109), Adopted April 1, 2010; [http://portal.cityofsacramento.org/~media/Corporate/Files/CDD/Planning/Environmental%20Impact%20Reports/R2010-174\\_CertifyEIR.pdf](http://portal.cityofsacramento.org/~media/Corporate/Files/CDD/Planning/Environmental%20Impact%20Reports/R2010-174_CertifyEIR.pdf).

<sup>6</sup> Sacramento City Council, Resolution No. 2010-572, Adopting the Findings of Fact, Statement of Overriding Considerations, and the Mitigation Monitoring Program for the Curtis Park Village Project (P04-109), September 28, 2010; [http://portal.cityofsacramento.org/~media/Corporate/Files/CDD/Planning/Environmental%20Impact%20Reports/R2010-572\\_AdoptingtheFindingsofFact.pdf](http://portal.cityofsacramento.org/~media/Corporate/Files/CDD/Planning/Environmental%20Impact%20Reports/R2010-572_AdoptingtheFindingsofFact.pdf).

<sup>7</sup> City of Sacramento, Addendum (Revised) to an Adopted Environmental Impact Report, Project Name and Number: Curtis Park Village Modification Project, January 22, 2013; [http://portal.cityofsacramento.org/~media/Corporate/Files/CDD/Planning/Environmental%20Impact%20Reports/CPV\\_Addendum\\_with\\_Attachments.pdf](http://portal.cityofsacramento.org/~media/Corporate/Files/CDD/Planning/Environmental%20Impact%20Reports/CPV_Addendum_with_Attachments.pdf).

The operation of fuel dispensing stations results in emissions of criteria air pollutants and toxic air contaminants (“TACs”) from vehicle exhaust, refueling, and tanker truck deliveries of fuels. Of particular concern are emissions from gasoline refueling and gasoline deliveries, which result in fugitive emissions from dispensing pumps, vents, and spills. These fugitive emissions, which include a number of TACs, release benzene, a potent carcinogen, into the air. The California Air Resources Board (“CARB”) considers benzene one of the highest risk air pollutants it regulates, finding that near-source exposures for large gasoline dispensing facilities can be significant and exceed district health risk thresholds. The agency is particularly concerned with the emergence of very high gasoline throughput at large retail or wholesale outlets which are projected to account for an increasing market share in the next few years.”<sup>8</sup> The Project with its eight dispensing stations, represents one of these facilities.

Because some residences within Curtis Park Village would be located only about 100 feet away from active railroad tracks, the EIR conducted a screening health risk assessment which analyzed the health risks of locomotive emissions of diesel particulate matter, a carcinogen.<sup>9</sup> The EIR modeled an incremental cancer risk from exposure to 1460 trains per year of 2.4 in one million, which is lower than the CEQA screening criterion of 296 in one million for roadways and the incremental cancer risk threshold of significance for stationary sources of 10 in one million established by the Sacramento Metropolitan Air Quality Management District (“SMAQMD”).

As discussed in the following comments, the proposed fuel dispensing station would likely result in significant health risks, specifically incremental cancer risks exceeding the SMAQMD’s CEQA threshold of significance for stationary sources due to its proximity to residential properties, unless annual gasoline throughput is severely restricted (permitting a substantially smaller facility than proposed). These impacts should be properly analyzed and provided for public review in a CEQA document. Proper analysis consists of a site-specific health risk assessment that assesses both TAC emissions from the fuel dispensing station and TAC emissions from other sources including locomotives and delivery trucks, dry cleaners, and other sources on site and nearby to assess health risks for Curtis Park Village residents and beyond.

Further, the EIR found significant and unavoidable impacts on air quality from operational emissions of criteria air pollutants.<sup>10</sup> The Project would contribute additional criteria air pollutants from vehicle exhaust, both running and idling

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<sup>8</sup> CARB, Air Quality and Land Use Handbook: A Community Health Perspective, April 2005 (hereafter “CARB Land Use Handbook”), p. 31; <http://www.arb.ca.gov/ch/handbook.pdf>.

<sup>9</sup> Draft EIR, pp. 2-4, 5.3-17, and 5.3-18.

<sup>10</sup> Draft EIR, p. 5.3-16.

emissions, and fugitive emissions. The impact of these additional emissions should be analyzed in a CEQA document to determine whether the previously identified impacts would be substantially more severe. This document should also analyze mitigation measures for reducing emissions from the proposed fuel dispensing station as well as additional feasible mitigation measures that may have become available since adoption of the EIR to mitigate the significant and unavoidable impacts previously identified.

### III. Health Risks Associated with the Proposed Fuel Dispensing Station

The Application Package includes no information about the proposed fuel dispensing station beyond its dimensions and layout (showing eight bays) and that it would be available for self-serve fueling 24 hours per day. This information is inadequate to perform a site-specific health risk assessment which would require the proposed annual fuel throughput. Thus, potential health risks can only be evaluated based on recommendations made by agencies for screening such facilities via comparison to other, comparably-sized facilities with similar proximity to residences, and by conducting a screening health risk assessment for a theoretical fuel dispensing station.

#### *Recommendations by California Air Resources Board for Siting Gasoline Dispensing Facilities*

As part of its Community Health Program, CARB developed the *Air Quality and Land Use Handbook*, which is intended to serve as a general reference guide for evaluating and reducing air pollution impacts associated with new projects that go through the land use decision-making process. In this document, CARB identifies health risks from air pollution sources, including gasoline dispensing facilities (“GDFs”), and establishes minimum setback distances to sensitive land uses (e.g., residences).

For gasoline dispensing facilities with a throughput of 3.6 million gallons per year, CARB established risk levels of about 10 in one million at a distance of 50 feet from the fence line.<sup>11</sup> (A risk level of 10 in one million is commonly established as thresholds of significance, e.g., by the SMAQMD.<sup>12</sup>) Consequently, CARB recommends a minimum 50-foot distance between receptors and typical gasoline dispensing

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<sup>11</sup> CARB Land Use Handbook, p. 31.

<sup>12</sup> See, for example, SMAQMD, SMAQMD Thresholds of Significance Table; <http://www.airquality.org/ceqa/cequguideupdate/Ch2TableThresholds.pdf>; and California Air Pollution Control Officers Association (“CAPCOA”), Health Risk Assessments for Proposed Land Use Projects, CAPCOA Guidance Document, July, 2009, p. 11; [http://www.capcoa.org/wp-content/uploads/downloads/2010/05/CAPCOA\\_HRA\\_LU\\_Guidelines\\_8-6-09.pdf](http://www.capcoa.org/wp-content/uploads/downloads/2010/05/CAPCOA_HRA_LU_Guidelines_8-6-09.pdf).

facilities, *i.e.*, facilities with an annual throughput of less than 3.6 million gallons per year.<sup>13</sup> CARB notes that as the throughput at the gasoline dispensing facility increases, the potential risk also increases<sup>14</sup> and expresses concern over the “growing number of extremely large GDFs with sales over 3.6 and as high as 19 million gallons per year.”<sup>15</sup> For these facilities, CARB determined an upper end of the risk range of 120 in a million as a hypothetical worst case scenario under rural air dispersion conditions.<sup>16</sup> Based on these findings, CARB recommends: “Avoid siting new sensitive land uses within 300 feet of a large gas station (defined as a facility with a throughput of 3.6 million gallons per year or greater).”<sup>17</sup> The SMAQMD’s CEQA Guidelines expressly reference the CARB’s recommendation for siting TAC sources such as gasoline dispensing facilities and recommend that a lead agency refer to the CARB’s document for setback distances.<sup>18</sup>

The CEQA analysis for an almost identical facility to the Project, the 24-hour Cottle Safeway Fuel Station at the Hitachi Campus and Transit Village in San José, estimated an annual fuel throughput of seven (7) million gallons from its eight dispensers (16 pumps),<sup>19</sup> qualifying it as a very large gasoline dispensing facility. However, this appears to be a very conservative assumption given that the Safeway fuel dispensing station at Florin Road in Elk Grove with 14 pumps was issued a SMAQMD Permit to Operate that authorized an annual gasoline throughput of up to 13 million gallons.<sup>20</sup> The Project, which is also described as having eight dispensing stations, can therefore be surmised to have similar annual fuel throughputs and, thus, represents one of the very large fuel dispensing facilities CARB is concerned about.

The 7-million gallon per year Cottle Safeway Fuel Station in San José was recently analyzed in the *Addendum to the Hitachi Campus and Transit Village Final EIR*. This addendum identified incremental cancer risks of 33 per million at 50 feet to less

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<sup>13</sup> CARB, Land Use Handbook, Table 1-1.

<sup>14</sup> *Ibid*, p. 31.

<sup>15</sup> *Ibid*, Table 1-2.

<sup>16</sup> *Ibid*, Footnote 5 to Table 1-2.

<sup>17</sup> *Ibid*, Table 1-1.

<sup>18</sup> SMAQMD, Guide to Air Quality Assessment in Sacramento County, December 2009 (hereafter “SMAQMD CEQA Guidelines”), p. 5-9; <http://www.airquality.org/ceqa/ceqaguideupdate.shtml>.

<sup>19</sup> City of San José, Addendum to the Hitachi Campus and Transit Village Final EIR, SCH #2004072110, Cottle Safeway Fuel Station, File No. CP12-053, March, 2013, p. 11; <http://www.sanjoseca.gov/DocumentCenter/View/13016>.

<sup>20</sup> SMAQMD, Permit to Operate No. 18661, Issued to: Safeway Stores, Equipment Location: 8377 Elk Grove-Florin Road, Sacramento, CA 95829, Equipment Description: Gasoline Storage and Dispensing Facility. (Exhibit 1.)

than seven (7) per million at 300 feet.<sup>21</sup> Because the proposed fuel station would be located more than 300 feet from the nearest residences, the document concluded that lifetime cancer risks would be less than the 10 in one million significance threshold and would therefore constitute a less-than-significant impact under CEQA.<sup>22</sup> In contrast, the similarly-sized proposed fuel dispensing station at Curtis Park Village would be located less than 100 feet from future residences along Crocker Road to the east and less than 200 feet from existing residences along 24<sup>th</sup> Street.

In sum, given the location of the proposed facility, about 80 feet across Crocker Drive to the nearest residence, health risks to residents can be assumed to be significant.

*SMAQMD Screening Health Risk Assessment for a Fictitious Gasoline Dispensing Station at Curtis Park Village*

The SMAQMD performed a preliminary screening health risk assessment for a fictitious gasoline dispensing station at the proposed Project site using the agency's current emission factors and health risk assessment guidelines published by the California Air Pollution Control Officers Association ("CAPCOA").<sup>23</sup> The figure below shows the cancer risk isopleths provided by the SMAQMD for this screening health risk assessment (an isopleth is a line drawn on a map through all points having the same value of some measurable quantity, in this case incremental cancer risk).

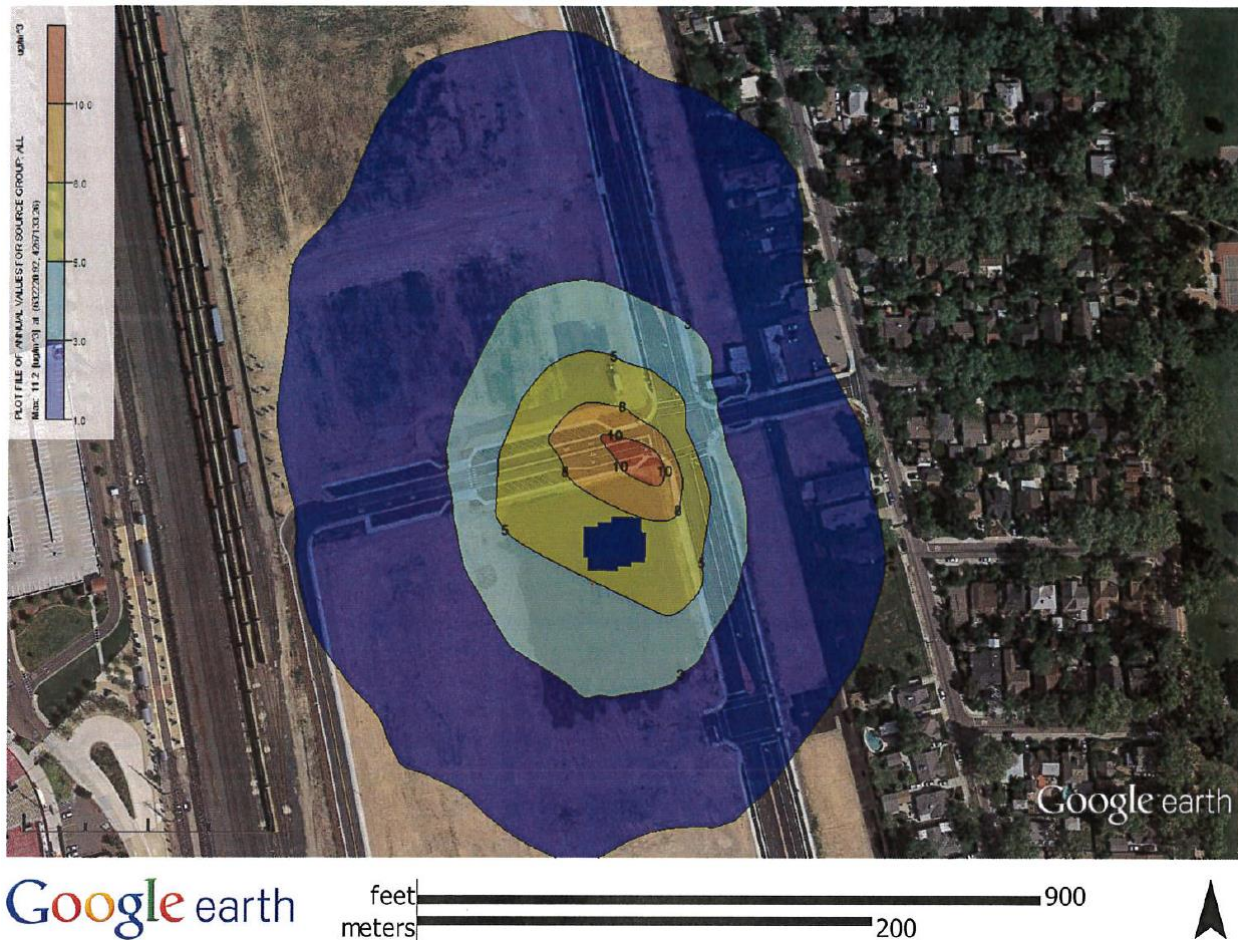
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<sup>21</sup> Addendum to Hitachi Campus and Transit Village Final EIR, *op. cit.*, p. 25.

<sup>22</sup> *Ibid.*

<sup>23</sup> Brian Krebs, SMAQMD, Email to Larry Greene, SMAQMD, Re: Potential Safeway Gas Station Adjacent to Curtis Park, September 2, 2014, 9:37 a.m.





Source: Attachment to Jim Jester, SMAQMD, Email to Patrick Soluri, Soluri Meserve,  
Re: Curtis Park Village GDF, January 21, 2015

The diagram above shows the approximate cancer risks for a hypothetical gasoline dispensing facility with a throughput of 1 million gallons per year on the proposed site, as modeled by the SMAQMD. The dark shape within the yellow zone (between the 5-in-a-million and the 8-in-a-million isopleths) is the assumed location of the facility for SMAQMD's modeling purposes. (I note that the location of the proposed gasoline station is further south than assumed by the SMAQMD (see red-lined location in graph above), however this does not materially affect the SMAQMD's findings, as the proximity of current and future residential receptors to the gasoline stations is the same.) The aqua-colored area (between the 3-in-a-million and 5-in-a-million isopleths) extends east into the future residential properties east of Crocker Drive, whereas the purple area (between the 3-in-one-million and 1-in-one-million isopleths) extends east into the existing residential properties along 24<sup>th</sup> Street. Based on this screening health risk assessment, the SMAQMD estimated the incremental cancer risk for a residential

receptor to be about 3.7-in-one-million per million gallons of gasoline throughput.<sup>24</sup> The SMAQMD noted that this is a “very rough analysis” since they did not have any specific building or gasoline station layout parameters. Further, the SMAQMD noted that this value assumed a standard benzene content in gasoline of 1 percent by weight; the SMAQMD noted that recent data suggest that the actual benzene content is closer to 0.6 percent, which would reduce the calculated cancer risk by about 40 percent.<sup>25</sup> Based on this analysis, the SMAQMD concluded that the Applicant may be able to obtain a permit for up to about 4.5 million gallons gasoline throughput per year<sup>26</sup> (or 2.7 million gallons per year if assuming a benzene content of 1 percent by weight<sup>27</sup>). An annual throughput of 2.7 to 4.5 million gallons gasoline would require a considerably smaller facility than the proposed Project, which, as discussed above would likely be on the order of 7 to greater than 13 million gallons per year.

I note that the SMAQMD’s screening health risk assessment only takes into account fugitive TAC emissions from the gasoline dispensing station but not from other sources including vehicle exhaust (particularly diesel engines). In addition, the SMAQMD’s screening health risk assessment does not account for cumulative impacts due to the location of other sources of TAC emissions in the vicinity such as freeways, dry cleaners, etc.

#### *Effects of Revisions to Health Risk Assessment Methodology*

None of the above analyses took into account recent recommendations by the California Environmental Protection Agency’s Office of Environmental Health Hazard Assessment (“OEHHA”) for preparing health risk assessments which include a number of revisions to factors that are incorporated into health risk assessments for determining cancer risks.

OEHHA approved guidance for developing health risk assessments in 2003.<sup>28</sup> In subsequent years, the State’s Scientific Review Panel and OEHHA updated several technical support documents including the 2008 *Technical Support Document for the Derivation of Noncancer Reference Exposure Levels* (reflects new methodology to calculate

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<sup>24</sup> Krebs Email to Green, *op. cit.*

<sup>25</sup> *Ibid.*

<sup>26</sup> *Ibid.*

<sup>27</sup> (Cancer risk significance threshold: 10 in one million)/(cancer risk: 3.7 in one million per million gallons gasoline throughput) = 2.7 million gallons gasoline throughput.

<sup>28</sup> OEHHA, Risk Assessment Methodology, Adoption of Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments, October 2, 2003; [http://oehha.ca.gov/air/hot\\_spots/HRAguidefinal.html](http://oehha.ca.gov/air/hot_spots/HRAguidefinal.html).

RELS for non-cancer health effects);<sup>29</sup> the 2009 *Technical Support Document for Cancer Potency Factors* (addresses the methodology for deriving cancer potency factors and includes age sensitivity factors to adjust cancer potency to account for early-in-life exposure);<sup>30</sup> and the 2012 *Air Toxics Hot Spots Program Risk Assessment Guidelines Technical Support Document for Exposure Assessment and Stochastic Analysis* (revises breathing rates and exposure duration).<sup>31</sup> All three technical support documents and their updates have undergone public and peer review, have been endorsed by the State's Scientific Review Panel on Toxic Air Contaminants, and have been adopted by OEHHA. In June 2014, OEHHA released for review a draft document *Air Toxics Hot Spots Guidance Manual for the Preparation of Risk Assessments*, which combines the critical information from the three Technical Support Documents into a guidance manual for health risk assessments.<sup>32</sup> The SMAQMD's CEQA Guidelines recommends conducting health risk assessments "in accordance with acceptable guidance such as ... OEHHA's *Air Toxics Hot Spots Program Guidance Manual for the Preparation of Risk Assessments*."<sup>33</sup>

With these technical support documents, OEHHA revised the guidance for determining cancer risks, which are calculated as follows:

$$\text{Cancer Risk} = \text{Cancer Potency Factor} \times \text{Age Sensitivity Factors} \times \\ \text{Time at Home} \times \text{TAC Concentration} \times \text{Daily Breathing Rate} \times \\ \text{Exposure Duration}$$

All **bolded** components in this calculation are affected by OEHHA's updates to methodology in the Technical Support Documents. The effect of changes to these components on cancer risk is illustrated in the following graph.

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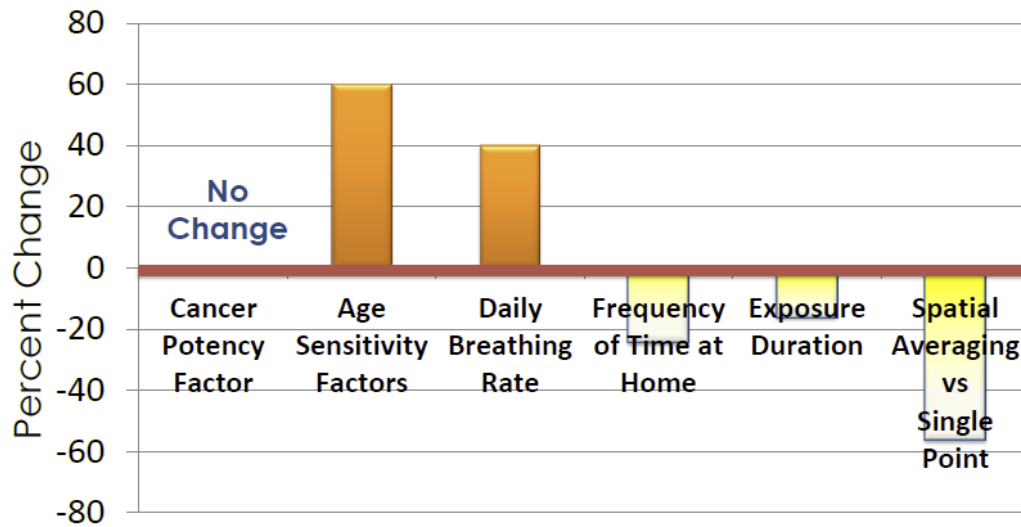
<sup>29</sup> OEHHA, Adoption of the Revised Air Toxics Hot Spots Program Technical Support Document for the Derivation of Noncancer Reference Exposure Levels and RELs for Six Chemicals, September 19, 2008; [http://www.oehha.ca.gov/air/hot\\_spots/rels\\_dec2008.html](http://www.oehha.ca.gov/air/hot_spots/rels_dec2008.html).

<sup>30</sup> OEHHA; Adoption of The Revised Air Toxics Hot Spots Program Technical Support Document for Cancer Potency Factors, June 1, 2009, Appendix C updated 2011; [http://www.oehha.ca.gov/air/hot\\_spots/tsd052909.html](http://www.oehha.ca.gov/air/hot_spots/tsd052909.html).

<sup>31</sup> OEHHA, Notice of Adoption of Air Toxics Hot Spots Program Risk Assessment Guidelines: Revised Technical Support Document for Exposure Assessment and Stochastic Analysis, August 27, 2012; [http://www.oehha.ca.gov/air/hot\\_spots/tsd082712.html](http://www.oehha.ca.gov/air/hot_spots/tsd082712.html).

<sup>32</sup> OEHHA, Air Toxics Hot Spots Program Guidance Manual for the Preparation of Risk Assessments (Guidance Manual), June 20, 2014; [http://www.oehha.ca.gov/air/hot\\_spots/riskguidancedraft2014.html](http://www.oehha.ca.gov/air/hot_spots/riskguidancedraft2014.html).

<sup>33</sup> SMAQMD CEQA Guidelines, pp. 5-3 and 5-4.



Excerpted from: Latham & Watkins, Webcast: Project Development Trends and Updates: November 2014, Thursday, November 20, 2014; <https://www.lw.com/presentations/project-development-trends-and-updates-november-2014-presentation>

The effect of the revised methodologies depends on the exposure pathways considered; for inhalation risks, the combined effect for inhalation cancer risk is about 2.7 times higher.<sup>34</sup> Thus, when accounting for OEHHA’s updated Technical Support Documents, the estimated incremental cancer risk of a fuel dispensing station with seven (7) million gallons per year throughput would be about 70 per million at the nearest residential receptors.<sup>35</sup> For a fuel dispensing station with a gasoline throughput of 13 million gallons per year, incremental cancer risks increase to about 130 in one million.<sup>36</sup> In other words, the proposed fuel dispensing station would by far exceed the CEQA threshold of significance of 10 in one million for stationary sources, and would, thus, be significant. The maximum annual gasoline throughput at the proposed fuel dispensing station that would not result in a cancer risk in excess of the 10 in one million CEQA significance threshold (based on SMAQMD’s screening analysis) is only

<sup>34</sup> See, for example, South Coast Air Quality Management District, Draft Report, Multiple Air Toxics Exposure Study in the South Coast Air Basin, October 2014, pp. ES-4; <http://www.aqmd.gov/docs/default-source/air-quality/air-toxic-studies/mates-iv/mates-iv-draft-report-10-1-14.pdf?sfvrsn=2>.

<sup>35</sup> (incremental cancer risk: 3.7 in one million/million gallon gasoline throughput)(7 million gallons gasoline throughput/year)(OEHHA combined factors from Technical Support Documents: 2.7) = 69.9 in one million.

<sup>36</sup> (incremental cancer risk: 3.7 in one million/million gallon gasoline throughput)(13 million gallons gasoline throughput/year)(OEHHA combined factors from Technical Support Documents: 2.7) = 129.9 in one million.

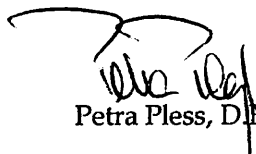
1.0 to 1.7<sup>37</sup> million gallons per year depending on the assumed benzene content in gasoline (1.0 or 0.6 percent, respectively). Clearly, this would be a much smaller gasoline dispensing station than envisioned by the Applicant. Any gasoline station with a greater annual throughput of gasoline would result in significant cancer impacts. Again, this estimate does not account for any sources of TACs other than gasoline dispensing such as vehicle exhaust emissions accessing the station or other on-site or off-site sources such as dry cleaners. An analysis of combined impacts or all TAC emissions is recommended by the SMAQMD.<sup>38</sup>

#### IV. Conclusion and Recommendation

Based on the analysis above, the proposed Curtis Park Village Fuel Station will likely result in significant new impacts due to emissions of toxic air contaminants, particularly benzene, which result in incremental cancer risks above the CEQA significance threshold of 10 in one million. The main contributors to the significant health risks are the proposed gasoline station's size/throughput and its proximity to future and existing residential properties. The EIR for the Curtis Park Village Project, which did not analyze a fuel dispensing station, concluded that health risks were less than significant without the need for any mitigation. Thus, I recommend that the City subject the proposal to full CEQA review that includes a site-specific health risk assessment and consider relocating the fuel dispensing station to a portion of the project site that is located farther from the residential properties.

Please feel free to call me at (415) 492-2131 or e-mail at [petra@ppless.com](mailto:petra@ppless.com) if you have any questions about the comments in this letter. I have provided weblinks for most cited sources; however, if you require a copy of any cited document, I will gladly make it available upon request.

Best regards,



Petra Pless, D.Env.

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<sup>37</sup> 1% benzene in gasoline:  $(10 \text{ in one million}) / [(3.7 \text{ in one million per million gallons gasoline})(2.7)] = 1.00$ ; 0.6% benzene in gasoline:  $(10 \text{ in one million}) / [(3.7 \text{ in one million per million gallons gasoline})(2.7)(0.6)] = 1.67$ .

<sup>38</sup> SMAQMD CEQA Guidelines, p. 5-8. ("The District recognizes that permitted stationary sources of TACs and non-permitted sources of TACs may operate on the same project site. Lead agencies shall evaluate the combined impact of all TAC emissions generated on the project site.")

777 12TH STREET, 3RD FLOOR  
SACRAMENTO, CA 95814-1908

SACRAMENTO METROPOLITAN

(916) 874-4800  
FAX (916) 874-4899

**CANCELLED FILE - April 2008**



# PERMIT TO OPERATE

**ISSUED TO: SAFEWAY STORES**

**EQUIPMENT LOCATION: 8377 ELK-GROVE FLORIN ROAD, SACRAMENTO, CA 95829**

**PERMIT NO.: 18661**

**EQUIPMENT DESCRIPTION: GASOLINE STORAGE AND DISPENSING FACILITY CONSISTING OF:**

PHASE I EQUIPMENT		PHASE II EQUIPMENT	
NUMBER & SIZE OF TANKS (GALLONS)	PHASE I TYPE	NUMBER OF NOZZLES	PHASE II TYPE
1-20,000; 1-10,000	OPW EVR	14	HEALY - ORVR
1-10,000	EXEMPT (DIESEL)	14	EXEMPT (DIESEL)

## SUBJECT TO THE FOLLOWING CONDITIONS:

### GENERAL

1. THE EQUIPMENT SHALL BE PROPERLY MAINTAINED.
2. THE AIR POLLUTION CONTROL OFFICER AND/OR AUTHORIZED REPRESENTATIVES, UPON THE PRESENTATION OF CREDENTIALS SHALL BE PERMITTED:
  - A. TO ENTER UPON THE PREMISES WHERE THE SOURCE IS LOCATED OR IN WHICH ANY RECORDS ARE REQUIRED TO BE KEPT UNDER THE TERMS AND CONDITIONS OF THIS PERMIT TO OPERATE, AND
  - B. AT REASONABLE TIMES TO HAVE ACCESS TO AND COPY ANY RECORDS REQUIRED TO BE KEPT UNDER TERMS AND CONDITIONS OF THIS PERMIT TO OPERATE, AND
  - C. TO INSPECT ANY EQUIPMENT, OPERATION, OR METHOD REQUIRED IN THIS PERMIT TO OPERATE, AND
  - D. TO SAMPLE EMISSIONS FROM THE SOURCE OR REQUIRE SAMPLES TO BE TAKEN.
3. THIS PERMIT DOES NOT AUTHORIZE THE EMISSION OF AIR CONTAMINANTS IN EXCESS OF THOSE ALLOWED BY DIVISION 26, PART IV, CHAPTER 3 OF THE HEALTH AND SAFETY CODES OF THE STATE OF CALIFORNIA OR THE RULES AND REGULATIONS OF THE AIR QUALITY MANAGEMENT DISTRICT.
4. A LEGIBLE COPY OF THIS PERMIT SHALL BE MAINTAINED ON THE PREMISES WITH THE EQUIPMENT.

LARRY GREENE

AIR POLLUTION CONTROL OFFICER

**DATE ISSUED:** 11-8-2006

**DATE EXPIRES:** 02-05-2007 (UNLESS RENEWED)

## SACRAMENTO METROPOLITAN AIR QUALITY MANAGEMENT DISTRICT

5. REACTIVE ORGANIC COMPOUND (ROC) EMISSIONS AND GASOLINE THROUGHPUT FROM THIS FACILITY SHALL NOT EXCEED:

POLLUTANT	EMISSION FACTOR (A) LB/1000 GAL	GASOLINE THROUGHPUT (ALL GRADES COMBINED)		MAXIMUM ALLOWABLE EMISSIONS	
		GALLONS PER QUARTER	GALLONS PER YEAR	POUNDS PER QUARTER	POUNDS PER YEAR
ROC	1.27	5,900,000	13,000,000	7,493	16,510

(A) EMISSION FACTOR IS FROM THE CALIFORNIA AIR POLLUTION CONTROL OFFICERS ASSOCIATION (CAPCOA) GASOLINE SERVICE STATION INDUSTRYWIDE RISK ASSESSMENT GUIDELINES, DECEMBER 1997, APPENDIX A, SCENARIO 6B, DECEMBER 1997.

### EQUIPMENT OPERATION

6. THE GASOLINE DISPENSING FACILITY SHALL BE MAINTAINED, AND OPERATED IN ACCORDANCE WITH THE FOLLOWING CALIFORNIA AIR RESOURCES BOARD (CARB) EXECUTIVE ORDERS. SECTION 41954(F) OF THE CALIFORNIA HEALTH AND SAFETY CODE PROHIBITS THE INSTALLATION OF ANY VAPOR CONTROL SYSTEM UNLESS THE SYSTEM HAS BEEN CERTIFIED BY THE STATE BOARD.

NUMBER	DESCRIPTION
G-70-191	CERTIFICATION OF THE HEALY MODEL 600 ORVR/800 NOZZLE WITH THE HEALY/FRANKLIN VP-1000 VAPOR PUMP PHASE II VAPOR RECOVERY SYSTEM (HEALY ORVR PHASE II VAPOR RECOVERY SYSTEM)
VR-102	OPW PHASE I ENHANCED VAPOR RECOVERY SYSTEM
G-70-199AI	RELATING TO CERTIFICATION OF GASOLINE DISPENSING NOZZLES TO THE LIQUID RETENTION STANDARD OF 350 MILLILITERS PER 1,000 GALLONS DISPENSED

7. THE VAPOR RECOVERY SYSTEM SHALL BE OPERATED IN ACCORDANCE WITH THE APPLICABLE CALIFORNIA AIR RESOURCES BOARD CERTIFICATION, THE MANUFACTURER'S SPECIFICATIONS, AND MAINTAINED TO BE LEAK-FREE, VAPOR TIGHT, AND IN GOOD WORKING ORDER.
8. ALL EQUIPMENT SHALL BE OPERATED AND MAINTAINED WITHOUT ANY OF THE APPLICABLE DEFECTS LISTED IN CALIFORNIA ADMINISTRATIVE CODE TITLE 17, PART III, CHAPTER 1, SUBCHAPTER 8, SECTION 94006.
9. THE OWNER/OPERATOR OF A VAPOR RECOVERY SYSTEM SHALL HAVE AVAILABLE AN OPERATION AND MAINTENANCE MANUAL. THE MANUAL SHALL BE KEPT ON-SITE AND MADE AVAILABLE TO ANY PERSON WHO OPERATES, INSPECTS, MAINTAINS, REPAIRS, OR TESTS THE VAPOR RECOVERY EQUIPMENT AS WELL AS THE AIR POLLUTION CONTROL OFFICER UPON REQUEST. THE MANUAL SHALL, AT MINIMUM, INCLUDE THE FOLLOWING CURRENT INFORMATION:
- A. ALL APPLICABLE CARB EXECUTIVE ORDERS, APPROVAL LETTERS, AND SMAQMD PERMITS,
  - B. MANUFACTURER'S MANUAL(S) FOR INSTALLATION, OPERATION, AND MAINTENANCE PROCEDURES AS REQUIRED TO BE PROVIDED BY CARB CERTIFICATION PROCEDURE CP-201 AND ANY ADDITIONAL INSTRUCTION PROVIDED BY THE MANUFACTURER,
  - C. SYSTEM AND/OR COMPONENT TESTING REQUIREMENTS, INCLUDING TEST SCHEDULES AND PASSING CRITERIA FOR EACH OF THE STANDARD TESTS LISTED IN SMAQMD RULE 449, SECTION 402, AND
  - D. PROTOCOL FOR PERFORMING DAILY MAINTENANCE INSPECTIONS, INCLUDING THE COMPONENTS TO BE INSPECTED AND THE DEFECTS REQUIRING REPAIR.
10. MAINTENANCE INSPECTIONS, EXCEPT AS PROVIDED IN CONDITION NUMBER 11, SHALL BE CONDUCTED FOR EACH DAY THE VAPOR RECOVERY SYSTEM IS OPERATED TO ENSURE THAT VAPOR RECOVERY SYSTEM COMPONENTS THAT ARE VERIFIABLE THROUGH DIRECT MEASUREMENT OR OBSERVATION ARE IN PROPER WORKING ORDER. ANY EQUIPMENT WITH A MAJOR DEFECT LISTED IN CALIFORNIA CODE OF REGULATIONS, TITLE 17, PART III, CHAPTER 1, SUBCHAPTER 8, SECTION 94006, SHALL BE REMOVED FROM SERVICE AND TAGGED TO ENSURE THAT IT IS NOT USED UNTIL IT IS REPAIRED AND BROUGHT INTO COMPLIANCE BEFORE BEING RETURNED TO SERVICE.

## SACRAMENTO METROPOLITAN AIR QUALITY MANAGEMENT DISTRICT

11. THE MAINTENANCE INSPECTION REQUIREMENTS IN CONDITION NUMBER 10 SHALL NOT BE REQUIRED ON SATURDAYS, SUNDAYS, AND HOLIDAYS FOR GASOLINE DISPENSING FACILITIES WITH A SIX MONTH AVERAGE MONTHLY GASOLINE THROUGHPUT OF LESS THAN 100,000 GALLONS.
12. THE OWNER OR OPERATOR OF A VAPOR RECOVERY SYSTEM SHALL ENSURE THAT THE REMOVAL FROM SERVICE OF ONE COMPONENT OF A VAPOR RECOVERY SYSTEM WITH MULTIPLE COMPONENTS WILL NOT RESULT IN GASOLINE LIQUID OR VAPORS ENTERING THE ATMOSPHERE. IF THE REMOVAL OF THE DEFECTIVE COMPONENT OF THE VAPOR RECOVERY SYSTEM DOES NOT ENSURE THE INTEGRITY OF THE REST OF THE VAPOR RECOVERY SYSTEM, THEN THE ENTIRE VAPOR RECOVERY SYSTEM SHALL BE SHUTDOWN AND REPAIRED PRIOR TO RETURNING TO SERVICE.
13. DEFECTS DISCOVERED DURING THE MAINTENANCE INSPECTION AND REPAIRED IN ACCORDANCE WITH TITLE 17, DIVISION 3, SUBCHAPTER 7.5, CHAPTER 1, SECTION 93101 OF CALIFORNIA CODE OF REGULATIONS SUCH THAT AFTER REPAIR GASOLINE LIQUID OR VAPORS DO NOT ENTER THE ATMOSPHERE SHALL NOT CONSTITUTE A VIOLATION OF RULE 449.

### TESTING

14. THE FOLLOWING PERFORMANCE AND REVERIFICATION TESTS SHALL BE CONDUCTED AND PASSED ACCORDING TO THE SCHEDULE LISTED IN CONDITION 15.
  - A. STATIC PRESSURE (LEAK DECAY) TEST, ACCORDING TO THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT MANUAL OF PROCEDURES, SOURCE TEST PROCEDURE ST-30 OR CARB TEST PROCEDURE TP-201.
  - B. DYNAMIC BACK-PRESSURE TEST ACCORDING TO THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT MANUAL OF PROCEDURES, SOURCE TEST PROCEDURE ST-27 OR CARB TEST PROCEDURE TP-201.4.
  - C. STATIC TORQUE OF ROTATABLE PHASE I ADAPTERS ACCORDING TO CARB TEST PROCEDURE TP-201.1B.
  - D. LEAK RATE OF DROP TUBE OVERFILL PREVENTION DEVICE ACCORDING TO CARB TEST PROCEDURE TP-202.1B.
  - E. AIR-TO-LIQUID RATIO TEST IN ACCORDANCE WITH CARB PROCEDURE TP-201.5
  - F. ANY OTHER TESTS REQUIRED BY AN APPLICABLE CARB EXECUTIVE ORDER.
15. THE PERFORMANCE AND REVERIFICATION TESTS SPECIFIED IN CONDITION NO. 14 SHALL BE CONDUCTED AND PASSED ACCORDING TO THE FOLLOWING FREQUENCY:

TEST NAME	AVERAGE MONTHLY GASOLINE THROUGHPUT (SIX MONTH AVERAGE) (A)	TESTING FREQUENCY
1. STATIC PRESSURE TEST 2. DYNAMIC BACK-PRESSURE TEST 3. STATIC TORQUE OF ROTATABLE PHASE I ADAPTERS	LESS THAN 100,000 GALLONS	ONCE EVERY 12 MONTHS
4. LEAK RATE OF DROP TUBE OVERFILL PREVENTION DEVICE 5. A/L TEST	GREATER THAN OR EQUAL TO 100,000 GALLONS	ONCE EVERY 6 MONTHS (B)

- (A) THE SIX MONTH PERIOD SHALL BEGIN ON THE FIRST OF THE MONTH IMMEDIATELY FOLLOWING THE MOST RECENT SUCCESSFUL TEST.
- (B) GASOLINE DISPENSING FACILITIES WITH A SIX MONTH AVERAGE MONTHLY GASOLINE THROUGHPUT OF 100,000 GALLONS OR GREATER SHALL CONDUCT AND PASS ALL REVERIFICATION TESTS WITHIN 30 DAYS OF THE END OF THE SIX-MONTH PERIOD.

### NOTIFICATION AND REPORTING

16. AT LEAST 7 DAYS PRIOR TO THE PERFORMANCE OR REVERIFICATION TESTING, THE OWNER OR OPERATOR SHALL NOTIFY THE AIR POLLUTION CONTROL OFFICER OF THE EXACT DATE AND TIME OF THE TEST. IF THE VAPOR RECOVERY SYSTEM FAILS ANY OF THE APPLICABLE TESTS AND THE NECESSARY REPAIRS ARE PERFORMED THAT SAME DAY, THE OWNER OR OPERATOR MAY RETEST THE VAPOR RECOVERY SYSTEM ON THE SAME DAY WITHOUT RE-NOTIFICATION, PROVIDED THAT THE REASONS FOR THE TEST FAILURE AND ANY REPAIRS PERFORMED ARE PROPERLY DOCUMENTED IN THE TEST REPORTS AND REPAIR RECORDS.



## SACRAMENTO METROPOLITAN AIR QUALITY MANAGEMENT DISTRICT

17. RESULTS OF THE REVERIFICATION TESTS SHALL BE DELIVERED TO THE AIR POLLUTION CONTROL OFFICER WITHIN THIRTY DAYS OF COMPLETION OF THE TEST. THE TEST RESULTS SHALL CONTAIN THE FOLLOWING INFORMATION:
- A. NAME, LOCATION, ADDRESS, AND TELEPHONE NUMBER OF THE FACILITY TESTED, AND SMAQMD PERMIT NUMBER
  - B. NAME, ADDRESS AND PHONE NUMBER OF THE PERSON OR COMPANY PERFORMING THE TEST
  - C. DATE OF THE TEST
  - D. TEST DATA
  - E. NUMBER OF NOZZLES TESTED
  - F. STATEMENT OF PASS OR FAIL

### RECORD KEEPING

18. THE FOLLOWING RECORD SHALL BE CONTINUOUSLY MAINTAINED ON SITE FOR THE MOST RECENT THREE YEAR PERIOD AND SHALL BE MADE AVAILABLE TO THE AIR POLLUTION CONTROL OFFICER UPON REQUEST. MONTHLY AND QUARTERLY RECORDS SHALL BE MADE AVAILABLE FOR INSPECTION WITHIN 30 DAYS OF THE END OF THE PREVIOUS MONTH OR QUARTER RESPECTIVELY.

FREQUENCY	INFORMATION TO BE RECORDED
AT ALL TIMES	<ul style="list-style-type: none"><li>A. MAINTENANCE RECORDS FOR THE VAPOR RECOVERY SYSTEM.</li><li>B. REPAIR RECORDS FOR THE VAPOR RECOVERY SYSTEM.</li><li>C. DAILY MAINTENANCE INSPECTION REPORTS.</li><li>D. RECORDS OF REPAIRS PERFORMED AS A RESULT OF DEFECTS DISCOVERED DURING DAILY MAINTENANCE INSPECTIONS.</li><li>E. PERFORMANCE TEST RESULTS.</li><li>F. REVERIFICATION OF PERFORMANCE TEST RESULTS.</li><li>G. SIX-MONTH AVERAGE MONTHLY GASOLINE THROUGHPUT. THE SIX-MONTH PERIOD SHALL BEGIN ON THE FIRST OF THE MONTH IMMEDIATELY FOLLOWING THE MOST RECENT SUCCESSFUL REVERIFICATION TESTS.</li></ul>
DAILY	DAILY MAINTENANCE INSPECTION REPORTS INCLUDING AT LEAST THE FOLLOWING: <ul style="list-style-type: none"><li>A. DATE AND TIME OF INSPECTION.</li><li>B. LIST OF DEFECTS FROM THE CALIFORNIA CODE OF REGULATIONS, TITLE 17, PART III, CHAPTER 1, SUBCHAPTER 8, SECTION 94006 THAT ARE APPLICABLE TO THE VAPOR RECOVERY EQUIPMENT AND HAVE A VERIFICATION PROCEDURE OF "DIRECT OBSERVATION" OR "DIRECT MEASUREMENT".</li><li>C. NOTATION BY PERSON PERFORMING INSPECTION WHETHER EACH DEFECT IS PRESENT.</li><li>D. DESCRIPTION OF ANY DEFECTS DISCOVERED.</li><li>E. ACTION TAKEN UPON DISCOVERY OF A DEFECT.</li><li>F. NAME AND SIGNATURE OF PERSON PERFORMING INSPECTION.</li></ul>
MONTHLY	TOTAL GASOLINE THROUGHPUT (GALLONS PER MONTH)
QUARTERLY	TOTAL GASOLINE THROUGHPUT (GALLONS PER QUARTER)

YOUR APPLICATION FOR THIS AIR QUALITY PERMIT TO OPERATE WAS EVALUATED FOR COMPLIANCE WITH SACRAMENTO AIR QUALITY MANAGEMENT DISTRICT (AQMD), STATE AND FEDERAL AIR QUALITY RULES. THE FOLLOWING LISTED RULES ARE THOSE THAT ARE MOST APPLICABLE TO THE OPERATION OF YOUR EQUIPMENT. OTHER RULES MAY ALSO BE APPLICABLE.

<u>AQMD RULE NO.</u>	<u>RULE TITLE</u>
201	GENERAL PERMIT REQUIREMENTS
202	NEW SOURCE REVIEW
448	GASOLINE TRANSFER INTO STATIONARY STORAGE CONTAINERS
449	TRANSFER OF GASOLINE INTO VEHICLE FUEL TANKS

IN ADDITION, THE CONDITIONS ON THIS PERMIT TO OPERATE MAY REFLECT SOME, BUT NOT ALL, REQUIREMENTS OF THESE RULES. THERE MAY BE OTHER CONDITIONS THAT ARE APPLICABLE TO THE OPERATION OF YOUR EQUIPMENT. FUTURE CHANGES IN PROHIBITORY RULES MAY ESTABLISH MORE STRINGENT REQUIREMENTS WHICH MAY SUPERSEDE THE CONDITIONS LISTED HERE.

FOR FURTHER INFORMATION PLEASE CONSULT YOUR AQMD RULE BOOK OR CONTACT THE AQMD FOR ASSISTANCE

# Permit to Operate Sign-Off Sheet

PERMIT NO **18661**

## COMPANY INFORMATION

MAILING INFORMATION: SAFEWAY STORES  
 5918 STONERIDGE MALL RD.  
 PLEASANTON, CA 94588

## FACILITY INFORMATION

LOCATION: 8377 ELK GROVE-FLORIN RD  
 ELK GROVE, CA 95624

INSPECTIO  
N ZONE: 11

THOMAS GUIDE  
PAGE: 338 CELL: G7

UTM COORDINATES  
X-COORD: 0 Y-COORD: 0

TYPE OF BUSINESS (2-DIGIT SIC CODE): RETAIL - GASOLINE SERVICE STATION

## PERMIT INFORMATION

### GENERAL PERMIT INFORMATION

TYPE OF PERMIT ACTION: AC

REFERENCE PO: 17155

CURRENT STATUS: PO-IN-PROGRESS

GENERAL EQUIPMENT DESCRIPTI: GDF

SPECIFIC EQUIPMENT DESCRIPT: GDFR

### REFERENCE PERMIT INFORMATION

REF. PO: 17155

CODE: 98

COMMENTS:

### PERMIT-SPECIFIC UTM COORDINATES

X-COORD: 0 Y-COORD: 0

### KEY DATE ENTRIES:

APP. RECEIVED: 7/1/2005

APP. COMPLETE:

PUBLIC NOTICED:

AC ISSUED: 8/3/2005 BY: IB

PO ISSUED DATE: 11/9/2006 BY: IB

### NET EMISSIONS CHANGE

ROC	0
NOx	0
SOx	0
PM10	0
CO	0

Note: Emissions in lb/quarter

### POTENTIAL TO EMIT INFORMATION (lb/qtr and t/yr)

	QTR 1	QTR 2	QTR 3	QTR 4	YEAR
ROC	7493	7493	7493	7493	8.26
NOx					
SOx					
PM10					
CO					

DATE VERIFIED: 9/2/2005 BY: ib

### BILLING INFORMATION

BILLING SCHEDULE: 6 FEE RATE: 14 Nozzles RENEWAL DATE: February, 5 2007

## ADDITIONAL GDF DATA

TANK(S) DESCRIPTION		
	CAPACITY (GALLONS)	TANK TYPE (ABOVE/UNDER GROUND)
Tank1:	20000	UNDERGROUND
Tank2:	10000	UNDERGROUND
Tank3:	0	UNDERGROUND
Tank4:	0	UNDERGROUND

DESCRIPTION OF VAPOR RECOVERY SYSTEM	
Phase I	PHIL-TITE
Phase I EVR	<input checked="" type="checkbox"/>
Phase II	
Phase II EVR	<input type="checkbox"/>
Phase II ORVR	<input checked="" type="checkbox"/> Date Installed: 6/30/2005
Aboveground E.O. #:	

### CARB TEST SITE INFORMATION

CRAB Test Site  CARB Approval Letter Expiration

Equipment Being Tested:

GDF TYPE: RETAIL

Supervisor Approval

*Bin F Kel*

Date

*11-22-06*

FORM GS100  
APPLICATION FOR AUTHORITY TO CONSTRUCT AND/OR PERMIT TO OPERATE

A SEPARATE APPLICATION AND FORM(S) SPECIFIC TO THE PROCESS  
OR EQUIPMENT MUST BE COMPLETED FOR EACH PROCESS OR PIECE OF EQUIPMENT

- A. Both pages of this application must be completed; an original signature (not a facsimile or copy) is required.
- B. The appropriate permit fee must be submitted with the application (refer to the SMAQMD Rules or fee schedule).

1. Name of business or organization that is to receive the permit: Safeway  
 PERMIT TO: Service Station Systems  
680 Quinn Ave  
San Jose, CA 95112

Business type:  Sole Proprietorship  Limited Liability Company  Partnership  
 Corporation  Wholly-owned Subsidiary  Government  Other \_\_\_\_\_

2. Employer Identification Number (E.I.N.): \_\_\_\_\_

3. Mailing address: 5918 Stoneridge Mall Rd, Pleasanton, CA 94588 925-467-2707  
NUMBER STREET CITY ZIP CODE PHONE NO.


4. Location Address (where the equipment will be operated, if different than above)  
8377 Elk Grove Florin Rd, Elk Grove, CA 95829 916-681-8666  
NUMBER STREET CITY ZIP CODE PHONE NO.

5. Name of Facility that will Operate the Equipment (if different than above):  
 DBA: same as above

6. Description of equipment/process to be permitted: Removal of existing Wayne Vac Stage II System.  
Install New Healy ORVR Approved Stage II Vapor Recovery System.  
All work performed at the Dispensers

- Constructing/installing new equipment  
 Estimated startup date for new equipment: Aug, 2005
- Initial permit for existing equipment  
 Date Operation First Commenced: \_\_\_\_\_
- Modification of existing permitted equipment or permit conditions  
 Estimated completion date for modification: \_\_\_\_\_ Previous Permit No.: \_\_\_\_\_
- Change of Ownership  
 Change of ownership date: \_\_\_\_\_ Previous Permit No.: \_\_\_\_\_

DO NOT WRITE BELOW (SMAQMD USE ONLY)

	PERMIT NUMBER	18661	AC FEE	\$745.00	AC RECEIPT	46985
	PREVIOUS P/O	17155	P/O FEE		P/O RECEIPT	

### APPLICATION FOR AUTHORITY TO CONSTRUCT AND/OR PERMIT TO OPERATE

A SEPARATE APPLICATION AND FORM(S) SPECIFIC TO THE PROCESS  
OR EQUIPMENT MUST BE COMPLETED FOR EACH PROCESS OR PIECE OF EQUIPMENT

- A. Both pages of this application must be completed; an original signature (not a facsimile or copy) is required.
- B. The appropriate permit fee must be submitted with the application (refer to the SMAQMD Rules or fee schedule).

7. All information submitted to obtain an Authority to Construct/Permit to Operate is considered public information as defined by section 6254.7 of the California Government Code unless specifically marked as trade secret by the applicant. Each document containing trade secrets must be separated from all non-privileged documents. Each document which is claimed to contain trade secrets must indicate each section or paragraph that contains trade secret information and must have attached a declaration stating with specificity the reason this document contains trade secret information. All emission data is subject to disclosure regardless of any claim of trade secret.

Acknowledgement

LB

(Please initial)

Trade secret documents are included with this application:  Y  N

8. Pursuant to Section 42301.6(f) of the Health and Safety Code, I hereby certify that emission sources in this permit application:

(Initial appropriate box)

ARE, OR

ARE NOT

within 1,000 feet of the outer boundary of a school

Pursuant to section 42301.9(a) of the Health and Safety Code, "School" means any public or private school used for purposes of the education of more than 12 children in kindergarten or any of grades 1 to 12, inclusive, but does not include any private school in which education is primarily conducted in private homes.

9. Required information, analyses, plans and/or specifications needed to complete this application are being collected under authority granted by California Health & Safety Code (CH&SC) section 42303. In addition, CH&SC section 42303.5 states that *No person shall knowingly make any false statements in any application for a permit, or in any information, plans, or specifications submitted in conjunction with the application or at the request of the Air Pollution Control Officer.* Violations of the CH&SC may result in criminal or civil penalties, as specified in CH&SC sections 42400 through 42402.3. By signing below, I certify that all information is true and accurate and complete, to the best of my knowledge and ability.

Signature of responsible officer, partner, or proprietor of firm Linda Boutin

Printed Name: Linda Boutin Title: Service Station Systems Compliance Coordinator Date: 6/29/05

Phone number: 408-213-5111 Fax number: 408-938-8888 E-mail address: lindab@servicestationssystems.com

10. Contact person for information submitted with this application (if different from above): same

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Phone number: \_\_\_\_\_ Fax number: \_\_\_\_\_ E-mail address: \_\_\_\_\_

## **Petra Pless, D.Env.**

440 Nova Albion Way, #2  
San Rafael, CA 94903  
(415) 492-2131 phone  
(815) 572-8600 fax  
petra.pless@gmail.com

Dr. Pless is a court-recognized expert with over 20 years of experience in environmental consulting conducting and managing interdisciplinary environmental research projects and preparing and reviewing environmental permits and other documents for U.S. and European stakeholder groups. Her broad-based experience includes air quality and air pollution control; water quality, water supply, and water pollution control; biological resources; public health and safety; noise studies; California Environmental Quality Act ("CEQA"), Clean Air Act ("CAA"), and National Environmental Policy Act ("NEPA") review; industrial ecology and risk assessment; and use of a wide range of environmental software.

### **EDUCATION**

Doctorate in Environmental Science and Engineering (D.Env.), University of California  
Los Angeles, 2001

Master of Science (equivalent) in Biology (focus on Limnology), Technical University of Munich,  
Germany, 1991

### **PROFESSIONAL HISTORY**

Pless Environmental, Inc., Principal, 2008–present

Environmental Consultant, Sole Proprietor, 2006–2008

Leson & Associates (previously Leson Environmental Consulting), Kensington, CA,  
Environmental Scientist/Project Manager, 1997–2005

University of California Los Angeles, Graduate Research Assistant/Teaching Assistant, 1994–1996

ECON Research and Development, Environmental Scientist, Ingelheim, Germany, 1992–1993

Biocontrol, Environmental Projects Manager, Ingelheim, Germany, 1991–1992

### **REPRESENTATIVE EXPERIENCE**

#### **Air Quality and Pollution Control**

Projects include CEQA/NEPA review; CAA attainment and non-attainment new source review; prevention of significant deterioration ("PSD") and Title V permitting; control technology analyses (BACT, LAER, RACT, BARCT, BART, MACT); technology evaluations and cost-effectiveness analyses; criteria and toxic pollutant and greenhouse gas emission inventories; emission offsets; ambient and source monitoring; analysis of emissions estimates and ambient air pollutant concentration modeling. Some typical projects include:

- Provided expert support for intervention in California Energy Commission (“CEC”) proceedings for numerous power plants including natural gas-fired, integrated gasification combined-cycle, geothermal (flash and binary) solar (thermal and photovoltaic) facilities with respect to air quality including emission reduction credits, hazards and hazardous materials, public health, noise, and biological resources.
- Critically reviewed and prepared technical comments on the air quality, biology, noise, water quality, and public health and safety sections of CEQA/NEPA documents for numerous commercial, residential, and industrial projects (*e.g.*, power plants, airports, residential developments, retail developments, university expansions, hospitals, refineries, slaughterhouses, asphalt plants, food processing facilities, slaughterhouses, feedlots, printing facilities, mines, quarries, landfills, and recycling facilities) and provided litigation support in a number of cases filed under CEQA.
- Critically reviewed and prepared technical comments on the air quality and public health sections of the Los Angeles Airport Master Plan (Draft, Supplement, and Final Environmental Impact Statement/Environmental Impact Report) for the City of El Segundo. Provided technical comments on the Draft and Final General Conformity Determination for the preferred alternative submitted to the Federal Aviation Administration.
- Prepared comments on proposed PSD and Title V permit best available control technology (“BACT”) analysis for greenhouse gas emissions from a proposed direct reduced iron facility in Louisiana.
- Prepared technical comments on U.S. Environmental Protection Agency (“EPA”)’s *Inhalation of Fugitive Dust: A Screening Assessment of the Risks Posed by Coal Combustion Waste Landfills* prepared for EPA’s proposed coal combustion waste landfill rule.
- Prepared technical comments on the potential air quality impacts of the California Air Resources Board’s *Proposed Actions to Further Reduce Particulate Matter at High Priority California Railyards*.
- For several California refineries, evaluated compliance of fired sources with Bay Area Air Quality Management District Rule 9-10. This required evaluation and review of hundreds of source tests to determine if refinery-wide emission caps and compliance monitoring provisions were being met.
- Critically reviewed and prepared technical comments on draft Title V permits for several refineries and other industrial facilities in California.
- Evaluated the public health impacts of locating big-box retail developments in densely populated areas in California and Hawaii. Monitored and evaluated impacts of diesel exhaust emissions and noise on surrounding residential communities.
- In conjunction with the permitting of several residential and commercial developments, conducted studies to determine baseline concentrations of diesel exhaust particulate matter using an aethalometer.
- For an Indiana steel mill, evaluated technology to control NO<sub>x</sub> and CO emissions from fired sources, including electric arc furnaces and reheat furnaces, to establish BACT. This required a comprehensive review of U.S. and European operating experience. The lowest emission levels were being achieved by steel mills using selective catalytic reduction (“SCR”) and selective non-catalytic reduction (“SNCR”) in Sweden and The Netherlands.

- For a California petroleum coke calciner, evaluated technology to control NO<sub>x</sub>, CO, VOCs, and PM<sub>10</sub> emissions from the kiln and pyroscrubbers to establish BACT and LAER. This required a review of state and federal clearinghouses, working with regulatory agencies and pollution control vendors, and obtaining and reviewing permits and emissions data from other similar facilities. The best-controlled facilities were located in the South Coast Air Quality Management District.
- For a Kentucky coal-fired power plant, identified the lowest NO<sub>x</sub> levels that had been permitted and demonstrated in practice to establish BACT. Reviewed operating experience of European, Japanese, and U.S. facilities and evaluated continuous emission monitoring data. The lowest NO<sub>x</sub> levels had been permitted and achieved in Denmark and in the U.S. in Texas and New York.
- In support of efforts to lower the CO BACT level for power plant emissions, evaluated the contribution of CO emissions to tropospheric ozone formation and co-authored report on same.
- Critically reviewed and prepared technical comments on applications for certification (“AFCs”) for numerous natural-gas fired, solar, biomass, and geothermal power plants in California permitted by the California Energy Commission. The comments addressed construction and operational emissions inventories and dispersion modeling, BACT determinations for combustion turbine generators, fluidized bed combustors, diesel emergency generators, etc.
- Critically reviewed and prepared technical comments on draft PSD permits for several natural gas-fired power plants in California, Indiana, and Oregon. The comments addressed emission inventories, greenhouse gas emissions, BACT, case-by-case MACT, compliance monitoring, cost-effectiveness analyses, and enforceability of permit limits.
- For a California refinery, evaluated technology to control NO<sub>x</sub> and CO emissions from CO Boilers to establish RACT/BARCT to comply with BAAQMD Rule 9-10. This required a review of BACT/RACT/LAER clearinghouses, working with regulatory agencies across the U.S., and reviewing federal and state regulations and State Implementation Plans (“SIPs”). The lowest levels were required in a South Coast Air Quality Management District rule and in the Texas SIP.
- In support of several federal lawsuits filed under the federal Clean Air Act, prepared cost-effectiveness analyses for SCR and oxidation catalysts for simple cycle gas turbines and evaluated opacity data.
- Provided litigation support for a CEQA lawsuit addressing the adequacy of pollution control equipment at a biomass cogeneration plant.
- Prepared comments and provided litigation support on several proposed regulations including the Mojave Desert Air Quality Management District Rule 1406 (fugitive dust emission reduction credits for road paving); South Coast Air Quality Management District Rule 1316, San Joaquin Valley Air Pollution Control District Rule 2201, Antelope Valley Air Quality Management District Regulation XIII, and Mojave Desert Air Quality Management District Regulation XIII (implementation of December 2002 amendments to the federal Clean Air Act).
- Critically reviewed draft permits for several ethanol plants in California, Indiana, Ohio, and Illinois and prepared technical comments.

- Reviewed state-wide average emissions, state-of-the-art control devices, and emissions standards for construction equipment and developed recommendations for mitigation measures for numerous large construction projects.
- Researched sustainable building concepts and alternative energy and determined their feasibility for residential and commercial developments, *e.g.*, regional shopping malls and hospitals.
- Provided comprehensive environmental and regulatory services for an industrial laundry chain. Facilitated permit process with the South Coast Air Quality Management District. Developed test protocol for VOC emissions, conducted field tests, and used mass balance methods to estimate emissions. Reduced disposal costs for solvent-containing waste streams by identifying alternative disposal options. Performed health risk screening for air toxics emissions. Provided permitting support. Renegotiated sewer surcharges with wastewater treatment plant. Identified new customers for shop-towel recycling services.
- Designed computer model to predict performance of biological air pollution control (biofilters) as part of a collaborative technology assessment project, co-funded by several major chemical manufacturers.
- Experience using a wide range of environmental software, including air dispersion models, air emission modeling software, database programs, and geographic information systems.

### **Water Quality and Pollution Control**

Experience in water quality and pollution control, including surface water and ground water quality and supply studies, evaluating water and wastewater treatment technologies, and identifying, evaluating and implementing pollution controls. Some typical projects include:

- Evaluated impacts of on-shore oil drilling activities on large-scale coastal erosion in Nigeria.
- For a 500-MW combined-cycle power plant, prepared a study to evaluate the impact of proposed groundwater pumping on local water quality and supply, including a nearby stream, springs, and a spring-fed waterfall. The study was docketed with the California Energy Commission.
- For a 500-MW combined-cycle power plant, identified and evaluated methods to reduce water use and water quality impacts. These included the use of zero-liquid-discharge systems and alternative cooling technologies, including dry and parallel wet-dry cooling. Prepared cost analyses and evaluated impact of options on water resources. This work led to a settlement in which parallel wet dry cooling and a crystallizer were selected, replacing 100 percent groundwater pumping and wastewater disposal to evaporation ponds.
- For a homeowner's association, reviewed a California Coastal Commission staff report on the replacement of 12,000 linear feet of wooden bulkhead with PVC sheet pile armor. Researched and evaluated impact of proposed project on lagoon water quality, including sediment resuspension, potential leaching of additives and sealants, and long-term stability. Summarized results in technical report.



## **Applied Ecology, Industrial Ecology and Risk Assessment**

Experience in applied ecology, industrial ecology and risk assessment, including human and ecological risk assessments, life cycle assessment, evaluation and licensing of new chemicals, and fate and transport studies of contaminants. Experienced in botanical, phytoplankton, and intertidal species identification and water chemistry analyses. Some typical projects include:

- Conducted technical, ecological, and economic assessments of product lines from agricultural fiber crops for European equipment manufacturer; co-authored proprietary client reports.
- Developed life cycle assessment methodology for industrial products, including agricultural fiber crops and mineral fibers; analyzed technical feasibility and markets for thermal insulation materials from natural plant fibers and conducted comparative life cycle assessments.
- For the California Coastal Conservancy, San Francisco Estuary Institute, Invasive Spartina Project, evaluated the potential use of a new aquatic pesticide for eradication of non-native, invasive cordgrass (*Spartina spp.*) species in the San Francisco Estuary with respect to water quality, biological resources, and human health and safety. Assisted staff in preparing an amendment to the Final EIR.
- Evaluated likelihood that organochlorine pesticide concentrations detected at a U.S. naval air station are residuals from past applications of these pesticides consistent with manufacturers' recommendations. Retained as expert witness in federal court case.
- Prepared human health risk assessments of air pollutant emissions from several industrial and commercial establishments, including power plants, refineries, and commercial laundries.
- Managed and conducted laboratory studies to license pesticides. This work included the evaluation of the adequacy and identification of deficiencies in existing physical/chemical and health effects data sets, initiating and supervising studies to fill data gaps, conducting environmental fate and transport studies, and QA/QC compliance at subcontractor laboratories. Prepared licensing applications and coordinated the registration process with German environmental protection agencies. This work led to regulatory approval of several pesticide applications in less than six months.
- Designed and implemented database on physical/chemical properties, environmental fate, and health impacts of pesticides for a major multi-national pesticide manufacturer.
- Designed and managed experimental toxicological study on potential interference of delta-9-tetrahydrocannabinol in food products with U.S. employee drug testing; co-authored peer-reviewed publication.
- Critically reviewed and prepared technical comments on applications for certification for several natural-gas fired, solar, and geothermal power plants and transmission lines in California permitted by the California Energy Commission. The comments addressed avian collisions and electrocution, construction and operational noise impacts on wildlife, risks from brine ponds, and impacts on endangered species.
- For a 180-MW geothermal power plant, evaluated the impacts of plant construction and operation on the fragile desert ecosystem in the Salton Sea area. This work included baseline noise monitoring and assessing the impact of noise, brine handling and disposal, and air emissions on local biota, public health, and welfare.

- Designed research protocols for a coastal ecological inventory in Southern California; developed sampling methodologies, coordinated field sampling, determined species abundance and distribution in intertidal zone, and conducted statistical data analyses.
- Designed and conducted limnological study on effects of physical/chemical parameters on phytoplankton succession; performed water chemistry analyses and identified phytoplankton species; co-authored two journal articles on results.

### **PRO BONO ACTIVITIES**

Founding member of “SecondAid,” a non-profit organization providing tsunami relief for the recovery of small family businesses in Sri Lanka. ([www.secondaid.org](http://www.secondaid.org).)

### **PUBLICATIONS & RECOMMENDATIONS**

Available upon request.

# **EXHIBIT 3**

February 19, 2015

Patrick Soluri  
Soluri Meserve  
1010 F St Ste 100  
Sacramento, CA 95814

**RE: *Opinions on Curtis Park Village Safeway Gas Station***

Mr. Soluri,

This letter summarizes the professional opinions of Larry Wymer, licensed California Traffic Engineer, on traffic and safety issues associated with the proposed Curtis Park Village Safeway Gas Station.

I have been analyzing applicable documents and analysis associated with the Curtis Park Village project and the proposed Safeway gas station, which includes the following documents and analysis: (1) the original and revised versions of Dowling Associates, Inc. transportation and circulation analysis; (2) The City of Sacramento Community Development's P14-036 Project Information Package for the Curtis Park Village Fuel Center; (3) Curtis Park Village FAQs (and responses) as contained on the project's tumbler page <http://cpvfaq.tumblr.com/>; (4) Miscellaneous email correspondence between citizen Dana Mahaffey and Tom Buford, Senior Planner, City of Sacramento Environmental Planning Services; and (5) "Cottle Safeway Fuel Station - Addendum to the Hitachi Campus and Transit Village Final EIR - (March 2013)".

### **Project Background – Pre Safeway Gas Station Traffic Analysis**

On September 15, 2009, Dowling Associates, Inc. submitted a letter report titled "Curtis Park Village – Trip Generation Comparison" which included the following Introductory and Conclusion statements which provide a partial foundation for the traffic analysis performed to date.

#### ***Introductory Statement***

*"Dowling Associates prepared a revised transportation and circulation analysis for the Curtis Park Village project in summer 2008. The analysis was incorporated in the Transportation and Circulation Section of the Curtis Park Village Draft EIR (DEIR). In November 2008, the applicant submitted a revised application with similar roadway network but different land use mix that forms the basis of the Proposed Project in the DEIR. Consequently, a comparison of the amount of project generated trips generated by these two land use mixes was performed. The results were presented in the Trip Generation Comparison of Different Land Uses memorandum dated December 8, 2008 and included in the Appendix of the DEIR.*

*"After the circulation of the DEIR and during the Response to Comments period, the applicant proposed a slight land use modification of the Proposed Project. The purpose of this memorandum is to present a trip generation comparison of the Current Proposed Project and the one analyzed in the DEIR and determine if*

any new significant impacts would result from the Current Proposed Project. A summary of the following land use assumptions are present in Table 1.

- Project Proposed in the DEIR
- Project Analyzed in the Transportation and Circulation Section of the DEIR
- Current Proposed Project”

### **Concluding Statement**

“The Current Proposed Project would not cause any new significant impacts nor significantly worsen significant impacts that were identified in the DEIR. The Current Proposed Project would generate fewer daily, PM and Saturday peak hour trips than the Project Analyzed in the DEIR. The Current Proposed Project would generate 44 more trips (6 percent) during the AM peak hour than the Project Analyzed in the DEIR. The increased number of AM peak hour trips is primarily attributed to the Athletic Club use in Area 3 of the project site.

“The standard for determining significance in the DEIR was LOS C traffic operations. The current level of service standard under the new General Plan is LOS D. It should also be noted that the trip generation under the Current Proposed Project scenario would be reduced if a dinner theater, instead of an athletic club, is developed on the site.”

### **Project Background –Safeway Gas Station Traffic Analysis**

To date, a revised traffic analysis has not been performed for the revised Curtis Park Village site plan which replaces general retail development with a Safeway Gas Station. The only available documents, analysis, etc. are those included within materials (2), (3), and (4) listed within the second paragraph of this opinion letter.

### **CEQA Appendix G - Environmental Checklist – Section XVI. Transportation/Traffic**

XVI. TRANSPORTATION/TRAFFIC – Would the project:

a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?

**OPINION 1 - In addition to gas stations adding new project trips to area roadways, they also by their very nature significantly alter existing (i.e. no project) travel patterns via significant pass-by/diverted trip in which drivers will alter their normal travel patterns to fuel at the new gas station. These trip characteristics are drastically different than those associated with typical retail development which the gas station would be replacing.**

**Vehicle trips to and from “Safeway” gas stations have unique trip generation characteristics and travel patterns from typical gas stations due to their customer loyalty program discounts. The fact that there are numerous Safeway stores in the vicinity of the project which do not have a gas station means that the proposed Curtis Park Village site will experience a unique and expanded customer base which will experience very unique trip distribution/assignment patterns from those associated with neighboring retail developments. And as a Safeway shopper myself who fuels my vehicles at only a Safeway gas station (or Costco gas station) when feasible, I can personally attest as an observant traffic engineer to the significant**

**differences in trip generation experienced by a Safeway gas station I am fueling at from that being generated by adjacent and nearby gas stations.**

**Trip generation, distribution, pass-by, and diverted trip assumptions as included within the Curtis Park Village FAQ section are completely inconsistent with those outlined within the “Cottle Safeway Fuel Station - Addendum to the Hitachi Campus and Transit Village Final EIR - (March 2013)” prepared for the City of San Jose. This inconsistency invalidates the FAQ conclusion, and if the conclusions as outlined for the Cottle Safeway Fuel Station in San Jose are applied to the Curtis Park Village site the result would potentially be significant increases and variations in trip generation and trip distribution/assignment.**

**Based on my personal knowledge of these differences from typical gas stations, and the inconsistencies with those outlined within the Cottle Safeway Fuel Station in San Jose, I believe a traffic analysis should be performed which considers trip generation characteristics for Sacramento area Safeway gas stations vs. market area size, and how that would correspond to the proposed Curtis Park Village gas station vs. the local market size relative to the area Safeway stores and distances from other Sacramento area Safeway gas stations.**

**Additionally, definite and potential variations in trip generation and trip distribution/assignment have not been fully accounted for within any traffic analysis performed to date, particularly at the intersection of Sutterville Road/ Crocker Drive which might experience enough changes in increased left and right turning vehicles to/from Crocker Drive to create deficient levels of service or exceed queuing storage capacities.**

b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

**SEE OPINION 1**

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

**NOT APPLICABLE**

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

**NO OPINION**

e) Result in inadequate emergency access?

**NO OPINION**

f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

**OPINION 2 – The proposed Sacramento City College Pedestrian and Bicycle Bridge Crossing will add significant pedestrian and bicycle traffic along the westside sidewalks of Crocker Street, and some pedestrian and bicycle traffic along the southside sidewalks of the roadway designated as the “Access**

Easement” located along the northern frontage of the proposed Safeway Gas Station. A revised traffic analysis should consider potential pedestrian/bicycle conflicts with fuel trucks and queuing vehicles entering and exiting the gas station.

Per the City of Sacramento’s “Bicycle and Pedestrian Funding Guidelines, 2012” (as contained within the City’s August 22, 2011 application for SACOG’s 2011 Bike and Pedestrian Funding Program for the City College Pedestrian and Bicycle Overcrossing) the overcrossing would generate (and add to Curtis Park Village roadways) 126,000 bicyclists per year. If spread out evenly over a year this would result in an average of 345 bicycles per day, of which approximately 35 could be assumed as being present during the AM peak hour as well as during the PM peak hour (assuming a 10% daily-to-peak hour ratio). Of course bicycle volumes in reality could be expected to be significantly higher on days the college is in session and when events are occurring at Hughes Stadium. Information provided by the City of Sacramento’s Traffic Engineering Department indicates that within the City of Sacramento (and within and surrounding the Curtis Park Village project) that bicycle volumes can be assumed as being approximately half of existing and expected pedestrian volumes. Thus the overcrossing would generate (and add to Curtis Park Village roadways) approximately 250,000 pedestrians per year. If spread out evenly over a year this would result in an average of approximately 700 pedestrians per day, of which approximately 70 could be assumed as being present during the AM peak hour as well as during the PM peak hour. Again, pedestrian volumes in reality could be expected to be significantly higher on days the college is in session and when events are occurring at Hughes Stadium.

#### **Concluding Opinion**

It is my professional opinion that potentially significant traffic and safety issues resulting from the proposed Curtis Park Village Safeway Gas Station were not previously analyzed in the 2010 Curtis Park Village EIR. A Supplemental EIR is necessary to adequately address these potentially significant impacts as required by CEQA.

Please don’t hesitate to contact me if you should have any questions.



Larry C. Wymer  
California Traffic Engineer 1955

# **EXHIBIT 4**



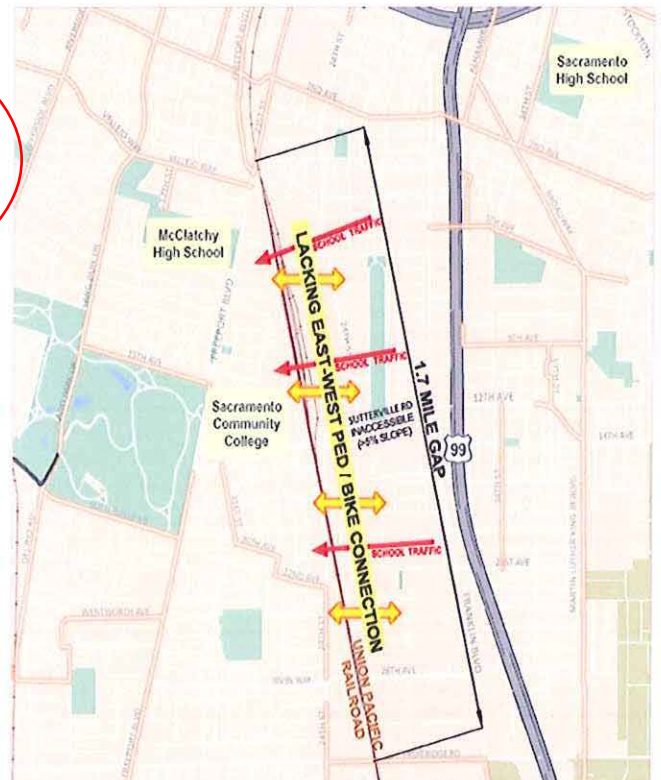
on-street bicycle facilities. The 1.7 mile section between the at-grade crossings at Freeport Boulevard and 26<sup>th</sup> Avenue is the heart of the area with respect to alternate modes travel. The only crossing for any mode in this section is the Sutterville Road overcrossing, which is a high speed arterial lacking bike lanes and accessible pedestrian facilities. The City of Sacramento seeks to fill this deficiency with the construction of the City College POC.

The new structure would provide a convenient and safe pedestrian and bicycle link between Curtis Park and Land Park. As envisioned, the bridge would land at Sacramento Regional Transit’s (RT) City College Light Rail Station on Sacramento City College Campus on the west, and at the site of the Curtis Park Village development project on the east.

### The Proposed Project

The City of Sacramento wishes to apply for Community Design funding to construct a new pedestrian and bicycle overcrossing of the UPRR right-of-way between the Sacramento City College Campus and the Curtis Park Village Development. The City College POC project represents exactly the kind of public investment which can foster the type of visionary private development concept that is envisioned for Curtis Park Village. The project will provide a viable and pleasant alternative to automotive travel for recreational users as well as commuters. Among the many benefits of this project, the new bridge will:

- ✓ Allow the approved 72 acre mixed use Curtis Park Village development to realize its potential as one of the region’s preeminent Transit Oriented Developments
- ✓ Support the public investment of state bond funds for Transit Oriented Development and Brownfield clean up in Curtis Park Village.
- ✓ Provide safe and pleasant access for pedestrians and cyclists across the UPRR tracks
- ✓ Provide convenient access to light rail for current and future residents of Curtis Park
- ✓ Provide neighborhood connectivity
- ✓ Fill a gap in the regional bikeway network
- ✓ Provide safe and convenient access for the disabled community
- ✓ Provide a distinctive architectural enhancement for the area
- ✓ Compliment a planned \$10,000,000 retrofit of Hughes Stadium on the City College Campus
- ✓ Provide a more direct and safe route for pedestrian traffic to/from C.K. McClatchy High School and other schools in the area.





July 29, 2011

Mr. Gregory Chew  
Sacramento Area Council of Governments  
1415 L Street, Suite 300  
Sacramento, CA 95814  
Subject: Sacramento City College Light Rail Station/Curtis Park Village Pedestrian Bridge

Dear Mr. Chew,

As the property owner and developer of Curtis Park Village, Petrovich Development Company is delighted to provide an endorsement for the City of Sacramento's planned project to construct an alternate modes overcrossing of the Union Pacific railroad tracks between Sacramento's Curtis Park and Land Park neighborhoods at the Sacramento City College Light Rail Station. We feel the bridge project will be an outstanding amenity benefiting Sacramento City College, local neighborhoods, and Light Rail users, as well as the future residents, patrons, and retailers in Curtis Park Village.

As you are aware, the Curtis Park Village project is a high density, mixed-use, infill development project which has embraced the doctrine of the "Blueprint" developed by SACOG. Our view is that the new bridge is in lockstep with the goals of the Blueprint and a key component to support the transit connectivity of the Curtis Park Village project to Sacramento Regional Transit and we look forward to its implementation.

In working with City staff through the conceptual development and final design of their project, we have been extremely pleased with their efforts to create a project which will meld both functionally and architecturally with our vision for Curtis Park Village. The bridge design is tasteful, elegant, and caters to pedestrians, cyclists as well as the disabled community providing them direct access to light rail transit and the many amenities we are planning at Curtis Park Village. The care taken by the design team to address aesthetic treatment, nighttime security, and to minimize opportunities for vandalism have also been excellent.

As the City goes through the SACOG application process for construction funding, we at Petrovich Development Company are hopeful that SACOG will see the obvious benefits of this important project. It is our considered opinion that the project is emblematic of the type of smart growth improvement that our region should be advocating as we look for opportunities to implement SACOG's Blueprint.

Sincerely,

A handwritten signature in blue ink, appearing to read "Phillip J. Harvey", is written over a blue circular stamp or seal.

Phillip J. Harvey, Senior Vice President of Development