Final Supplemental Environmental Impact Report
San Pablo Avenue Specific Plan Update

Prepared by: The City of El Cerrito
With Assistance from: MIG, Inc.

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1. INTRODUCTION

1.1 RELATIONSHIP BETWEEN THE DRAFT SEIR AND FINAL SEIR

The Final Supplemental Environmental Impact Report (Final SEIR) for the proposed San Pablo Avenue Specific Plan Update project has been prepared by the City of El Cerrito (City), the Lead Agency, in keeping with State environmental documentation requirements set forth in the California Environmental Quality Act (CEQA). The City has prepared the Final SEIR pursuant to the CEQA Guidelines, including sections 15086 (Consultation Concerning Draft EIR), 15088 (Evaluation of and Responses to Comments), and 15132 (Contents of Final Environmental Impact Report). In conformance with these guidelines, the Final SEIR consists of the following two volumes:

(1) the Draft SEIR, which was circulated for a 45-day State agency and public review and comment period from July 19, 2022 through September 2, 2022; and

(2) this Final SEIR document, which includes a list of all commenters on the Draft SEIR during the Draft EIR public review period; speaker comments pertaining to the content and adequacy of the Draft SEIR from the August 17, 2022 City of El Cerrito Planning Commission public meeting (including a public hearing) on the Draft SEIR; verbatim versions of all written communications received during the Draft SEIR review period; the responses of the SEIR authors to all environmental points raised during the Planning Commission meeting and in the written communications; and revisions to the Draft SEIR.

Several of the comments on the Draft SEIR required minor revisions to the document. Revisions have been made to Chapter 9, Greenhouse Gas Emission and Energy and are included in Chapter 3, Revisions to the Draft SEIR. None of the revisions to the Draft SEIR otherwise changes any of the document’s content, findings, or conclusions. Likewise, none of the revisions results in a substantial increase in the severity of an identified significant impact or the identification of a new significant impact, mitigation, or alternative considerably different from those already considered in preparing the Draft SEIR.

Both volumes of the Final SEIR are available for public review at El Cerrito City Hall, 10890 San Pablo Avenue, El Cerrito, between the hours of 9:00 AM – 1:00 PM Monday through Thursday. Both volumes also are available at the El Cerrito Library, 6510 Stockton Avenue, El Cerrito, during business hours, which are: Tuesday through Thursday, 10:00 AM to 8:00 PM, and Friday and Saturday, 9:00 AM to 5:00 PM.

The Final SEIR and all documents referenced in the SEIR are posted on the City of El Cerrito website at:

https://www.el-cerrito.org/396/San-Pablo-Avenue-Specific-Plan

The responses to comments included in this document are correlated to the public hearing and written comments by code numbers. Code numbers for written comments are posted in the right-hand margin of each comment letter or email.
Certification of this Final SEIR by the City Council of El Cerrito must occur prior to approval of the San Pablo Avenue Specific Plan Update project.

1.2 PROJECT DESCRIPTION SUMMARY

This project description summary should not be relied upon for a thorough understanding of the details of the San Pablo Avenue Specific Plan Update project, its individual impacts, and related mitigation needs. Please refer to Draft SEIR chapter 3 for a complete description of the project, and Draft SEIR chapters 4 through 17 for a complete description of identified environmental impacts and associated mitigation measures.

The City of El Cerrito’s San Pablo Avenue Specific Plan Update project proposes to:(1) increase the total development capacity allowed by the 2014 Specific Plan; (2) increase the size of the 2014 Plan Area from approximately 206 acres to approximately 208 acres through addition of one parcel in the southeastern part; and (3) provide revisions and refinements to various Plan components in support of the Specific Plan vision for the physical environment and character of the streets, buildings, and open spaces in the Plan Update Area, including complete streets, flexibility in application development standards, transportation systems, green infrastructure, and open space.

The Specific Plan Update Area is located within both the cities of El Cerrito and Richmond; most of the parcels (approximately 176 acres, or 85 percent) are in El Cerrito, while other parcels on the west side of San Pablo Avenue (about 32 acres, or 15 percent) are in Richmond, with some split between both cities. The Specific Plan Update (the “project”) would apply to properties within the City of El Cerrito.

Proposed updates would include: a two-way, protected, grade-separated Class IV bike facility on the south side of Hill Street consistent with the Active Transportation Plan; aligning standards of midblock connections with open space standards by eliminating the amenity zone and creating a 5-foot minimum activity zone (the pedestrian zone would be maintained); revising shadow/daylight plane standards and modifying rear and upper floor setback for high- and mid-density TOD mixed-use development adjacent to existing residential; updating sustainable design standards and elements for consistency with the Green Infrastructure Plan, the Urban Greening Plan, the Contra Costa Clean Water Program C.3 Guidebook, and other relevant City, County, and State documents; and providing for on-site dedication of public open space based on urban greening opportunity sites and commercial nodes and new key locations such as BART stations.

Other refinements would include clearly distinguishing standards for shared public open space pocket parks with standards and guidelines for different open space types; modifying private open space standards to ensure that upper floor common courtyards have a minimum 1:1 ratio of private-to-common open space; providing for 30 percent of all private/common open spaces to be private individual open space; revising parking and curbside management standards to implement key recommendations from the Transportation Demand Management (TDM) report; and allowing non-conforming residential uses to convert to any denser residential category.

The Specific Plan Update would also expand the 2014 Plan Area through addition of one parcel in the southeastern part, increasing the area from approximately 206 acres to approximately 208 acres.
In addition, the amount of allowable net new residential development would be increased by 2,500 units, and the amount of allowable net new commercial development would be increased by 100,000 square feet, both in the El Cerrito portion of the Plan Update Area.

1.3 REQUIRED APPROVALS

1.3.1 Required City of El Cerrito Approvals

The following discretionary approvals are required by the City of El Cerrito for the Specific Plan Update and SEIR:

- Certification of the Final Supplemental Environmental Impact Report (Final SEIR)
- Adoption of a Mitigation Monitoring and Reporting Program
- Adoption of the San Pablo Avenue Specific Plan Update
- Adoption of General Plan amendments and zoning changes as necessary to ensure consistency with the Specific Plan Update
- Discretionary review as necessary, including CEQA review, for future individual public and private development proposals in the Plan Update Area

1.3.2 Other Required Approvals

Individual public and private development proposals in the Plan Update Area would be expected to require review or approvals from other jurisdictional agencies, including, but not limited to:

- East Bay Municipal Utility District (EBMUD)
- Stege Sanitary District (SSD)
- San Francisco Bay Regional Water Quality Control Board (RWQCB)
- Bay Area Air Quality Management District (BAAQMD)
- California Department of Transportation (Caltrans)

1.4 ADEQUACY OF FINAL SEIR

Under CEQA, the responses to comments on a Draft SEIR must include good faith, well-reasoned responses to all comments received on the Draft SEIR that raise significant environmental issues related to the project under review. If a comment does not relate to the Draft SEIR or does not raise a significant environmental issue related to the project, there is no need for a response under CEQA.

In responding to comments, CEQA does not require the SEIR authors to conduct every test or perform all research or study suggested by commenters. Rather, the SEIR authors need only respond to significant environmental issues and need not provide all the information requested by the reviewers, as long as a good faith effort at full disclosure is made in the SEIR (CEQA Guidelines sections 15088, 15132, and 15204).
2. RESPONSES TO COMMENTS ON THE DRAFT SEIR

After completion of the Draft EIR, the Lead Agency (the City of El Cerrito) is required under CEQA (California Environmental Quality Act) Guidelines sections 15086 (Consultation Concerning Draft EIR) and 15088 (Evaluation of and Response to Comments) to consult with and obtain comments from other public agencies having jurisdiction by law with respect to the project, and to provide the general public with an opportunity to comment on the Draft SEIR. Under CEQA Guidelines section 15088, the Lead Agency is also required to respond in writing to substantive environmental points raised in the Draft SEIR review and consultation process.

Comments on the Draft SEIR were submitted in the form of seven (7) letters during the Draft SEIR review period. Two (2) comments pertaining to the content or adequacy of the Draft SEIR were received at the Planning Commission meeting.

CEQA Guidelines section 15132 (Contents of Final Environmental Impact Report), subsection (b), requires that the Final SEIR include the full set of "comments and recommendations received on the Draft EIR either verbatim or in summary"; section 15132, subsection (c), requires that the Final SEIR include "a list of persons, organizations, and public agencies commenting on the Draft EIR"; and section 15132, subsection (d), requires that the Final SEIR include "the responses of the Lead Agency to significant environmental points raised in the review and consultation process." In keeping with these guidelines, this Responses to Comments chapter includes the following sections:

- **A list of Draft SEIR commenters** (section 2.1), which lists each individual who commented during the Planning Commission meeting and each individual, organization, and agency that submitted written comments to the City during the Draft SEIR public review period;

- **Responses to the August 17, 2022 Planning Commission and Design Review Board Joint public meeting comments on the Draft SEIR** (section 2.2), which includes the minutes of the meeting (including a public hearing on the Draft SEIR), followed by a summary of, and the response of the SEIR authors to, each comment pertaining to Draft SEIR content or adequacy;

- **Responses to written comments received during the Draft SEIR public review period** (section 2.3), which includes copies of all written communications received during the Draft SEIR public review period, followed by a summary of, and the response of the SEIR authors to, each comment pertaining to Draft SEIR content or adequacy.

2.1 LIST OF DRAFT SEIR COMMENTERS

The individuals who commented at the Planning Commission meeting, and each organization, agency, or individual who commented in written form during the Draft SEIR public review period, are listed below alphabetically. Each meeting comment and each written comment received is
also identified in parenthesis by a code number - e.g., Planning Commission meeting comments PC01, PC02; letter L01, L02.

Planning Commission Public Meeting Commenters (August 17, 2022)
- Howdy Goudey (PC01)
- Nerisa de Jesus (PC01)

Individuals and Organizations
- Environmental Quality Committee (L01 and L02)
- Fred Bialy (L03 and L04)
- Howdy Goudey (L05 and L06)

Responsible and Interested Agencies
- Gavin McCreary, Department of Toxic Substances Control, Project Manager (L07)
- David J. Rehnstrom, Water Distribution Planning, East Bay Municipal Utility District, Manager (L08)
MASTER RESPONSES

As shown in Table 2-1 below, the City received comments from one or more commenters that addressed the same topic and/or were similar in nature. In light of this, the City has prepared one master response (MR) to each of the topics and issues consistently raised by individuals and organizations (e.g., GHG emissions impact analysis, GHG mitigation measures). The table also notes each of the comments received on each topic. The City has also prepared individual responses to comments as necessary, which follow the MR provided below.

<table>
<thead>
<tr>
<th>Topic (No. of Comments)</th>
<th>Comment IDs</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adequacy of DSEIR GHG Emissions Impact Analysis (14)</td>
<td>PC01.01, L02.03, L02.04, L02.09, L02.12, L03.01, L04.01, L05.01, L05.02, L05.03, L05.04, L05.05, L05.06, and L05.09</td>
<td>MR 01</td>
</tr>
<tr>
<td>GHG Emissions and Energy Resources Mitigation (20)</td>
<td>PC01.01, L02.04, L02.05, L02.08, L02.10, L02.11, L02.12, L02.13, L02.15, L02.18, L02.19, L03.02, L03.03, L04.01, L05.01, L05.07, L05.10, L05.15, L05.16, L05.19, L05.22</td>
<td>MR 02</td>
</tr>
<tr>
<td>Electric vehicle charging infrastructure (4)</td>
<td>PC01.01, L02.16, L05.01, L05.08</td>
<td>MR 03</td>
</tr>
</tbody>
</table>

MR 01: Adequacy of DSEIR GHG Emissions Impact Analysis

The City received 13 comments related in whole or in part to the DSEIR’s GHG emissions estimates. In summary, these comments expressed:

- Concern regarding the methodology used to estimate potential GHG emissions associated with the SPASP Update (PC01.01, L02.04, L02.09, L05.06, L05.09).
- Interest in the threshold of significance used in the DSEIR to evaluate GHG emissions levels and concern regarding whether this DSEIR threshold of significance is consistent with State GHG reduction goals, the latest CEQA guidance issued by the Bay Area Air Quality Management District (BAAQMD), and the latest scientific evidence published by the United Nations (U.N.) Intergovernmental Panel on Climate Change (IPCC) regarding the effects of climate change (PC01.01, L02.03, L02.12, L03.01, L04.01, L05.01, L05.02, L05.03, L05.04, L05.05, L05.06).

For background purposes, the City’s 2014 SPASP EIR described the primary GHG that contribute to global climate change, summarized the key federal, State, and City statutes, regulations, and policies related to global climate change in effect in 2014, quantified the SPASP potential GHG emissions efficiency using the California Emissions Estimator Model, or CalEEMod, Version (V.) 2013.2.2, and compared the Plan’s estimated GHG emissions efficiency of 3.9 metric tons of carbon dioxide equivalents per service population per year (MTCO₂e/SP/YR) to the BAAQMD’s recommended 2020 project-level GHG emissions threshold of 4.6 MTCO₂e/SP/YR. The 2014 EIR concluded the SPASP would not result in significant GHG emissions because Plan emissions (3.9 MTCO₂e/SP/YR) would be below the BAAQMD’s recommended CEQA threshold (4.6 MTCO₂e/SP/YR), and no mitigation was required to reduce SPASP GHG emissions levels.
The 2022 SPASP Update DSEIR employs a similar, but updated, methodology as the 2014 EIR. The updated methodology is based on prevailing best practices, standards, and guidance in effect at the time the Notice of Preparation (NOP) for the SEIR was issued in November 2020 and provides substantial evidence that supports the DSEIR’s less than significant GHG emissions impact finding, including:

- The DSEIR uses an updated version of CalEEMod (V. 2020.4.0) to estimate potential GHG emissions associated with the SPASP Update. CalEEMod is a computer program recommended by the BAAQMD for use in preparing emission estimates for land use and development projects subject to CEQA. The model’s default assumptions were modified to reflect Plan-specific land use, trip generation, water use, and stationary source information associated with the SPASP Update (DSEIR pp. 9-14 and 9-15), as is appropriate when there is substantial evidence to do so (Trinity Consultants and SCAQMD, 2021, pp. 13 and 14).\(^1\)

- The DSEIR summarizes new regulations related to global climate change and energy resources that have taken effect since 2014. Specifically, the 2022 DSEIR provides updated information on federal vehicle emissions standards (p. 9-5), legislative actions related to the State’s goal to reduce GHG emissions 40% below 1990 levels by 2030 (pp. 9-6 and 9-7), Executive Order B-55-18 directing the State to achieve carbon neutrality as soon as possible and no later than 2045 (p. 9-7), CARB Scoping Plans (pp. 9-7 and 9-8), Plan Bay Area 2040 and 2050 (pp. 9-8 and 9-9), the BAAQMD 2017 Clean Air Plan (pp. 9-10 and 9-11), and the City Council’s Climate Emergency Resolution (p. 9-11), all of which support international and State efforts to limit average global surface temperature increases to under 2 degrees Celsius (\(^\circ\)C) or less.

- The DSEIR applies an updated GHG emissions threshold of significance (pp. 9-12 and 9-13) that consistent with guidance from the BAAQMD (as of November 2020), State GHG reduction goals, and other local, regional, and state plans, policies, and regulations adopted for the purposes of reducing GHG emissions. Whereas the 2014 EIR used the BAAQMD’s 2020 GHG efficiency threshold (4.6 MTCO\(_2\)e/SP/YR), the 2022 DSEIR adjusts this threshold downwards by 60% to apply a project-specific goal (1.84 MTCO\(_2\)e/SP/YR) that aligns with the State’s post 2020, long-term GHG reduction targets. Furthermore, as explained in the DSEIR (p. 9-13, emphasis added), “While the interpolated project-specific goal of 1.84 MTCO\(_2\)e/SP/YR for Year 2040 is a helpful proxy for demonstrating substantial progress toward future state GHG emission reduction goals, it is also important that the proposed Specific Plan be consistent with plans, policies, and regulations for the purposes of reducing GHG emissions, as the strategies / requirements contained in these documents also address GHG emission reduction goals through the region and state.” Thus, the 2022 Draft SEIR also relies upon consistency with key GHG-reduction plans to determine the significance of the proposed SPASP Updates’ potential GHG emission, including, but not limited to the 2017 Climate Change Scoping Plan, 2040 Plan Bay Area, the City’s Climate Action Plan, and the City’s Climate Emergency Resolution. The DEIR’s significance determination, therefore, is based on both the magnitude of the SPASP Update’s GHG emissions and the Plan’s consistency with applicable GHG reduction plans, policies, and regulations, and the

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\(^1\)California Emissions Estimator Model User’s Guide, Version 2020.4.0. Prepared for the California Air Pollution Control Officers Association (CAPCOA). Prepared by Trinity Consultants, in collaboration with the South Coast Air Quality Management District (SCAQMD), and the California Air Districts. May 2021.
DSEIR’s use a numeric goal or threshold is only meant to provide context for this determination.

Several comments (L02.04, L02.08, L05.09, L05.10) suggested the DSEIR’s GHG emissions analysis include embodied GHG emissions. In general, the term “embodied carbon” refers to the GHG/carbon emissions associated with the lifecycle of a product or material, including emissions generated in manufacturing, transport, installation, maintenance, and disposal processes. As buildings become more efficient, embodied carbon takes on a larger share of the contribution to global climate change effects; however, the evaluation of lifecycle GHG emissions, including embodied carbon, is not currently recommended by the BAAQMD, nor is it standard practice under CEQA. Unlike project construction and operating characteristics for which there are recognized, documented, and consistent methodologies (e.g., Institute of Transportation Engineers trip generation rates, regional vehicle miles travelled, or VMT, models, CalEEMod, etc.), lifecycle emissions estimates vary by product due to differences in product origin, energy used to create the project, shipping distance to bring the product to market, and the amount of material required by any specific project. Furthermore, the emissions associated with the production and distribution of goods and materials are usually not under the direct control of a project. Although general information may be known (most typically about the embodied carbon content of concrete), the lifecycle GHG emissions of each individual building material is speculative in nature (since project-specific building material information is usually not known at the time environmental review commences) and, therefore, not does not require analysis under CEQA.

Other comments (L02.03, L02.12, L03.01, L04.01, L05.01, L05.02, L05.03, L05.04, L05.05, L05.06) suggested that the DSEIR’s GHG emissions analysis is inadequate because the DSEIR’s threshold of significance does not reflect the latest scientific evidence published by the U.N. (in August 2021) and is not consistent with the latest climate change threshold guidance published by the BAAQMD (in April 2022), which include recommendations to prohibit natural gas in new development, and does not explicitly establish carbon neutrality as the CEQA significance thresholds. First, as a point of clarification, the environmental and regulatory baseline, as established by the DSEIR, are the conditions that existed as of November 2020 (see, for example, p.9-9, footnote 3), and an analysis of the SPASP Update’s consistency with non-regulatory guidance published after November 2020 is not required pursuant to CEQA Guidelines 15125 (e). Second, in the resolution adopting its new CEQA thresholds for evaluating the significance of climate impacts from land use projects and plans, the BAAQMD’s Board of Directors resolved that the new climate impact thresholds “are most appropriately applied to CEQA projects for which [an NOP] is issued and environmental analysis is begun after the date of adoption of this Resolution.” Therefore, the City does not consider the BAAQMD’s latest climate thresholds appropriate for use in the SPASP Update SEIR because the SEIR’s NOP was issued on November 20, 2020, and environmental analysis was subsequently begun, 16 months before the BAAQMD adopted its new GHG thresholds on April 20, 2022. Third, with regards to the U.N. IPCC’s 6th Assessment Report (6th AR), the 6th AR presents various emissions reductions scenarios for keeping global average surface temperature increases below both 1.5°C and 2°C. While the IPCC’s specific emissions reductions targets are contingent on the specific modeling scenario presented in the 6th AR, both the IPCC, the State’s long-term GHG emissions reduction targets, and the 2017 CARB Scoping Plan, all plan for a substantial reduction in GHG emissions by 2030, with rapid and deep GHG emissions reductions through 2030 and 2040 that lead to net zero global anthropogenic GHG emissions by approximately the mid 2040’s. In addition, the DSEIR (p. 9-6) includes information on recent international efforts related to the Paris Climate Agreement.
intended to limit average global temperature increases to less than 1.5°C and also discloses state (e.g., Executive Order B-55-18; DSEIR p. 9-7) and local (e.g., Climate Emergency Resolution 2019-52; DSEIR p. 9-11) to reach carbon neutrality by the mid-2040’s. Therefore, the DSEIR adequately conveys the current understanding of the science surrounding global climate change impacts and carbon neutrality efforts, and neither the new information published by the IPCC nor the new guidance published by the BAAQMD changes the DSEIR’s impact findings.

In summary, the DSEIR evaluated the SPASP Update’s potential GHG emissions levels using a sound and proven methodology (CalEEMod). The resulting GHG emissions estimates (1.76 MTCO$_2$/SP/YR and 1.81 MTCO$_2$/Capita/YR) were compared to appropriate, interpolated GHG emissions efficiency targets and found to be less than an interpolated 2040 target based on regional data originally developed by the BAAQMD (1.84 MTCO$_2$/SP/YR) and less than CARB’s 2017 Scoping Plan local plan-level GHG emissions reduction goal of 6.0 MTCO$_2$/Capita/YR (2030) and 2.0 MTCO$_2$/Capita/YR (2050), as well as an interpolated 2040 local plan-level GHG emissions reduction goal of 4.0 MTCO$_2$/Capita. The SPASP Update’s GHG emissions were also evaluated for consistency with applicable plans, policies, and regulations adopted for the purposes of reducing GHG emissions, including the 2017 Climate Change Scoping Plan, which achieves the State’s 2030 GHG emissions reduction target and establishes substantial progress towards the State’s 2045 carbon neutrality and 2050 GHG emissions reduction targets. The DSEIR found that the updated SPASP would result in a net increase in GHG emissions, the magnitude of these emissions would not exceed the regional or state GHG reduction goals or be inconsistent with applicable GHG reduction plans, policies, and regulations. For the reasons discussed above, the DSEIR includes a level of information and analysis regarding potential GHG emissions associated with the SPASP Update that allows the DSEIR to conclude, based on substantial evidence, that the SPASP Update would not result in a significant GHG emissions impact.

**MR 02: GHG Emissions and Energy Resources Mitigation**

The City received 20 comments related in whole or in part to GHG emissions and energy resource mitigation measures. In summary, these comments suggested the following mitigation/GHG emission reduction measures are required for, or should be included in, the SPASP Update and/or corresponding SPASP Update SEIR:

- Use of low embodied carbon building materials during construction (L02.04, L02.08).
- Prohibition of single use plastic wrap during construction (L02.04, L05.15).
- Readiness for future electrical, water/wastewater, and solid waste infrastructure that reduces GHG emissions and energy consumption (L02.05, L02.18, L02.19, L05.16, L05.22).
- Actions that result in increased energy efficiency beyond State code requirements, such as prohibitions on fossil fuel infrastructure in new buildings, all electric building requirements,

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2The 2017 Climate Change Scoping Plan (p. 101) states, “Achieving no net additional increase in GHG emissions, resulting in no contribution to GHG impacts, is an appropriate overall objective for new development.” The Scoping Plan also states (p. 102), “Achieving net zero increases in GHG emissions, resulting in no contribution to GHG impacts, may not be feasible or appropriate for every project, however, and the inability of a project to mitigate its GHG emissions to net zero does not imply the project results in a substantial contribution to the cumulatively significant environmental impact of climate change under CEQA.”
unit level utility metering, and the preparation of reach or health and safety code updates that increase energy efficiency (PC01.01, L02.10, L02.11, L02.13, L02.15, L03.02, L03.03, L04.01, L05.01, L05.07, L05.10, L05.19).

• Prohibitions on natural gas outdoor fireplaces and other appliance / commercial goods (L05.07).

The City does not disagree that the above actions, if implemented, could reduce GHG emissions and energy consumption associated with the SPASP Update; however, as explained in the DSEIR (p. 1-4), the SPASP Update DSEIR identifies the “adverse environmental impacts that are expected to be ‘significant,’ and corresponding mitigation measures warranted to eliminate or reduce those impacts to ‘less-than-significant’ levels.” Both CEQA (Public Resources Code Section 21000 et seq.) and the CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.) clearly establish that a fundamental purpose of CEQA is to inform governmental decision makers and the public about the potential, significant environmental effects of proposed activities (CEQA Guidelines Section 15002(a)(1)) and that mitigation measures are not required for effects which are not found to be significant (CEQA Guidelines Section 15126.4(a)(3)). As described in MR 01, the DSEIR includes a level of information and analysis regarding the potential GHG emissions and energy consumption associated with the SPASP Update that allows the DSEIR to conclude, based on substantial evidence, that the SPASP Update would not result in a significant GHG emissions or energy resources impact. Accordingly, the City is not required to incorporate mitigation measures that avoid or reduce GHG emissions and/or energy consumption associated with the SPASP Update.

**MR 03: Electric Vehicle (EV) Charging Infrastructure**

The City received four (4) comments related in whole or in part to SPASP Update’s electric vehicle (EV) charging infrastructure requirements. In summary, these comments suggested additional EV charging infrastructure requirements should be included in the SPASP Update (PC01.01, L02.16, L05.01, and L05.08).

As explained in more detail in MR 02, the DSEIR includes a level of information and analysis regarding the potential GHG emissions associated with the SPASP Update that allows the DSEIR to conclude, based on substantial evidence, that the SPASP Update would not result in a significant GHG emissions impact. Accordingly, the City is not required to incorporate mitigation measures, such as additional EV charging requirements, that avoid or reduce GHG emissions associated with the SPASP Update. The City notes the SPASP Update (Form Based Code Section 2.05.08.07(O)) requires all parking spaces be equipped with a raceway that originates at the main electric service or subpanel, and provides provisions to apply additional requirements as State and City standards for EV charging infrastructure change. For example, the City has initiated a process for updating its current Climate Action Plan (CAP), and anticipates that enhanced EV charging infrastructure requirements will be evaluated as a potential early-win GHG reduction project during development of the City’s CAP Update (expected to occur over the 2023-2024 timeframe) and considered for implementation concurrently with the CAP Update.
2.2 RESPONSES TO THE AUGUST 17, 2022 PLANNING COMMISSION AND DESIGN REVIEW BOARD JOINT PUBLIC MEETING COMMENTS ON THE DRAFT SEIR

The following section includes a summary of each comment received during the August 17, 2022 Planning Commission and Design Review Board Joint public meeting pertaining to the content or adequacy of the Draft SEIR or on a substantive environmental point, followed by a written response to each of those comments. At the Planning Commission meeting, questions were answered by Ray Pendro, Senior Project Manager, MIG, Inc., who helped prepare the EIR under contract to the City of El Cerrito.
PC 01 Howdy Goudey and Nerisa de Jesus

PC 01.01 On August 17, 2022, the City of El Cerrito Planning Commission and Design Review Board held a special joint meeting that included a Study Session for the SPASP Update, including the SPASP Update SEIR. During this meeting, public comments were received from individuals Howdy Goudey and Nerisa de Jesus expressing concern over the SEIR’s methodology for evaluating GHG emissions and the need to include measures in the SPASP Update that reduce GHG emissions, such as prohibitions on fossil fuel infrastructure and expanded EV charging infrastructure requirements. Members of the Planning Commission and Design Review Board also discussed similar items and specifically requested staff to evaluate additional EV charging infrastructure requirements as part of the SPASP Update.

Response: As described in more detail in MR 01, the SPASP Update DSEIR’s GHG emissions analysis is based on prevailing best practices, standards, and guidance in effect at the time the NOP for the SPASP Update SEIR was issued (November 2020) and provides substantial evidence that supports the DSEIR’s less than significant GHG emissions impact finding. The DSEIR found that the updated SPASP would result in a net increase in GHG emissions; however, the magnitude of these emissions would not exceed the regional or state GHG reduction goals or be inconsistent with applicable GHG reduction plans, policies, and regulations. The DSEIR, therefore, appropriately concludes, based on substantial evidence, that the SPASP Update would not result in a significant GHG emissions impact. Accordingly, as described in more detail in MR 02, the City is not required to incorporate mitigation measures that avoid or reduce GHG emissions associated with the SPASP Update.
2.3 RESPONSES TO WRITTEN COMMENTS RECEIVED DURING THE DRAFT SEIR PUBLIC REVIEW PERIOD

The following section includes copies of all written communications received during the Draft SEIR public review period, followed by a written response to each comment on the content or adequacy of the Draft SEIR or on a substantive environmental point. The comments and responses are correlated by code numbers added to the left margin of each written comment.
El Cerrito City Council  
El Cerrito City Hall  
10890 San Pablo Ave.  
El Cerrito, CA 94530

Mayor Quinto and City Council Members,

The following recommendations from the El Cerrito Environmental Quality Committee were approved on Aug 9, 2022 with a unanimous vote of 13 ayes, 0 noes, 0 absent.

Move/Second: Members Goudey/Weinstein  
Action: Passed  
a motion for the EQC to recommend to the Planning Commission and Council that the San Pablo Avenue Specific Plan Update Supplemental Environmental Impact Report (SEIR) not be certified without addressing additional climate actions to meet stated climate goals, including all-electric buildings, increased EV infrastructure readiness and reducing embodied GHG emissions associated with construction materials. The EQC also recommends analysis of recent federal legislation, as well as state and regional funding opportunities, supporting the funding of greenhouse gas emission reductions.  
Ayes: Unanimous  
Noes: None

Thank you for your consideration,  
Howdy Goudey

Chair, Environmental Quality Committee
L01: Environmental Quality Committee (August 16, 2022)

L01.01 On August 9, 2022, the City of El Cerrito Environmental Quality Committee (EQC) unanimously approved a motion recommending the City Planning Commission and City Council not certify the SPASP SEIR without addressing additional climate actions to meet stated climate goals, including all electric buildings, increased EV infrastructure readiness, and reducing embodied GHG emissions associated with construction materials.

Response: The Planning Commission and the City Council have received the EQC’s August 9, 2022, recommendation regarding the SPASP SEIR. As described in more detail in MR 01, the SPASP Update DSEIR’s GHG emissions analysis is based on prevailing best practices, standards, and guidance in effect at the time the NOP for the SPASP Update SEIR was issued (November 2020) and provides substantial evidence that supports the DSEIR’s less than significant GHG emissions impact finding. The DSEIR found that the updated SPASP would result in a net increase in GHG emissions; however, the magnitude of these emissions would not exceed the regional or state GHG reduction goals or be inconsistent with applicable GHG reduction plans, policies, and regulations. The DSEIR, therefore, appropriately concludes, based on substantial evidence, that the SPASP Update would not result in a significant GHG emissions impact. Accordingly, the City is not required to incorporate mitigation measures that avoid or reduce GHG emissions associated with the SPASP Update. See also MR 02 for additional information CEQA mitigation requirements.

L01.02 On August 9, 2022, the City of El Cerrito EQC unanimously approved a motion recommending the SPASP SEIR include an analysis of recent federal legislation, as well as state and regional funding opportunities, supporting the funding of GHG emission reductions.

Response: The Planning Commission and the City Council have received the EQC’s August 9, 2022, recommendation regarding the analysis of funding opportunities that support GHG emissions reductions. As described in more detail in MR 01 and MR 02, the DSEIR appropriately concludes, based on substantial evidence, that the SPASP Update would not result in a significant GHG emissions impact and the City is not required to incorporate mitigation measures that avoid or reduce GHG emissions associated with the SPASP Update. An analysis of federal, state, and regional funding opportunities that could support GHG emissions reductions is, therefore, not germane to the scope of the SPASP Update SEIR or necessary under CEQA. Nonetheless, for information purposes only, the Inflation Reduction of Act of 2022 includes $369 billion for climate and clean energy investments, including tax credits and funding for systems and programs that will reduce GHG emissions from industrial sources and support state and local purchases of low emission or zero-emission equipment. Key funding programs and opportunities that will be administered through the U.S. Environmental Protection Agency (U.S. EPA), Department of Transportation, Department of Agriculture, and Department of Energy.

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include, but are not limited to: $5 billion for U.S. EPA grants to state, tribal, and municipal governments and air pollution control agencies to development and implement GHG reduction plans; $27 billion towards a new U.S. EPA “Greenhouse Gas Reduction Fund” to help communities rapidly acquire and deploy low- and zero-emission products, technologies, and services, including $7 billion appropriated primarily for education, outreach, technical assistance, partnerships, and assessment of reduction of GHG emissions for consumers, industries, governments, and communities; $60 million for EPA grants and rebates to help state and local governments replace heavy-duty commercial vehicles (e.g., transit buses, school buses, garbage trucks, etc.) with zero emission vehicles; and $100 million to identify and label low-embodied carbon construction materials and products used in the construction of transportation projects and federal buildings. In addition to the recently enacted Inflation Reduction Act of 2022, the State’s Greenhouse Gas Reduction Fund uses Proceeds from the State’s Cap and Trade Program to support a wide range of programs and projects that reduce GHG emissions, such as CARB low carbon transportation investments, and the BAAQMD routinely provides grant funding to agencies and private entities for trip reduction and other clean air projects.
In September of 2019 the El Cerrito Environmental Quality Committee (EQC) approved recommendations to the Planning Commission regarding the San Pablo Avenue Specific Plan Update and the associated supplemental program EIR covering 2500 units on top of the 1706 units originally considered in the Specific Plan Program EIR (a copy of our 2019 recommendation follows this letter).

Our committee wishes to reiterate our support for the content in that recommendation and formally enter it into the public record of the draft supplemental EIR public comment process currently under way, as it contains comments directly related to the GHG impact analysis in the EIR, as well as potential Specific Plan update policies, being considered in parallel with the EIR, that could reduce GHG emissions and achieve compliance with the strong, forward-looking, GHG significance targets that we need to implement, to assure our new development is a meaningful environmental asset to the community for years to come.

It has been more than a year since the City Council adopted a Climate Emergency Resolution in August of 2019 and, likewise, more than a year since the Planning Commission and Staff received our recommendation. The urgency to meet the challenge of the Climate Emergency has only grown in the meantime, but, at this point, there has been no substantive action by the City Council or staff to implement policies that are commensurate to the climate challenge we face.

It is understandable in a year with a devastating ongoing pandemic and related impacts to the city budget and staff, that the opportunities for the city to address the climate emergency are significantly constrained. However, this is all the more reason that aggressive and meaningful climate action should be included in the work the city does have the resources to undertake. The Specific Plan update and associated supplemental EIR are the best near-term opportunity we have to achieve meaningful climate action within our limited city resources at this time.

It is imperative for the wellbeing of today’s adults and children, as well as future generations that we not only build appropriate housing to shelter them, but that we assure we are building housing that minimizes environmental and climates impacts over the many decades they will stand. We must plan, design and build with the future in mind, not the short-sighted mindsets of the past and present. It is far more cost effective to build today’s buildings properly for the future, rather than try to retrofit them later, which is far more costly, usually prohibitively costly. We also can’t afford, environmentally or fiscally, to re-build them in 10-20 years. They need to last and perform well for 50+ years.
In addition to the content of the 2019 letter, please include the following new comments.

1. The EQC recommends that the City of El Cerrito adopt a more stringent Greenhouse Gas Emission Threshold of Significance as part of this EIR process. The City's adopted Threshold is based on the State of California 2020 Scoping Plan, a document which is no longer applicable or appropriate for use as the basis for GHG thresholds. The Bay Area Air Quality Management District has verified that local governments should no longer rely on this approach, but rather should adopt a local Threshold of Significance reflecting either the State GHG reduction target for 2030 or a locally adopted GHG reduction target. Since the City has not adopted a more stringent reduction target than the state level, the City should adopt a Threshold consistent with the State's 2030 reduction targets. This approach will ensure that the EIR mitigates GHG emissions to an appropriate level, and that projects contribute to badly needed GHG reductions over time.

2. Include embodied carbon emissions associated with building materials in the analysis of GHG impact
   a. Mitigate with policies to encourage low embodied carbon building materials like concrete

3. Include analysis of the impacts of construction waste on carbon emissions and the ability to meet our solid waste reduction/diversion goals
   a. Single use plastic wrap temporarily used in the delivery of each module of a large modular building under the current specific plan was subsequently landfilled, 8-12 acres of plastic sheeting for one project, enough plastic sheet to cover San Pablo Ave. curb to curb for more than a mile. There is no reason to choose wasteful single used disposable options like this when the trucking industry has been using large reusable tarps to transport large loads for decades.

4. Implement readiness for future infrastructure that will be difficult and costly to retrofit.
   a. All buildings include solar/storage, or are solar/storage ready.
      i. Layout, space and electrical service considerations
   b. All building dual plumbed for greywater separation on waste drains and dual plumbed on pressurized water supply with both potable and non-potable sources to allow onsite graywater use and non-potable water re-use for irrigation and toilet flushing, etc.

5. In 2020 the Environmental Quality Committee has established a focus on educating ourselves about how to ground our work in fundamental values and understanding of environmental, social and racial justice. We recommend that the Specific Plan update and EIR process likewise use an Environmental, Social and Racial justice lens when developing polices and analyzing impacts. These considerations should be communicated in the document produced by this work.

Thank you for your time and consideration,

The El Cerrito Environmental Quality Committee

Vote approving these comments: 12 Ayes, 0 Nays, 0 Abs.
On August 20th, 2019, the El Cerrito City Council unanimously declared a Climate Emergency Resolution, including calls for:

- A more rapid GHG emission reduction rate, toward the goal of a GHG emission free city.
- A commitment to regional collaboration on work to eliminate GHG emissions.

The San Pablo Ave. Specific Plan update is an important opportunity to align development policies to reflect the emphasis that the Council has placed on rapid climate action. New buildings can have high embodied carbon emissions associated with construction and materials. Also, their ongoing emissions associated with operation will most often persist for 50+ years. For these reasons, it is imperative that the environmental standards for new development in El Cerrito should look beyond the status quo energy codes and practices and actively motivate accelerated adoption of superior technology and practices to achieve lower embodied carbon emissions, as well as lower operational emissions over time.

The CEQA process for the program EIR associated with the Specific Plan update includes a GHG impact analysis. In addition to the GHG reductions associated with transit-oriented mode shift, we encourage a broad climate impact analysis of emissions reduction opportunities across all aspects of new development including immediate and long-term GHG emissions.

Projects are already voluntarily choosing to build all-electric buildings because there are cost savings that ultimately do not pose any negative financial burden on the project. All-electric buildings should be the default design choice because they transition the substantial fossil-fuel based space and water heating loads to be met with increasingly renewable electrical power. To be consistent with the climate emergency resolution, we cannot continue to install fossil fuel-based infrastructure that will commit to further GHG emissions for decades to come.

Many jurisdictions in our area (including Albany, Richmond and Berkeley) have already done much of the work behind reach codes and other GHG reduction policies and we encourage the El Cerrito Community Development Dept. to collaborate on bringing these climate action innovations to El Cerrito, as intended by the call for collaboration in the climate emergency declaration.

Please see the attached page of further recommendations.

Thank you for your time and consideration,
The El Cerrito Environmental Quality Committee
Advisory vote: 13 Ayes, 0 Nays, 0 Abs.
1. Use the CEQA process (Program EIR) of the Specific Plan update to lower the acceptable threshold of significance associated with GHG emissions for projects in the plan area.
   a. Establish a hierarchy to meet the GHG emission target: fundamental design first, then operations (i.e. purchasing renewable power), then carbon offsets, as a last resort.
   b. Set the threshold to make all-electric buildings the most viable option to pursue.
      i. avoided gas utility installation cost (already cost competitive)
      ii. fire safety/earthquake and indoor air quality benefits
      iii. greater efficiency and lower carbon emissions
   c. Utilize all-electric construction as a standard mitigation measure for all subsequent projects developed under the Program EIR.

2. Provide explicit opportunities to earn “credit,” including Tier IV public benefit consideration, for voluntary adoption of significant achievement in sustainable design

3. Require, or at least strongly encourage, in-unit utility metering and display for all new multifamily dwellings (energy and water dashboards for rental and for sale)
   a. Occupants need feedback to inform consumption decisions and provide economic motivation

4. Increase required EV ready charging station fraction from 10% to 25+
   a. At least provide electrical panel capacity and conduit to parking spots for easy, low cost upgrade
   b. EV charging integrated to automated mechanical parking stackers presumably provides wider EV charging access for all users, but need assurance of operational maintenance over time.

5. Catalyze new green/open space in the plan area.
   a. Public open space in-lieu fees should be prioritized toward new park/open space acquisition and development in (or near) the plan area (not just improvement of existing public spaces).
   b. Strengthen language about fostering habitat (better than “consider”), provide more positive implementation of pollinator pathway installation consistent with Urban Greening Plan
   c. Provide direction to obtain more green space and less hardscape in public open spaces

6. Consider an additive hardscape factor to open space provisions.
   a. Covering an existing permeable lot has a greater open space requirement (and in lieu) than building on an existing paved lot.

7. Strongly encourage/incentivize on-site water re-use, greywater to irrigation and rainwater toilet flushing
   a. work with Stege/EBMUD to adjust installation/impact fees for lower impact technology

8. Go beyond minimum c.3 stormwater treatment to favor onsite storage and reuse, rather than flow through stormwater treatment with minimal change to residency of stormwater on site.

9. Provide explicit requirement for three stream waste handling
   a. Three trash chutes for everything over 2 stories
   b. Evaluate proposals for on-site, in-corridor, collection services, as a viable alternative to chutes only if they provide enhanced diversion services, with explicit minimum service requirement standards in plan.

10. Strengthen sustainable design element language from “consider” to encourage/recommend or better

11. Consider a 1% for environment element along the lines of the 1% for art.
L02: Environmental Quality Committee (August 31, 2022)

L02.01 The EQC incorporates and resubmits comments on the SPASP Update process and corresponding SPASP Update SEIR that were originally submitted to the City on September 10, 2019, and December 8, 2020. The EQC also affirms that its 2019 comments are directly related to the SPASP Update SEIR’s GHG impact analysis, as well as SPASP Update policies being considered in parallel with the EIR, that could reduce GHG emissions and achieve compliance with GHG significance targets.

Response: Comment noted. As a point of clarification, the EQC’s September 10, 2019, and December 8, 2020, comments were incorporated into the SPASP DSEIR as Appendix 24.1 and considered during the development of the DSEIR. Nonetheless, the City has provided additional information and responses regarding the EQC’s 2019 and 2020 comments in Response to Comments L02.02 to L02.21 below. See also MR 01 to MR 03 for additional information on the SPASP SEIR’s GHG emissions impact analysis and the City’s obligations under CEQA.

L02.02 The EQC references the Climate Emergency Resolution adopted by the City Council in August 2019, states the SPASP update and corresponding SEIR are the best near-term opportunity the City has to achieve meaningful climate action, and generally encourages the City to plan, design, and build projects with the future in mind.

Response: While Comment L02.02 includes general statements regarding climate change, the role of the SPASP Update in achieving meaningful climate action, and the overall importance of climate action and GHG emissions reductions, it does not provide any specific recommendations or suggestions regarding the SEIR’s GHG emissions impact analyses that warrant a written response. The City notes the DSEIR describes the City’s Climate Emergency Resolution (DSEIR p. 9-11) and includes an evaluation of the updated SPASP’s consistency with this resolution, concluding the updated plan would not impede or conflict with this resolution (DSEIR pp. 9-17 and 9-18).

L02.03 The EQC recommends the City adopt a more stringent GHG emissions threshold as part of the SPASP Update SEIR process that reflects the State’s GHG reduction target for 2030 or another locally adopted GHG reduction target.

Response: As described in more detail in MR 01, the SPASP Update DSEIR’s GHG emissions analysis is based on prevailing best practices, standards, and guidance in effect at the time the NOP for the SPASP Update SEIR was issued (November 2020) and provides substantial evidence that supports the DSEIR’s less than significant GHG emissions impact finding. This includes the use of an updated threshold of significance consistent with applicable guidance from the BAAQMD (as of November 2020), State GHG reduction goals, and other local, regional, and state plans, policies, and regulations adopted for the purposes of reducing GHG emissions. The DSEIR also relies upon consistency with key GHG-reduction plans to determine the significance of the proposed SPASP Updates’ potential GHG emission, including, but not limited to the 2017 Climate Change Scoping Plan, 2040 Plan Bay Area, the City’s Climate Action Plan, and the City’s Climate Emergency Resolution.
Accordingly, no changes to the DSEIR’s GHG emissions threshold of significance are required at this time.

**L02.04** The EQC recommends the SPASP Update SEIR include analysis of embodied carbon emissions associated with building materials and an analysis of construction waste on carbon emissions and solid waste reduction/diversion goals.

*Response:* As described in more detail in MR 01, the SPASP Update DSEIR’s GHG emissions analysis is based on prevailing best practices, standards, and guidance and provides substantial evidence that supports the DSEIR’s less than significant GHG emissions impact finding. The evaluation of lifecycle GHG emissions, including embodied carbon, is not currently recommended by the BAAQMD, nor is it standard practice under CEQA because although general information may be known, the lifecycle GHG emissions of each individual building material is considered speculative in nature (since project-specific building material information is usually not known at the time environmental review occurs) and, therefore, does not require analysis under CEQA. In addition, as described in more detail in MR 02, since the DSEIR appropriately concludes, based on substantial evidence, that the SPASP Update would not result in a significant GHG emissions impact, the City is not required to incorporate mitigation measures that avoid or reduce GHG emissions associated with the SPASP Update. The City notes that it currently regulates construction waste diversion in accordance with the Cal Green code, which requires a minimum of 65% of the non-hazardous construction and demolition waste be recycled and/or salvaged for reuse. In addition, California’s Short-Lived Climate Pollutant Reduction Strategy signed into law in 2016 (Senate Bill 1383) continues to require construction and demolition debris to be separated from organic and mixed waste streams and does not require construction and demolition debris to be included in measurements of waste used in compliance reporting (California Code of Regulations, Title 14, Section 17409.5.6). Construction and demolition debris waste, therefore, is not anticipated to interfere with applicable solid waste reduction/diversion goals.

**L02.05** The EQC recommends the SPASP Update implement readiness for future electrical (e.g., solar storage, electrical system capacity) and wastewater (e.g., greywater separation) infrastructure that will be difficult and costly to retrofit.

*Response:* As described in more detail in MR 01, the SPASP Update DSEIR’s GHG emissions analysis is based on prevailing best practices, standards, and guidance and provides substantial evidence that supports the DSEIR’s less than significant GHG emissions impact finding. In addition, as described in more detail in MR 02, since the DSEIR appropriately concludes, based on substantial evidence, that the SPASP Update would not result in a significant GHG emissions impact, the City is not required to incorporate mitigation measures that avoid or reduce GHG emissions associated with the SPASP Update. The City notes that the 2022 Energy Code, which will take effect on January 1, 2023, encourages efficient electric heat pumps, establishes electric-ready requirements for new homes, expands solar photovoltaic and battery storage standards, and strengthens ventilation standards. These requirements will require expanded electrical infrastructure cabinets and controls. In addition, the SPASP’s Form Based Code (Section 2.05.07.05) currently requires the
consideration of rainwater harvesting or indoor grey water for irrigation purposes as part of the development process.

L02.06 The EQC recommends the SPASP Update and corresponding SPASP Update SEIR consider environmental, social, and racial justice during the plan development and environmental impact process.

Response: The SPASP Update and SPASP Update DSEIR were prepared with environmental, social, and racial justice considerations in mind. For example, the Air Quality impact analysis presents information on the existing pollution burden in the Plan Area, and discloses that a part of the Plan Area west of San Pablo Avenue is a Senate Bill 535 Disadvantaged Community and a BAAQMD Community Air Risk Evaluation (CARE) community (DSEIR pp. 5-1 and 5-2). Accordingly, in accordance with the BAAQMD’s 2017 Clean Air Plan, the DSEIR specifically evaluates (pp. 5-11 to 5-13) whether the SPASP Update would exacerbate health risks within this area and concludes, based on substantial evidence, including the application of 2014 EIR Mitigation Measure 5-1 and 5-2, that the SPASP Update would not exacerbate air quality risks in the Plan Area.

L02.07 The EQC summarizes certain parts of the City’s August 2019 Climate Emergency Resolution.

Response: Comment L02.07 does not provide a specific recommendation or suggestion regarding the DSEIR’s GHG emissions impact analyses that warrants a written response. As described in Response to Comment L02.02, the DSEIR describes the City’s Climate Emergency Resolution (DSEIR p. 9-11) and includes an evaluation of the SPASP Update’s consistency with this resolution, concluding the updated Plan would not impede or conflict with this resolution (DSEIR pp. 9-17 and 9-18). Additionally, for context, the City also notes that Climate Emergency Resolution 19-52 calls for a reiterated commitment to reducing GHG emissions as part of the City’s forthcoming Climate Action Plan update, and not specifically as part of the SPASP Update.

L02.08 The EQC states the SPASP Update is an important opportunity to align development policies with the City’s Climate Emergency Resolution and recommends that standards for new development in El Cerrito go beyond standard code requirements and practices to lower embodied carbon emissions and operational emissions.

Response: Refer to Response to Comments L02.02 and L02.07 for information on the DSEIR’s description and evaluation of consistency with Climate Emergency Resolution 19-52. In addition, as described in more detail in MR 01 and MR 02, the SPASP Update DSEIR’s GHG emissions analysis is based on prevailing best practices, standards, and guidance and provides substantial evidence that supports the DSEIR’s less than significant GHG emissions impact finding. Since the DSEIR appropriately concludes, based on substantial evidence, that the SPASP Update would not result in a significant GHG emissions impact, the City is not required to incorporate mitigation measures that avoid or reduce GHG emissions associated with the SPASP Update.
L02.09 The EQC encouraged the SPASP SEIR to include a broad climate analysis of emissions reduction opportunities across all aspects of new development under the updated plan.

Response: As described in more detail in MR 01, the SPASP Update DSEIR’s GHG emissions analysis is based on prevailing best practices, standards, and guidance and provides substantial evidence that supports the DSEIR’s less than significant GHG emissions impact finding. In addition, as described in more detail in MR 02, since the DSEIR appropriately concludes, based on substantial evidence, that the SPASP Update would not result in a significant GHG emissions impact, the City is not required to incorporate mitigation measures that avoid or reduce GHG emissions associated with the SPASP Update.

L02.10 The EQC stated all-electric buildings are cost-effective and should be the default design requirement. The EQC also stated the City should not continue to allow fossil-fuel based infrastructure in buildings.

Response: The EQC has accurately summarized the general cost implications of all electric buildings. Studies prepared for the California Energy Codes and Standards Utility Program have found that all mixed fuel energy efficiency improvements (e.g., window glazing, wall insulation, pipe insulation, etc.) and all-electric building requirements (including the use of electric water heating) can be cost effective both with and without on-site solar photovoltaic (PV) energy generation for single-family, low-rise, mid-rise (four to seven stories), high rise (eight stories and more), and non-residential development in most areas of the State, including Building Climate Zone 3 in which El Cerrito is located. These findings, in general, assume that all electric development avoids the costs associated with natural gas infrastructure installation, and cost-effectiveness is determined based on a 30-year analysis lifetime.

Although all-electric buildings can be cost-effective, the 2022 Energy Code, which will take effect on January 1, 2023, does not prohibit the use of natural gas in new residential construction. Rather, the 2022 Energy Code, in general, only requires new single-family residential construction to be electric-ready, while still permitting natural gas plumbing for certain appliance and buildings systems. In addition, for mid- and high-rise residential developments (i.e., the type of development most likely to occur under the SPASP Update), the 2022 Energy Code promotes heat pumps for space heating purposes and includes new solar PV and battery energy storage standards. As described in more detail in MR 01, the SPASP Update DSEIR’s GHG emissions analysis is based on prevailing best practices, standards, and guidance and provides substantial evidence that supports the DSEIR’s less than significant GHG emissions impact finding. In addition, as described in more detail in MR 02, since the DSEIR appropriately concludes, based on substantial evidence, that the

4See, for example:
SPASP Update would not result in a significant GHG emissions impact, the City is not required to incorporate mitigation measures such as all electric building provisions that avoid or reduce GHG emissions associated with the SPASP Update.

Finally, as described in Response to Comment L02.07, Climate Emergency Resolution 19-52 calls for a reiterated commitment to reducing GHG emissions as part of the City’s forthcoming CAP update, and not specifically as part of the SPASP Update. The City has initiated a process for updating its current CAP, and anticipates that a prohibition on natural gas infrastructure in new development throughout the City will be evaluated as a potential early-win GHG reduction project during development of the City’s CAP Update, which is expected to occur over the 2023-2024 timeframe, and considered for implementation concurrently with the CAP Update.

L02.11 The EQC stated many local jurisdictions have evaluated reach codes and other GHG reduction policies and encouraged the City to collaborate with these entities to bring climate action innovations to El Cerrito.

Response: The EQC accurately summarized the status of local reach codes that require energy efficiency and GHG emissions reduction requirements that go beyond State code standards. Recent data compiled by the California Energy Commission indicates that up to approximately 60 jurisdictions statewide have adopted 2019 reach codes, including almost 50 all-electric ordinances, and 16 statewide jurisdictions have already adopted all electric 2022 reach codes that result in energy efficiency improvements (and GHG emissions reductions) beyond State code requirements; however, as described in more detail in MR 01, the SPASP Update DSEIR’s GHG emissions analysis is based on prevailing best practices, standards, and guidance and provides substantial evidence that supports the DSEIR’s less than significant GHG emissions impact finding. In addition, as described in more detail in MR 02, since the DSEIR appropriately concludes, based on substantial evidence, that the SPASP Update would not result in a significant GHG emissions impact, the City is not required to incorporate mitigation measures such as reach codes or all electric building provisions that avoid or reduce GHG emissions associated with the SPASP Update. Consistent with Climate Emergency Resolution 19-52, which calls for a reiterated commitment to reducing GHG emissions as part of the City’s forthcoming Climate Action Plan update, and not specifically as part of the SPASP Update, the City anticipates that a reach code, prohibition on natural gas infrastructure, and/or all electric building requirements throughout the City will be evaluated and considered for implementation as a potential early-win GHG reduction project during development of the City’s updated CAP, which is expected to occur over the 2023-2024 timeframe.

L02.12 The EQC recommended the SPASP Update SEIR use a low threshold of significance for GHG emissions.

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5See for example, the California Energy Codes and Standards Utility Program’s summary of 2019 and 2022 code cycle locally adopted energy ordinances, available at: https://localenergycodes.com/content/adopted-ordinances
Response: As described in more detail in MR 01, the SPASP Update DSEIR’s GHG emissions analysis is based on prevailing best practices, standards, and guidance and provides substantial evidence that supports the DSEIR’s less than significant GHG emissions impact finding. This includes the use of an updated threshold of significance consistent with applicable guidance from the BAAQMD (as of November 2020), State GHG reduction goals, and other local, regional, and state plans, policies, and regulations adopted for the purposes of reducing GHG emissions. The 2022 Draft SEIR also relies upon consistency with key GHG-reduction plans to determine the significance of the proposed SPASP Updates’ potential GHG emission, including, but not limited to the 2017 Climate Change Scoping Plan, 2040 Plan Bay Area, the City’s Climate Action Plan, and the City’s Climate Emergency Resolution. Accordingly, no changes to the DSEIR’s GHG emissions threshold of significance are required at this time.

L02.13 The EQC recommended the SPASP Update SEIR include mitigation for GHG emissions, including all electric building requirements, carbon offsets, and natural gas prohibitions.

Response: As described in more detail in MR 01, the SPASP Update DSEIR’s GHG emissions analysis is based on prevailing best practices, standards, and guidance and provides substantial evidence that supports the DSEIR’s less than significant GHG emissions impact finding. In addition, as described in more detail in MR 02, since the DSEIR appropriately concludes, based on substantial evidence, that the SPASP Update would not result in a significant GHG emissions impact, the City is not required to incorporate mitigation measures that avoid or reduce GHG emissions associated with the SPASP Update.

L02.14 The EQC recommended the City provide opportunities to earn credit, including Tier IV public benefit considerations, for voluntary adoption of significant sustainable design elements, such as zero net energy, carbon neutrality, LEED platinum, Living Building Challenge, etc.

Response: Comment noted. A private development project’s voluntary application of sustainable design elements that go beyond State and SPASP Update requirements are not enforceable and would not change the conclusions of the SPASP Update DSEIR. Thus, no change is needed to the DSEIR. The City notes that the SPASP Update Form Based Code (Section 2.02.06.04.02.D) does require the Planning Commission to make findings when approving or a Tier IV application that the project more fully advances the goals of the SPASP, including climate action goals, and that the project provides a public benefit that is consistent with adopted City policy documents including the City’s CAP. Therefore, the SPASP does not preclude sustainable design elements from earning credit for Tier IV public benefit considerations.

L02.15 The EQC recommended the SPASP Update require or strongly encourage in-unit utility metering and display for all new multi-family dwelling units so that occupants can inform energy consumption decisions.

Response: Regarding utility monitoring and display, the recommendation to require or encourage in-unit utility metering and display dashboards are not directly relevant
to the CEQA review of the SPASP and future individual projects approved under the SPASP because such measures provide post-construction data that cannot be used in the environmental review of the project. The California Energy Code already generally requires user accessible metering of total energy use and the disaggregation of electrical measurement downstream from the master service meter (Title 24, Part 6). In addition, pursuant to Senate Bill 7, new multi-unit residential properties built since January 1, 2018, have included water submetering requirements. While sub-metering is known to help users reduce energy consumption and the emissions associated with energy consumption, no credit has been applied to the DSEIR’s GHG emissions analysis because in-unit monitoring is not a specific component of the SPASP Update.

L02.16 The EQC recommended the SPASP Update increase the requirement to provide EV ready charging stations from 10% to 25% or more, provide electrical panel capacity to support future low-cost upgrades to electrical vehicle service equipment, and ensure operational maintenance considerations are addressed.

Response: As described in more detail in MR 01, MR 02, and MR 03, the SPASP Update DSEIR’s GHG emissions analysis is based on prevailing best practices, standards, and guidance and provides substantial evidence that supports the DSEIR’s less than significant GHG emissions impact finding. Since the DSEIR appropriately concludes, based on substantial evidence, that the SPASP Update would not result in a significant GHG emissions impact, the City is not required to incorporate mitigation measures such as additional EV charging infrastructure requirements that avoid or reduce GHG emissions associated with the SPASP Update. The SPASP’s Form Based Code (Section 2.05.08.07(O)) requires all parking spaces be equipped with a raceway that originates at the main electric service or subpanel and provides provisions to apply additional requirements as State and City standards for EV charging infrastructure change. In addition, the City anticipates that enhanced EV charging infrastructure requirements will be evaluated and considered for implementation as a potential early-win GHG reduction project during development of the City’s CAP Update, which is expected to occur over the 2023-2024 timeframe.

L02.17 The EQC recommended design and plan review actions intended to increase open space in the SPASP Update.

Response: The City acknowledges the EQC’s recommendations, however, these recommendations would not directly affect the information or impact analyses contained in the DSEIR. The City notes, the SPASP’s Form Based Code states (p. 02-1a), “Additional open space standards ensure long-term environmental sustainability, while reinforcing El Cerrito’s identity as an environmentally focused Bay Area destination.” The SPASP also includes numerous guidelines and standards related to views and shadows as well as general public and private open spaces and concurs that maximizing open space within the SPASP. No additional response is warranted.

L02.18 The EQC recommended the SPASP Update include new infrastructure requirements related to water, wastewater, and stormwater.
Response: The City acknowledges the EQC’s recommendations, however, as explained in the DSEIR (p. 17-2), neither El Cerrito nor Richmond has a program in place to use recycled water. While the East Bay Municipal Utility District provides incentives, the City notes that the EBMUD, in its comments on the NOP issued for the SPASP Update SEIR (see Appendix 24.1), indicated, “Proposed projects within the specific plan area are not currently candidates for recycled water; however, future recycled water pipeline expansion towards the City could potentially serve proposed projects within the specific plan area.” The City notes that the SPASP’s Form Based Code (Section 2.05.07.05) currently requires the consideration of rainwater harvesting or indoor grey water for irrigation purposes as part of the development process.

With regards to stormwater, the DSEIR evaluated the SPASP Update’s potential hydrology and water quality impacts and concluded these impacts would be less than significant. Accordingly, as described in more detail in MR 02, the City is not required to incorporate mitigation measures that exceed what is necessary to avoid or reduce impacts associated with the SPASP Update, such as in this instance stormwater controls that exceed C.3 requirements.

L02.19 The EQC recommended the SPASP Update include new requirements for waste handling.

Response: Comment noted. In 2016, Governor Brown signed Senate Bill 1383 into law. This bill established targets to reduce the statewide disposal of organic waste from 2014 levels by 50% by 2020 and 75% by 2025. This is a statewide target, and is not imposed on individual jurisdictions. In November 220, the Short-lived Climate Pollutants: Organic Waste Reductions Regulations were adopted to achieve the targets of Senate Bill 1383, primarily through a three-stream waste collection system consisting of organic, non-organic recyclables, and non-organic waste for landfill disposal. Senate Bill 1383 requirements for organic waste diversion took effect January 1, 2022. In December 2021, the City adopted Ordinance 2021-05 updating the Municipal Code provisions for the separation, collection, disposal, and recovery of solid waste to require separate landfill containers, recycling containers, and compost containers. This supports multi-stream waste processing in support of the State waste diversion goalsAB1383. Each project within the SPASP area would be subject to these waste separate requirements even if the project does not employ the specific methods identified by the EQC. No change to the SPASP Update or SPASP DSEIR are necessary.

L02.20 The EQC recommends the SPASP Update strengthen and increase emphasis on voluntary sustainable design element guidelines.

Response: Comment noted. The EQC’s recommendation to provide more emphatic but still voluntary language regarding sustainable design elements would not change the analyses or conclusions of the SPASP Update DSEIR. Thus, no change is needed to the DSEIR.
The EQC recommends the SPASP Update include a 1% for the environment fee.

Response: Comment noted. The EQC’s recommendation to include a 1% for the environment fee program in the SPASP Update would not change the analyses or conclusions of the SPASP Update DSEIR. In addition, as described in more detail in MR 02, since the DSEIR appropriately concludes, based on substantial evidence, that the SPASP Update would not result in a significant GHG emissions impact, the City is not required to incorporate voluntary or mandatory measures that avoid or reduce GHG emissions associated with the SPASP Update. Thus, no change is needed to the DSEIR.
I’m writing to urge that the SPASP EIR update be revised to prioritize stronger GHG emission reduction efforts than envisioned back in 2014. The world’s understanding of the severity of the Climate Crisis has changed in the last 8 years with growing awareness that changes to the world’s climate are occurring much more rapidly than originally appreciated. The IPPC 1.5°C Report in 2018 and the 6th Assessment report of 2021/22 have brought into sharper focus the severe impacts to the world if it warms greater than 1.5°C. That is why the IPPC has set a goal to reduce GHG emissions by 50% (not the 40% CA goal) by 2030. The El Cerrito City Council embraced the urgency of our situation when their Climate Emergency Resolution of 2019 prioritized reducing the City’s GHG emissions as quickly as possible.

As a critical first step, all future new construction that is part of the SPASP needs to be fully electric. The day is coming sooner than we would like when the continued use of fossil gas as a power source will no longer be viable. Better to commit these new buildings to zero carbon energy now than to saddle them with expensive retrofits in the future. In preparation for when electric vehicles are the predominant means of transport, new residential buildings must be prepared to allow convenient recharging of these vehicles. To not do so now will again lead to expensive retrofits in the future. Low carbon construction techniques and materials need to also be prioritized.

PS: The health and safety code approach (as opposed to the reach code approach) to building electrification ordinances is not new and untested. Berkeley’s first-in-the-Bay-Area building electrification ordinance took this approach as have many other jurisdictions since then.
L03: Fred Bialy (August 17, 2022)

L03.01 The commenter urges the SPASP SEIR be updated to prioritize stronger GHG emission reduction efforts since understanding of global climate change has changed since 2014 and the severity of the impacts that may occur if global average temperatures rise above 1.5 degrees Celsius (°C).

Response: The commenter is correct that new information regarding global climate change was published by the U.N. IPCC in 2021; however, as explained in more detail in MR 01, this information is consistent with the contents of the DSEIR and does not change the conclusions of the SPASP DSEIR. Refer also to Response to Comments L02.02, L02.07, and L02.08 for information on the DSEIR’s description and evaluation of SPASP Updates’ consistency with the Climate Emergency Resolution 19-52.

L03.02 The commenter states all future new construction that is part of the SPASP needs to be fully electric, and that low carbon construction techniques and materials need to be prioritized.

Response: As described in more detail in MR 01 the SPASP Update DSEIR’s GHG emissions analysis is based on prevailing best practices, standards, and guidance and provides substantial evidence that supports the DSEIR’s less than significant GHG emissions impact finding. In addition, as described in more detail in MR 02, since the DSEIR appropriately concludes, based on substantial evidence, that the SPASP Update would not result in a significant GHG emissions impact, the City is not required to incorporate mitigation measures such as all-electric building requirements that avoid or reduce GHG emissions associated with the SPASP Update. Refer also to Response to Comments L02.10 and L02.11 for information regarding all-electric building and other reach code requirements.

L03.03 The commenter identifies that energy efficiency requirements, including all-electric building requirements, can be achieved through modification of the health and safety code, as opposed to other codes (e.g., an energy or building standards code)

Response: Comment noted. As described in more detail in MR 01 the SPASP Update DSEIR’s GHG emissions analysis is based on prevailing best practices, standards, and guidance and provides substantial evidence that supports the DSEIR’s less than significant GHG emissions impact finding. In addition, as described in more detail in MR 02, since the DSEIR appropriately concludes, based on substantial evidence, that the SPASP Update would not result in a significant GHG emissions impact, the City is not required to incorporate mitigation measures such as all-electric building requirements that avoid or reduce GHG emissions associated with the SPASP Update. Refer also to Response to Comments L02.10 and L02.11 for information regarding all-electric building and other reach code requirements.
Sean,

I’m writing to respond to the GHG Emissions Conclusion section of the SEIR for the San Pablo Avenue Specific Plan Update (SPASPU). According to this section:

"emissions would not be significant, and the Plan Update would be consistent with the goals, policies, and GHG reduction targets associated with CARB 2017 Scoping Plan, 2040 Plan Bay Area, 2017 BAAQMD Clean Air Plan, CARB Scoping Plan, and the Cities of El Cerrito and Richmond CAPs."

As you are probably aware, since the goals, policies and GHG reduction targets set by the mentioned plans and CAPs, BAAQMD, in their April 2022 report, "Thresholds for Evaluating the Significance of Climate Impacts”, wrote:

"that a new land use development project being built today needs to incorporate the following design elements to do its “fair share” of implementing the goal of carbon neutrality by 2045:

1. Buildings a. The project will not include natural gas appliances or natural gas plumbing (in both residential and nonresidential development)."

Unless the SPASPU includes a requirement that new construction NOT include natural gas, that it’s SEIR with respect to GHG Emissions is NOT following the latest BAAQMD guidelines. To allow any new construction under the SPASPU to incorporate the use of natural gas will impede achieving California's climate goals and will inevitably lead to expensive retrofits.

Sincerely,

Fred Bialy
L04: Fred Bialy (September 1, 2022)

L04.01 The commenter cites the DSEIR’s GHG emissions impact conclusion, references new CEQA climate change thresholds of significance adopted by the BAAQMD in April 2022, and states that the SPASP Update DSEIR is inconsistent with BAAQMD’s April 2022 guidance.

*Response:* The commenter provides an accurate summary of the DSEIR and the BAAQMD’s April 2022 guidance regarding climate change thresholds of significance. As identified by the commenter, the BAAQMD’s April 2022 guidance explicitly identifies and recommends CEQA lead agencies prohibit natural gas appliances and natural gas plumbing in residential and non-residential projects as an appropriate design element that supports the State’s goal to achieve carbon neutrality by 2045.

As described in more detail in MR 01, the SPASP Update DSEIR’s GHG emissions analysis is based on prevailing best practices, standards, and guidance and provides substantial evidence that supports the DSEIR’s less than significant GHG emissions impact finding. In addition, as described in MR 01, in the resolution adopting its new CEQA thresholds for evaluating the significance of climate impacts from land use projects and plans, the BAAQMD’s Board of Directors resolved that the new climate impact thresholds “are most appropriately applied to CEQA projects for which [an NOP] is issued and environmental analysis is begun after the date of adoption of this Resolution.” Therefore, the City does not consider the BAAQMD’s latest climate thresholds appropriate for use in the SPASP Update SEIR because the SEIR’s NOP was issued and environmental analysis begun in November 2020, approximately 16 months before the BAAQMD adopted its new GHG thresholds in April 2022. Finally, as described in more detail in MR 02, since the DSEIR appropriately concludes, based on substantial evidence, that the SPASP Update would not result in a significant GHG emissions impact, the City is not required to incorporate mitigation measures such as all-electric building requirements that avoid or reduce GHG emissions associated with the SPASP Update.
September 2, 2022

Sean Moss, AICP, Planning Manager
City of El Cerrito
10890 San Pablo Avenue
El Cerrito, CA 94530

RE: Comments on the Draft Supplemental EIR for the San Pablo Ave. Specific Plan update

Dear Planning Manager Moss and Community Development Department Staff,

While I am pleased to see that the GHG threshold of significance was finally updated from the out of date figure referenced earlier in this process, the new threshold is not low enough, nor properly substantiated, to support stated carbon neutrality goals. Furthermore, it is not realistic to claim that this plan update will meet the more limited GHG emissions that are called for, when it doesn’t introduce any significant climate actions relative to the earlier Specific Plan. Essentially, the projected reduced emissions are expected as a result of State climate actions rather than meeting the responsibility to enact meaningful local climate actions as part of this plan. It is much more difficult and expensive to retrofit buildings in the future. All-electric buildings have been proven to be cost effective today and the Specific Plan must explicitly limit new construction, and significant retrofits, to all-electric, if the Plan is going to have any chance of consistency with the climate imperative. We will have decades of damaging GHG emissions, and incur burdensome future retrofit costs, if we continue to allow gas use in new buildings. Likewise, continuing a low fraction of EV readiness in the plan will further entrench GHG emissions for decades and impose extraordinary costs to remedy in the future. We already have a substantial retrofit burden to remedy. Why add to it by failing to enact the meaningful change that is affordable, and that we know how to do, today?

1. There seems to be some inconsistency between the use of the efficiency metric calculated as a percent reduction from the old 2020 target (4.6 MTCO2e/SP/YR reduced to 1.84 MTCO2e/SP/YR) and the figures in the 2017 Scoping Plan (6, 4 or 2 MTCO2e/SP/YR in 2030, 2040 and 2050 respectively). Even though the SEIR points out that this new 1.84 target is lower than the 4 MTCO2e/SP/YR figure interpolated for 2040 based on the 2017 Scoping Plan, these are not directly comparable numbers because the Scoping Plan is considering average per capita values including all CA GHG emissions and the former is only the carbon emissions considered by the GHG analysis in an EIR which neglects many of the CA emissions included in the other figure. For instance, the 2020 efficiency metric used for EIR analysis was 4.6 MTCO2e/SP/YR at a time when the full CA emissions (after successfully meeting AB32 a few years early) was over 10 MTCO2e/SP/YR. This means that the EIR value for considering significance is always significantly less than the Scoping Plan per capita number. How is it appropriate to compare 1.84 to 4 as is done in the SEIR? If 4.6 was the right EIR evaluation number when emissions were at 10, why wouldn’t 4 get reduced to 0.92 for EIR purposes? There should at least be an analysis that supports what fraction of 4 is an appropriate target to
be contributing a fair share to the overall CA goal, maybe the 2020 ratio is not appropriate today, but 1.84 can not be directly compared to 4. Please explain the reasoning behind compliance with 2017 scoping plan using properly substantiated figures.

2. The SEIR mentions State executive order B-15-18 “carbon neutrality as soon as possible, no later than 2045” which has now been codified in AB-1279, pending signature by the governor. Has the plan been analyzed and deemed consistent with this target? What about the Council’s Climate Emergency Resolution with the intention to “strive for zero GHG emissions Citywide as quickly as possible?” The 1.84 MTCO2e/SP/YR figure (based on 60% below 1990 emissions by 2040) does not seem consistent with the stated urgency of the carbon neutrality targets and would saddle us with a reliance on costly carbon offsets unless actual emissions are more aggressively contained.

3. How are the carbon offsets necessary to achieve carbon neutrality going to be acquired to make up for the future fossil gas GHG emissions allowed by the specific plan? Doesn’t this choice transfer costs to the future when there is no cost to avoid that outcome with a different approach now?

4. According to the SEIR, “the proposed Specific Plan Update would result in a net carbon emission increase of approximately 12,149 MTCO2e under Year 2040 conditions.” There is only 5 years from 2040 to 2045 to achieve carbon neutrality. How does designing the plan around this level of GHG increase achieve a realistic path to climate neutrality? It seems to be putting off a costly and perhaps insurmountable burden to the future.

5. The 1.84 MTCO2e/SP/YR metric for 2040 was calculated as an interpolated percent reduction on a per capita figure (60% below 1990), even though the underlying targets (percent GHG reductions below 1990 for 2030 and 2050) are aggregate metrics. Why is it acceptable to calculate the percent change of this target on a per capita basis rather than an aggregate basis from the underlying CA target? Are there any substantiated sources that lend technical support to the use of the 1.84 MTCO2e/SP/YR metric to meet the climate goals we need to achieve, particularly carbon neutrality before 2045?

6. Why use a quantitative threshold of significance when BAAQMD’s most recent adopted (April 20, 2022) recommendation for GHG thresholds of significance abandons a quantitative target in favor of commitments to all-electric buildings and electrifying transportation, as well as achieving carbon neutrality by 2045 and adherence to a local climate action consistent with that goal?

7. The original (2014) Specific Plan EIR calculated GHG emissions of 3.7-4.0 MTCO2e/SP/YR (under the 4.6 threshold) and the new Specific Plan SEIR calculates 1.76 MTCO2e/SP/YR (under the 1.84 threshold), while introducing no significant changes to how the development is done. Where does the additional GHG emission reduction come from? Aren’t we mostly relying on grid decarbonization achievements by MCE, and strengthening State fuel and building standards? The Specific Plan’s projected mode shift is very modest and transportation remains ⅔ of the projected 2040 GHG emissions. Why not take local actions to help meet the ambitious GHG targets set in the Climate Emergency Declaration? We can’t just rely on the State and others, we need new local action and we need to avoid committing to the need for costly carbon offsets in the future. If more GHG emissions aren’t achieved by mode shift alone, isn’t that all the more reason to have strong requirements for EV infrastructure?
8. Even though the stated time horizon of the plan is 2040, the buildings built under the plan will remain operating for decades after 2040. Why doesn’t the SEIR consider emissions after 2040 from buildings built under the Plan? Does the plan implement sufficient performance to demonstrate consistency with the GHG emissions necessary for buildings operating after 2040 to meet carbon neutrality by 2045, or earlier?

9. Why continue to allow installation of gas appliances that will prolong GHG emissions for decades and make it harder and more expensive for El Cerrito to meet climate goals? CEC cost effectiveness studies have established that all-electric buildings are more cost effective to build today. Won’t allowing gas use in Specific Plan buildings only worsen emissions and impose a costly burden of retrofitting buildings later on to meet future emission targets?

10. Independent of the GHG implications, how is ongoing fossil gas consumption not a “wasteful, inefficient, or unnecessary consumption of energy resources,” as considered under the Energy portion of the SEIR? There is a high, and increasing, fraction of renewables, and a low, and decreasing, fraction of fossil fuel based thermal plants, powering the electric grid. Even on a primary (source) energy basis, using heat pumps for space and water heating is roughly 3 times more efficient than using direct combustion of fossil fuels. Several past Specific Plan projects proposed gas fired rooftop fire pits (for ambiance, not cooking) and outdoor seating areas of restaurants also sometimes burn gas to “heat” the outdoors. These uses of gas could easily be considered “wasteful, inefficient, or unnecessary consumption of energy resources,” especially when the combustion continues without any nearby occupants to benefit from it. Why shouldn’t inefficient outdoor gas heating consumption like this be prohibited in the plan? Electrically heated chairs (like heated seats in cars) would make much more sense from an energy and carbon perspective to increase comfort for outdoor dining in the foggy Bay Area.

11. What are the updated EV charging station standards going to be in the plan? They remained unspecified through all the public meetings and the draft review period. It is very poor communication and planning to leave the proposal and discussion of this critical element to the last minute. How can accurate GHG emissions be calculated and published without knowing the depth of EV infrastructure provided by the plan? With new fossil fuel vehicles being phased out in 2035 (during the planning period), how can we expect to achieve a high fraction of vehicle electrification without requiring a very high availability of EV charging resources in new buildings? Below are the updated EV charging requirements in the new 2022 Calgreen Tier 2 standards for EV charging that are recommended by BAAQMD for compliance with GHG emissions threshold of significance. These should be considered a minimum level of readiness, but there are many approaches to serve EVs effectively. Residential charging lends itself to lower rates and overnight charging, if there is a high fraction of charging stations available. For instance, a minimum standard that each space have at least a Level 1 outlet (supporting 12A, 120V, on dedicated 15A circuit), or a “half rate” Level 2 outlet (supporting 16A, 208-240V on a dedicated 20A circuit). In both cases, the outlet would serve a low cost ($150-300) portable EVSE provided by the vehicle owner, although a fixed EVSE could also be installed on the circuit. Still, there should be a significant fraction of Level 2 capacity at 30+ Amps, as well, especially for short term parking spaces and commercial spaces.
a. >=20 units res.: 55% of spaces (40% EV Ready, 15% have EVSEs)
b. <20 units res.: 40% of spaces EV-Ready
c. Non-res.: 45% of spaces (30% EV Capable, 15% EVSEs)

12. Why are the embodied carbon emissions associated with building materials not included in the analysis of GHG impacts? These are large impacts that take many years to recover with lower operational emissions, but there are measures that can be taken to reduce the magnitude of embodied emissions. Shouldn’t we take measures to intentionally reduce the embodied GHG emission associated with construction under the Specific Plan to accelerate the progress on reduced GHG emissions, such as requiring low carbon concrete and other building materials?

13. Even if it is expected that most new buildings under the Specific Plan will be all-electric because of current and future State regulations, why not make all-electric construction explicit in the Specific Plan now, avoiding future costs of conversion and taking credit for the avoided GHG emissions, rather than inviting the reported 1221 metric tons of CO2 per year associated with burning gas in Specific Plan buildings under the update, as proposed? The buildings and their emissions will last much more than the suggested 2040 time frame. Replacing buildings in as little as 20 years would be disastrous for increasing the GHG emissions embodied in construction materials.

14. The only new energy related requirement in the plan is the production of an estimate of increased cost for all-electric construction if a building proposes to use gas. How is the electric cost estimate requirement implemented? It only says the estimate “shall be provided,” will it be available to the public? How specific is the estimate? Does it include details of the proposed and alternate systems, etc? It is always possible to come up with a more expensive way to do something. The real question is can an electric building with the same energy services be built for the same or less money. The CEC cost-effectiveness studies have already answered this question affirmatively. Why do we need to ask the builders to complete these estimates to allow them to use gas, which is a totally unnecessary climate disaster and not going to save them money? Why only ask for the cost effectiveness for buildings with 5 or more units? All-electric buildings need to be the standard at all building scales, city-wide, but waiting to do a city-wide ordinance is not an excuse to not implement an all-electric requirement in the Specific Plan. Instead it is imperative that the City act as rapidly as possible to prevent further entrenchment of harmful gas infrastructure in new construction, which means not allowing any new gas use in Specific Plan buildings.

15. While the Plan states that “project applicants and building operators are strongly encouraged to commit to participating in an energy program that maximizes the use of renewable energy” this is not actually a strong or meaningful action. MCE recently approved a pilot starting in 2023, that will default all new customers to 100% renewable power. This will provide more positive climate action impact for new construction in the Specific Plan area than anything offered in the Specific Plan update itself.

16. The Plan Bay Area 2050 EIR identifies two evaluated elements of GHG emissions with significant and unavoidable impacts. The Specific Plan is described as being aligned with the Plan Bay Area. Why does the Specific Plan EIR not have Significant GHG emissions, but the Plan Bay Area does?
17. There is mention in the Plan Bay Area 2050 EIR that they can’t take credit for actions that they rely on other jurisdictions to enact, which results in many significant and unavoidable designations. Why can the Specific Plan SEIR take credit for assumed State actions that are not guaranteed when the Plan Bay Area does not take credit for the reductions controlled by local jurisdictions?

18. Why should El Cerrito decision makers feel secure that this Plan’s SEIR is not vulnerable to a successful CEQA lawsuit that challenges the sufficiency of the plan to control greenhouse gas emissions? Isn’t it risky to put off actions we know need to be taken and recklessly commit to future emissions that are not sustainable?

19. In 2020 the El Cerrito Environmental Quality Committee established a focus on grounding their work in the context of environmental, social and racial justice. The included a recommendation in their 2020 letter regarding the Specific Plan update process and SEIR for it to proceed with attention to the same topics. What elements of the Specific Plan update and EIR process exemplify the application of an Environmental, Social and Racial justice lens?

20. The modular construction utilized at the Mayfair project generated about 10 acres of single-use plastic sheeting waste to the landfill for the temporary covers used during the delivery of each module. The same modular construction, at a larger scale, is expected to be used for the Plaza BART project (the largest proposed project under the new Specific Plan). Why isn’t there clarity under the construction waste reduction standards for the plan to avoid this excessive waste generation? Simply switching to reusable tarps could solve this problem.

21. Why not introduce more measures to implement future readiness of infrastructure at the time of construction, when it is far more cost effective than attempting to retrofit later? For instance, designated plumbing for greywater separation on waste drains and non-potable water supplies for irrigation and toilet flushing, etc.

22. Why is the language for sustainable design elements in the Plan so weak (“consider”), instead of the stronger “comply” used for most of the other topics? How can such weak language be considered to support the outcomes necessary for GHG emission reductions when there are no firm requirements beyond the basic State building code?

23. The argument that sustainable design is more expensive and is a disincentive to affordable housing does not follow from the observation that the recent affordable projects Ohlone Gardens and Hana Gardens both have installed solar when none of the market rate SPASP projects have installed solar. Market rate can do better if the affordable projects are doing it. Why not require more sustainable design elements of market rate projects if affordable projects are doing it? Market rate projects tend to embrace a short term profit motive rather than long term cost effectiveness. Affordable projects have a long-term operation horizon as part of their business model and solar and other sustainable design elements serve them well over the lifetime of the project. Why allow short-term thinking to prevail, when we know what is better in the long run?

24. Why are there no requirements for unit level utility metering and display for all new dwellings? It is important to provide feedback to inform consumption decisions and provide motivation. CA SB-7 requires unit-level water metering. Has unit level water metering been implemented in Specific Plan projects built since January 1, 2018?
25. Have any fully electric new multi-family buildings been built in El Cerrito yet, or do they all have some gas use? What are they using gas for? For instance, please report the uses of gas in the following buildings: Ohlone Gardens, Hana Gardens, Metro 511, Village 29, Credence, Cerrito Vista, Mayfair, 1715 Elm.

26. BAAQMD and OPR recommend a 15% reduction in per capita VMT to help meet the State’s 2050 climate targets. What are the current and projected per capita VMT numbers for the specific plan and the city as a whole?

27. Why not improve upon c.3 stormwater treatments to favor some element of onsite storage and reuse, rather than flow-through stormwater treatment with minimal change to residency of stormwater on site? This would reduce water use and also diminish stormwater issues.

28. What changes in the plan update will catalyze new high quality green/open space in the plan area, as opposed to in-lieu fees funding maintenance and improvements in existing green spaces? Is there any provision to favor greenspace rather than hardscape in the offerings of public open space?

29. Weak language (“consider”) is used to encourage fostering habitat. Will there be enough implementation of pollinator pathway installation consistent with the Urban Greening Plan if there is not a more direct requirement?

30. Why not introduce a 1% for environment element to the plan, similar to the 1% for art.

31. From the bottom of page 9-15 “which is below the BAAQMD threshold of 4.6 MTCO2e/SP/YR for Year 2040.” BAAQMD doesn’t have a numerical target for 2040 so you could only say it is below the 2020 BAAQMD target which is irrelevant for 2040

32. In section 9.2.1 check the following number for a typo 5,747,3,778 kWh (comma placement or extra digit?). Also, the MWh equivalence given for the MCE-wide figure is wrong, the digit 9 was rounded up incorrectly.

33. In section 9.2.2 El Cerrito Natural gas use is not presented, what is it?

34. In section 9.2.3 data is given for Santa Clara county, rather than a local El Cerrito number. Please provide information for El Cerrito.

35. The emissions table 9-1 lumps together "energy." Please separate gas and electric forms of energy in this table.

36. The first bullet on page 9-13 should read “2030 and 2040” not “2040 and 2040.”

37. CalEEmod tables are not labeled sufficiently to be informative. It is meaningless to publish page after page of different numbers with the same labels and no way to make sense of it. There are very few entries with specified engineering units. Please provide clearly worded and thoroughly explained and documented model input assumptions, otherwise the model results are not useful or believable (garbage in = garbage out).

Thank you for your consideration,

Howdy Goudey
El Cerrito
L05: Howdy Goudey (September 2, 2022)

L05.01 The commenter states that the DSEIR’s GHG threshold of significance is not substantiated and does not support carbon neutrality goals. The commenter also expresses concern that the SPASP Update does not include any significant climate actions and states the SPASP must explicitly limit new construction and major redevelopments to all-electric building requirements and support EV readiness.

Response: The commenter reiterates several important ideas that are expressed in other comments submitted on the DSEIR. As described in more detail in MR 01, the SPASP Update DSEIR’s GHG emissions analysis is based on prevailing best practices, standards, and guidance and provides substantial evidence that supports the DSEIR’s less than significant GHG emissions impact finding. This includes the use of an updated threshold of significance derived from applicable guidance from the BAAQMD (as of November 2020), State GHG reduction goals, and consistency with other local, regional, and state plans, policies, and regulations adopted for the purposes of reducing GHG emissions (e.g., Plan Bay Area 2040). Whereas the 2014 EIR used the BAAQMD’s 2020 GHG efficiency threshold (4.6 MTCO₂e/SP/YR), the 2022 DSEIR adjusts this threshold downwards by 60% to apply a project-specific goal (1.84 MTCO₂e/SP/YR) that aligns with the State’s post 2020, long-term GHG reduction targets. Furthermore, as explained in the DSEIR (p. 9-13, emphasis added), “While the interpolated project-specific goal of 1.84 MTCO₂e/SP/YR for Year 2040 is a helpful proxy for demonstrating substantial progress toward future state GHG emission reduction goals, it is also important that the proposed Specific Plan be consistent with plans, policies, and regulations for the purposes of reducing GHG emissions, as the strategies / requirements contained in these documents also address GHG emission reduction goals through the region and state.” Thus, the 2022 Draft SEIR also relies upon consistency with key GHG-reduction plans to determine the significance of the proposed SPASP Updates’ potential GHG emission, including, but not limited to the 2017 Climate Change Scoping Plan, 2040 Plan Bay Area, the City’s Climate Action Plan, and the City’s Climate Emergency Resolution.

The City disagrees with the commenter that the DSEIR’s significance threshold is inconsistent with long-term carbon neutrality goals emphasized in the BAAQMD in its updated (April 2022) climate change CEQA thresholds for long range planning documents and recently enacted legislation passed by the State for several reasons. First, as previously explained in MR 01, the City does not consider the BAAQMD’s latest climate thresholds appropriate for use in the SPASP Update SEIR because the SEIR’s NOP was issued on November 20, 2020, and, therefore, the DSEIR environmental analysis had begun approximately 16 months before the BAAQMD adopted its new GHG thresholds on April 20, 2022. Second, while the BAAQMD’s new climate change thresholds include a recommended carbon neutrality threshold for general plans and related planning documents such as long-range development plans and climate action plans, they do not include a carbon neutrality threshold for land use projects (i.e., project-level analysis under CEQA). The BAAQMD has historically recognized and considered Specific Plans akin to land use development projects. For example, the BAAQMD’s 2017 CEQA Air Quality Guidelines (p. 9-1) states, “The Air District recommends that when assessing GHG impacts for plans other than regional plans (transportation and air quality plans) and general plans,
such as specific plans and area plans, the appropriate thresholds and methodology is the same as project-level GHG impact assessments . . .”. This is the reason the 2014 EIR applied the BAAQMD’s then recommended project-level GHG efficiency metric of 4.6 MTCO2e/SP/YR, and why the 2022 DSEIR includes an interpolated project-level GHG efficiency target that is derived from the BAAQMD’s 2020 project-level GHG efficiency threshold. Third, it is important to note that the State’s carbon neutrality goal does not preclude any individual project from emitting GHG emissions, and while Assembly Bill 1279 (California Climate Crisis Act) codified the 2045 carbon neutrality goal established in Executive Order B-55-18, its enactment was linked to, and therefore contingent on, the concurrent enactment of Senate Bill 905 which requires CARB to create a Carbon Capture, Removal, Utilization, and Storage Program that, fundamentally, will sequester carbon emitted by other projects. Therefore, the State’s carbon neutrality goal does not preclude all individual projects from emitting GHG emissions. As should be done, the DSEIR evaluates the magnitude of the SPASP Update’s GHG emissions, considers these emissions within the context of applicable GHG reduction plans, policies, and regulations for reducing GHG emissions and achieving State GHG emissions reduction goals, and concludes, based on substantial evidence, that the SPASP Update would not result in a significant GHG emissions impact. Finally, the DSEIR does demonstrate consistency with the State’s long-term GHG emission reduction goals, because, as explained in more detail in MR 01, the DSEIR also relies upon consistency with key GHG-reduction plans to determine the significance of the proposed SPASP Updates’ potential GHG emissions. The plans that were considered and evaluated include but are not limited to the 2017 Climate Change Scoping Plan, 2040 Plan Bay Area, the City’s Climate Action Plan, and the City’s Climate Emergency Resolution. Each of these plans are consistent with and support substantial GHG emissions reductions by 2030, followed by rapid and deep GHG emissions reductions between 2030 and 2040 that make progress towards the State’s goal of net zero anthropogenic GHG emissions by approximately the mid 2040’s. Further, the DSEIR (p. 9-6) includes information on recent international efforts related to the Paris Climate Agreement intended to limit average global temperature increases to less than 1.5°C and also discloses state (e.g., Executive Order B-55-18; DSEIR p. 9-7) and local (e.g., Climate Emergency Resolution 2019-52; DSEIR p. 9-11) actions that support reaching carbon neutrality by the mid-2040’s. Therefore, the DSEIR adequately conveyed the current understanding of the science surrounding global climate change impacts and carbon neutrality efforts at the time of the DSEIR’s release.

In summary, the DSEIR evaluated the SPASP Update’s potential GHG emissions levels using a sound and proven methodology and found the SPASP Update’s GHG emissions levels to be less than an interpolated 2040 target based on data originally developed by the BAAQMD (1.84 MTCO2e/SP/YR) and less than CARB’s 2017

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6The BAAQMD’s April 2022 Threshold Justification Report outlines a similar consistency process, in which 2030 GHG emissions reduction targets are met and progress towards carbon neutrality is not impeded, stating (p.3), “The Air District recommends that cities and counties evaluate such plans based on whether they will be consistent with California’s long-term climate goal of achieving carbon neutrality by 2045. To be consistent with this goal, these plans should reduce GHG emissions in the relevant jurisdiction to meet an interim milestone of 40 percent below the 1990 emission levels by 2030, consistent with Senate Bill (SB) 32, and to support the State’s goal of carbon neutrality by 2045.” See: https://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa-thresholds-2022/justification-report-pdf.pdf?la=en.
Scoping Plan plan-level GHG emissions reduction goal of 6.0 MTCO$_2$e/Capita/YR (2030) and 2.0 MTCO$_2$e/Capita/YR (2050) as well as interpolated 2040 plan-level GHG emissions reduction goal of 4.0 MTCO$_2$e/Capita/YR. The SPASP Update’s GHG emissions were also evaluated for consistency with applicable plans, policies, and regulations adopted for the purposes of reducing GHG emissions, including the 2017 Climate Change Scoping Plan, which achieves the State’s 2030 GHG emissions reduction target and establishes substantial progress towards the State’s 2045 carbon neutrality and 2050 GHG emissions reduction targets. The DSEIR found that although the updated SPASP would result in a net increase in GHG emissions, the magnitude of these emissions would not be in conflict with regional or state GHG reduction goals nor would they be inconsistent with applicable GHG reduction plans, policies, and regulations. For the reasons discussed above, the DSEIR includes a level of information and analysis regarding potential GHG emissions associated with the SPASP Update that allows the DSEIR to conclude, based on substantial evidence, that the SPASP Update would not result in a significant GHG emissions impact.

See also MR 02 and MR 03 for additional information on GHG mitigation and Plan modifications that could reduce GHG emissions from mobile sources associated with the SPASP Update.

L05.02 The commenter states that there is inconsistency between the use of the DSEIR efficiency metrics.

Response: The commenter is correct that the DSEIR’s interpolated 2040 target based on regional data originally developed by the BAAQMD (1.84 MTCO$_2$e/SP/YR) and CARB’s 2017 Climate Change Scoping Plan plan-level GHG emissions reduction goals for 2030 (6.0 MTCO$_2$e/Capita/YR), 2050 (2.0 MTCO$_2$e/Capita/YR) and, as interpolated for 2040 (4.0 MTCO$_2$e/Capita/YR), are not “directly comparable” values; however, the commenter misinterprets the development of these values and their use in the DSEIR.

The BAAQMD’s 2020 project level GHG emissions efficiency threshold (4.6 MTCO$_2$e/SP/YR) was developed by the BAAQMD in 2009 using CARB’s 1990 statewide GHG emissions inventory values, business as usual GHG emissions projections for 2020, Assembly Bill 32 GHG emissions reduction targets (return GHG emissions to 1990 levels by 2020), population and employment, or service population, projections for 2020, and estimates of GHG reductions that would be achieved through State actions. Similarly, the Scoping Plan’s recommended GHG emissions reduction goals are also based on emissions and population projections for key interim years. The key difference between the thresholds is that whereas the BAAQMD emissions efficiency threshold is expressed on a service population basis.

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7The 2017 Climate Change Scoping Plan (p. 101) states, “Achieving no net additional increase in GHG emissions, resulting in no contribution to GHG impacts, is an appropriate overall objective for new development.” The Scoping Plan also states (p. 102), “Achieving net zero increases in GHG emissions, resulting in no contribution to GHG impacts, may not be feasible or appropriate for every project, however, and the inability of a project to mitigate its GHG emissions to net zero does not imply the project results in a substantial contribution to the cumulatively significant environmental impact of climate change under CEQA.”
(i.e., residents plus employees), the 2017 Scoping Plan’s efficiency threshold is based on only population. The commenter is incorrect that the either threshold is based on a point in actual time at which Assembly Bill 32 GHG emissions reductions were met, and the derivation of a per capita estimate (e.g., 10 metric tons as suggested by the commenter) for that specific time is not necessarily related or directly comparable to either the BAAQMD’s threshold nor the 2017 Scoping Plan’s recommendations. For example, CARB has not issued its 2020 GHG emissions inventory and, therefore, total actual statewide per capita emissions in 2020 (the year upon which the BAAQMD’s original GHG emissions efficiency threshold was derived) are not known.

The commenter is correct that the BAAQMD’s 2020 project level GHG emissions efficiency threshold does not take into account all GHG emissions sectors, which the Scoping Plan’s goals do. Rather, the BAAQMD’s threshold only includes land use driven sectors, including non-aviation transportation, electric power, commercial and residential energy, and recycling and waste. The Scoping Plan’s goals include additional emissions from aviation transportation, industrial, agricultural, and unspecific sources. The DSEIR uses the BAAQMD’s interpolated GHG emissions efficiency threshold to address regional context towards regional and State GHG reduction goals, while the CARB Scoping Plan values are used to show overall consistency with the Scoping Plan and the State’s long-term GHG reduction goals. The proposed SPASP Update does not directly generate agricultural, industrial, and other emissions from the sectors excluded in the BAAQMD’s regional target; however, even though a project may not involve emissions from all sectors the underlying reliance and relationship between the sectors is what matters for the State’s GHG reduction goals (i.e., the State’s goal does call for reducing GHG emissions from any particular sector or source but from Statewide activities as a whole). Furthermore, the DSEIR does not compare the interpolated BAAQMD 1.84 MTCO$_2$e/SP/YR project-specific goal against the interpolated 2017 Scoping Plan goal of 4.0 MTCO$_2$e/Capita/YR efficiency metric. Rather, the SPASP Update’s GHG emissions are compared against these two efficiency metrics, independently, to provide context for the magnitude of the Plan update’s GHG emissions and these emissions consistency with applicable plans, policies, and regulations adopted for the purposes of reducing GHG emissions.

L05.03 The commenter reiterates remarks regarding the DSEIR’s GHG threshold of significance, evaluation of statewide carbon neutrality goals, and need for GHG mitigation.

Response: As described in more detail in MR 01, the SPASP Update DSEIR’s GHG emissions analysis is based on prevailing best practices, standards, and guidance and provides substantial evidence that supports the DSEIR’s less than significant GHG emissions impact finding. This includes the use of an updated threshold of significance consistent with applicable guidance from the BAAQMD (as of November 2020), State GHG reduction goals, and other local, regional, and state plans, policies, and regulations adopted for the purposes of reducing GHG emissions. In addition, as described in more detail in MR 02, since the DSEIR appropriately concludes, based on substantial evidence, that the SPASP Update would not result in a significant GHG emissions impact, the City is not required to incorporate mitigation measures that avoid or reduce GHG emissions associated with the
SPASP Update, including carbon offsets. See also Response to Comment 05.01 for information on the DSEIR’s evaluation and analysis of consistency with carbon neutrality goals.

L05.04 The commenter reiterates remarks that the DSEIR’s GHG emissions efficiency targets are incorrectly interpolated.

Response: The commenter is incorrect. The DSEIR’s interpolated 2040 target is based on regional data originally developed by the BAAQMD from land use driven sectors. The original threshold was not derived from aggregate metrics or emissions from all GHG emissions sectors identified in CARB Scoping Plan documents or GHG emissions inventories. The interpolated 2040 efficiency metric was developed consistent with the State’s long-term GHG reduction targets and is meant to provide context for the SPASP Update’s GHG emissions levels. See MR 01 and Response to Comment L05.01 for additional information on the DSEIR’s GHG emissions analysis, threshold development, and substantial evidence relied upon to conclude the SPASP would not result in a significant GHG emissions impact.

L05.05 The commenter questions the use of a quantitative threshold, identifies that the BAAQMD’s most recent recommended CEQA thresholds of significance for climate change are based on qualitative design features, and inquires why the SPASP Update has lower GHG emissions efficiency than the 2014 EIR.

Response: As described in more detail in MR 01 the SPASP Update DSEIR’s GHG emissions analysis is based on prevailing best practices, standards, and guidance and provides substantial evidence that supports the DSEIR’s less than significant GHG emissions impact finding. In addition, as described in MR 01, in the resolution adopting its new CEQA thresholds for evaluating the significance of climate impacts from land use projects and plans, the BAAQMD’s Board of Directors resolved that the new climate impact thresholds “are most appropriately applied to CEQA projects for which [an NOP] is issued and environmental analysis is begun after the date of adoption of this Resolution.” Therefore, the City does not consider the BAAQMD’s latest climate thresholds appropriate for use in the SPASP Update SEIR because the SEIR’s NOP was issued on November 20, 2020, and environmental analysis was subsequently begun, 16 months before the BAAQMD adopted its new GHG thresholds on April 20, 2022. Finally, as described in more detail in MR 02, since the DSEIR appropriately concludes, based on substantial evidence, that the SPASP Update would not result in a significant GHG emissions impact, the City is not required to incorporate mitigation measures such as all-electric building requirements that avoid or reduce GHG emissions associated with the SPASP Update.

Regarding the 2014 EIR and the 2022 DSEIR’s GHG emissions efficiency estimates, the SPASP Update was prepared using a newer version of CalEEMod, which incorporates improvements in vehicle fuel efficiency, renewable electricity generation, water conservation, and other efficiency improvements that have generally lowered GHG emissions compared to 2014 estimates.

L05.06 The commenter questions why the DSEIR doesn’t consider emissions after year 2040, and whether GHG emissions from the project would be carbon neutral by 2045.
Response: The commenter correctly identifies that DSEIR’s stated time horizon is Year 2040. This year is selected as a reasonable buildout year for the SPASP Update, and emissions until buildout would be less than estimated in the DSEIR (since less overall development would have occurred). The City notes the GHG emissions efficiency presented in the DSEIR is an annual metric (e.g., MTCO₂e/SP/YR). Although emissions would continue past 2040, fleet turnover, appliance replacement, and other factors would serve to lower emissions and increase efficiency beyond 2040. As described in more detail in Response to Comment L05.01, statewide goals for carbon neutrality do not preclude any individual project from emitting GHG. In addition, as described in more detail in MR 01, the SPASP Update DSEIR’s GHG emissions analysis is based on prevailing best practices, standards, and guidance and provides substantial evidence that supports the DSEIR’s less than significant GHG emissions impact finding.

L05.07 The commenter states all-electric buildings are cost effective, the SPASP should prohibit gas appliances, and fossil gas consumption is a wasteful, inefficient, and unnecessary consumption of energy resources.

Response: The commenter is correct that all-electric buildings are generally considered to be cost-effective alternatives to standard code construction requirements. Refer to Response to Comments L02.10 and L02.11 for additional information on the cost-effectiveness of all electric buildings and statewide reach codes that require all-electric building construction. Although all-electric buildings can be cost-effective, the 2022 Energy Code, which will take effect on January 1, 2023, does not prohibit the use of natural gas in new residential construction. Rather, the 2022 Energy Code, in general, only requires new single-family residential construction to be electric-ready, while still permitting natural gas plumbing for certain appliance and buildings systems. In addition, for mid- and high-rise residential developments (i.e., the type of development most likely to occur under the SPASP Update), the 2022 Energy Code promotes heat pumps for space heating purposes and includes new solar PV and battery energy storage standards. As described in more detail in MR 01, the SPASP Update DSEIR’s GHG emissions and energy analysis is based on prevailing best practices, standards, and guidance and provides substantial evidence that supports the DSEIR’s less than significant GHG emissions impact finding. In addition, as described in more detail in MR 02, since the DSEIR appropriately concludes, based on substantial evidence, that the SPASP Update would not result in a significant GHG emissions or energy resources impact, the City is not required to incorporate mitigation measures such as all electric building provisions that avoid or reduce GHG emissions associated with the SPASP Update.

The City notes that, as described in Response to Comment L02.07, Climate Emergency Resolution 19-52 calls for a reiterated commitment to reducing GHG emissions as part of the City’s forthcoming Climate Action Plan update, and not specifically as part of the SPASP Update. The City has initiated a process for updating its current CAP and anticipates that a prohibition on natural gas infrastructure in new development throughout the City will be evaluated as a potential early-win GHG reduction project during development of the City’s CAP.
Update (expected to occur over the 2023-2024 timeframe) and considered for implementation concurrently with the CAP Update.

L05.08 The commenter inquires what EV charging standards are included in the SPASP, expresses concern regarding the lack of communication of these standards, and suggests several standards for the City to consider.

Response: As described in more detail in MR 03, the SPASP Update (Form Based Code Section 2.05.08.07(O)) requires all parking spaces be equipped with a raceway that originates at the main electric service or subpanel, and provides provisions to apply additional requirements as State and City standards for EV charging infrastructure change. In addition, the City has initiated a process for updating its current CAP, and anticipates that enhanced EV charging infrastructure requirements will be evaluated as a potential early-win GHG reduction project during development of the City’s CAP Update (expected to occur over the 2023-2024 timeframe).

As described in more detail in MR 02, since the DSEIR appropriately concludes, based on substantial evidence, that the SPASP Update would not result in a significant GHG emissions impact, the City is not required to incorporate mitigation measures such as additional EV charging infrastructure requirements that avoid or reduce GHG emissions associated with the SPASP Update.

L05.09 The commenter inquires why embodied carbon emissions associated with building materials are not included in the DSEIR’s GHG emissions impact analysis.

Response: As described in more detail in MR 01, the SPASP Update DSEIR’s GHG emissions analysis is based on prevailing best practices, standards, and guidance and provides substantial evidence that supports the DSEIR’s less than significant GHG emissions impact finding. The evaluation of lifecycle GHG emissions, including embodied carbon, is not currently recommended by the BAAQMD, nor is it standard practice under CEQA because although general information may be known, the lifecycle GHG emissions of each individual building material is considered speculative in nature (since project-specific building material information is not known at this time) and, therefore, does not require analysis under CEQA.

L05.10 The commenter inquires why the SPASP Update does not make all-electric construction standard for development projects and expresses disagreement with the Plan’s current approach that only requires certain projects to provide costs estimates for all-electric construction.

Response: Refer to Response to Comments L02.10 and L02.11 for additional information on the cost-effectiveness of all electric buildings and statewide reach codes that require all-electric building construction. As described in more detail in MR 01 the SPASP Update DSEIR’s GHG emissions and energy analysis is based on prevailing best practices, standards, and guidance and provides substantial evidence that supports the DSEIR’s less than significant GHG emissions impact finding. In addition, as described in more detail in MR 02, since the DSEIR appropriately concludes, based on substantial evidence, that the SPASP Update would not result in a significant GHG emissions or energy resources impact, the City is not required to incorporate mitigation measures such as all electric building provisions that avoid...
or reduce GHG emissions associated with the SPASP Update. Nonetheless, SPASP Update Section 02.05.05.01.01.F requires applicants of projects containing 5 or more residential units to estimate the cost of all-electric construction for the project. This requirement could result in the voluntary construction of additional all-electric buildings if the costs of such construction are determined to be less than, similar to, or negligibly more than the inclusion of natural gas.

L05.11 The commenter states that MCE will begin enrolling new customers in a program that provides 100% renewable energy in 2023 and that this will achieve a more positive climate impact than the voluntary renewable energy language currently contained in the SPASP.

Response: The commenter is correct that MCE’s Deep Green Program offers customers the opportunity to receive energy from non-polluting wind and solar power sources. This comment does not provide a specific suggestion or recommendation on the SPASP DEIR that requires further response.

L05.12 The commenter refers to the Plan Bay Area 2050 EIR and inquires why the SPASP Update DSEIR takes credit for State actions that are not guaranteed.

Response: First, as a point of clarification, the DSEIR explains that Plan Bay Area 2040, and not Plan Bay Area 2050, is considered the environmental baseline against which the SPASP is evaluated (see MR 01). Nonetheless, the DSEIR (pp. 9-9 and 9-17) provide information on both Plan Bay Area 2040 and 2050. The DSEIR concludes the SPASP Update would not conflict with Plan Bay Are 2040 because the SPASP Update proposes infill development in a transit-oriented area and increases service population while building job centers and residences near transit. The SPASP Update, therefore, is consistent with and supports Plan Bay Area 2040’s target of reducing per-capita CO\textsubscript{2} emissions from cars and light-duty trucks by 15 percent. The DSEIR also discloses that the SPASP identified in the Plan Bay Area 2050 as a priority development area, which affirms that the SPASP is a type of development envisioned for attaining the region’s VMT reduction goals.

The commenter assumes that since the SPASP Update is consistent with Plan Bay Area 2050, and since Plan Bay Area 2050 EIR concluded Plan Bay Area 2050 would result in significant and unavoidable climate change impacts, then the SPASP Update DSEIR must also result in significant and unavoidable impacts. The commenter is incorrect. Plan Bay Area 2050 and the SPASP Update are different projects with different scopes, potential climate change effects and CEQA lead agencies. The conclusions of an EIR for a regional transportation plan are not related to the conclusions of local specific plan. As noted by the commenter, “Plan Bay Area does not take credit for the reductions controlled by local jurisdictions.” This is correct, because neither the Association of Bay Area Governments nor the Metropolitan Planning Commission (ABAG/MTC), the agencies responsible for the preparation of Plan Bay Area, have the authority to require local jurisdictions to design their cities consistent with land use plan contained in Plan Bay Area. It is because of this reason (i.e., that ABAG/MTC cannot force local lead agencies to adhere to the recommendations contained in Plan Bay Area) that several impact findings in the Plan Bay Area EIR are found significant and unavoidable. In other words, it is upon local jurisdictions, not ABAG/MTC, to implement the
recommendations of Plan Bay Area. As noted previously; however, expanding
growth within the SPASP would continue to concentrate high-density development in
proximity of existing transportation amenities (e.g., BART and bus lines), which is a
key component of Plan Bay Area and its goal to reduce regional VMT. Therefore,
local actions, such approving increase density in the SPASP, can support (and be
consistent with) the goals of Plan Bay Area without contributing to a significant and
unavoidable impact as identified in the Plan Bay Area EIR.

The commenter also states that, in contrast to the Plan Bay Area 2050 EIR, the
SPASP Update DSEIR takes credit for assumed State actions that are not
guaranteed; however, the commenter does not list or identify a specific State action
that the DSEIR takes credit for. The City notes that the DSEIR’s GHG emissions
modeling is not based on future actions that are not guaranteed. In fact, the DSEIR’s
GHG emissions modeling does not even assume that MCE would provide GHG-free
electricity by 2040, which is an assumption that likely overestimates SPASP Update
GHG emissions. The only future emissions reduction credit that is applied within the
SPASP update is related to vehicle emissions standards, which were modeled using
CARB’s 2021 emissions factor (EMFAC2021) database, a database that
incorporates adopted state and federal vehicle emissions standards that automakers
must comply with.

For the reasons described above, no changes to the DSEIR are needed.

L05.13 The commenter inquires why El Cerrito decision makers should feel secure that the
SPASP Update SEIR complies with the provisions of CEQA.

Response: This comment does provide a specific suggestion or recommendation on
the SPASP DEIR that requires further response.

L05.14 The commenter reiterates remarks that the SPASP Update and corresponding
SPASP Update SEIR consider environmental, social, and racial justice during the
plan development and environmental impact process.

Response: See Response to Comment L02.06 for information the SPASP Update
and the SPASP Update DSEIR’s environmental, social, and racial justice
considerations.

L05.15 The commenter provides observations on certain construction practices within the
SPASP and inquires why the SPASP doesn’t prohibit excessive construction waste
generation.

Response: As explained in more detail in Response to Comment L02.04, the City
regulates construction waste diversion in accordance with the Cal Green code, which
requires a minimum of 65% of the non-hazardous construction and demolition waste
be recycled and/or salvaged for reuse, and this waste stream is not anticipated to
interfere with applicable solid waste reduction/diversion goals.

L05.16 The commenter asks why the SPASP doesn’t include more measures that support
future readiness for water conservation efforts such as grey water separation
systems.
Response: See Response to Comment L02.18. In addition, as described in more detail in MR 01, the SPASP Update DSEIR’s GHG emissions analysis is based on prevailing best practices, standards, and guidance and provides substantial evidence that supports the DSEIR’s less than significant GHG emissions impact finding. In addition, as described in more detail in MR 02, since the DSEIR appropriately concludes, based on substantial evidence, that the SPASP Update would not result in a significant GHG emissions impact, the City is not required to incorporate mitigation measures that avoid or reduce GHG emissions associated with the SPASP Update.

L05.17 The commenter inquires why the SPASP’s sustainable design elements are generally voluntary in nature.

Response: Comment noted. Refer to MR 01 and MR 02 for information the SPASP Update DSEIR’s GHG emissions analysis, which concludes, based on substantial evidence, that the SPASP Update would not result in a significant GHG emissions impact.

L05.18 The commenter provides observations regarding differences in affordable and market rate development within the SPASP area and inquires why the SPASP does not require more sustainable design elements.

Response: The City appreciates the commenter’s observations on development within the SPASP; however, the City considers the commenter’s reasons for the potential differences in development to be speculative, as the commenter provides no specific evidence to support their claims.

L05.19 The commenter reiterates remarks regarding unit-level utility metering and inquires whether unit level water metering has been implemented since January 1, 2018.

Response: As described in more detail in Response to Comment L02.15, the recommendations to require or encourage in-unit utility metering and display dashboards are, in general, of little relevance to the CEQA review of the SPASP and future individual projects approved under the SPASP because such measures provide post-construction data that cannot be used in the environmental review of the project. The City is confirming that, pursuant to Senate Bill 7, new multi-unit residential properties built since January 1, 2018, have complied with water submetering requirements.

L05.20 The commenter inquires if any fully electric new multi-family buildings have been built in El Cerrito and requests information on natural gas usage in certain specific buildings.

Response: This comment does not make a specific suggestion or recommendation on the SPASP Update DSEIR, and requests for information on specific existing development projects are outside the scope of the SPASP Update SEIR, which focuses on the future development associated with the SPASP Update.
L05.21 The commenter identifies that the BAAQMD and the Governor’s Office of Planning and Research recommend a 15% reduction in per capita VMT to help meet State climate goals and inquires what the current and projected per capita VMT numbers are for the SPASP and the City.

Response: As identified in DSEIR Table 16-1, average household VMT per capita is 10.1 miles per day within the SPASP Update area, 11.2 miles per day within the City, 17.9 miles per day within Contra Costa County, and 13.3 miles per day within the Bay Area. Additionally, as identified in DSEIR Table 16-2, the SPASP Update would decrease average household VMT per capita from 10.1 miles per day to 8.4 miles per day, which is substantially less (53.1%) than the countywide average of 17.9 miles per day.

L05.22 The commenter recommends the City improve upon C.3 stormwater requirements and inquires how changes to the SPASP will catalyze new high-quality green/open space in the plan area.

Response: Regarding C.3. requirements, refer to Response to Comment L02.18. Regarding catalyzing high-quality green/open space areas within the SPASP Update, the City notes the SPASP Update has been modified to include new requirements for development fronting creek greenways, but does not include substantial changes to current open space requirements. As described in the DSEIR (p. 15-12), State law (the Quimby Act) authorizes local governments to require the dedication of park land or on-site provision of open space/recreational facilities, or to impose an in-lieu fee or a combination of these options, to offset the additional demand for parks and recreational facilities generated by new residential development. These current provisions provide adequate green/open space opportunities within the Plan Area.

L05.23 The commenter inquires whether pollinator pathway installation will be consistent with the City’s Urban Greening Plan.

Response: The commenter’s inquiry is not directly related to the content and information presented in the SPASP Update DSEIR, and does not directly affect the information or impact analyses contained in the DSEIR. Strategy 5.3 of the El Cerrito Urban Greening Plan states, “Incorporate environmental guidelines into the project design review process to ensure that these open spaces are providing environmental services, such as nodes along a pollinator pathway…” Section 2.05.05.02.01.B of the San Pablo Avenue Specific Plan creates such a guideline. As a result of this Section, which is not proposed to be modified in the SPASP update, pollinator plants have been included in many projects in the SPASP area.

L05.24 The commenter reiterates remarks regarding a 1% for the environment fee program.

Response: See Response to Comment L02.21.

L05.25 The commenter identifies several typographical errors in the SPASP Update DSEIR.

Response: As shown in Chapter 3, the City has corrected the minor typographical errors identified by the commenter. In summary:
- DSEIR page 9-15 has been updated to more accurately reflect that the SPASP Updates' GHG emissions are below the current annual emissions threshold as well as the interpolated 2040 project-specific goal developed for the SPASP Update DSEIR.

- Estimates of electricity consumption in DSEIR Section 9.2.1 have been corrected.

- According to the 2005 Baseline Emissions Inventory contained in Appendix B2 of the El Cerrito Climate Action Plan, the El Cerrito 3-year average combined residential and commercial natura gas consumption was 5.9 million therms. In addition, as estimated using CalEEMod (see DSEIR Table 9-2 and Appendix 24.2), the SPASP Update is estimated to consume approximately 23,022,500 thousand British thermal units, or approximately 230,280 therms of natural gas. More specific estimates of natural gas use within the city are not currently available.

- DSEIR Section 9.2.3 incorrectly identified Santa Clara County, but correctly identified shares of statewide gasoline and diesel fuel sales in Contra Costa County. Accordingly, this DSEIR section has been updated to identify Contra Costa County estimated shares of statewide gasoline and diesel fuel sales.

- DSEIR Table 9-1 has not been modified. For information purposes, as shown in Appendix 24.2 (CalEEMod output pages 70-72), natural gas is assumed to constitute approximately 46.1% of the total energy emissions estimate and electricity is assumed to constitute approximately 55.9% of the total energy emissions estimate. Please also see the discussion in pages 9-14 through 9-16 for further details regarding model input assumptions.

- The “2040 and 2040” typo on DSEIR p. 9-13 has been corrected to read “2030 and 2040”.

- The City has not modified Appendix 24.2. As explained in more detail in MR 01, CalEEMod is a computer program recommended by the BAAQMD for use in preparing emission estimates for land use and development projects subject to CEQA. DSEIR Appendix 24.2 presents the model output in standard format. The City notes a summary of the key inputs that influence the model's emissions estimates is provided on DSEIR pp. 9-14 to 9-16.

The above corrections do not change the SPASP Update DSEIR’s analysis or conclusions regarding GHG emissions and energy resources.
Chris, thank you for the response. My original intention in asking you about your comment was not for it to be part of the Specific Plan Update SEIR comment record, but since you forwarded it to staff and it is still Sept 2, I will ask El Cerrito planning staff to include this thread of three emails in the SEIR comments for further response, as it is an instructive discussion about the fossil gas, GHGs, the electric grid and the SEIR.

First, it is interesting that you mention the consideration of wasteful, inefficient, or unnecessary consumption of energy resources rather than just the GHG emissions. When analyzed purely on the basis of being unnecessary, wasteful and inefficient, using direct combustion of fossil fuel gas for heating applications looks really bad by comparison to electric heat pumps and it is easy to conclude that using fossil gas for heating applications is indeed unnecessary, wasteful and inefficient. High efficiency gas appliances may achieve 95+% efficiency, but they will never be more than 100% efficient.

A heat pump can be 300% efficient (or more) because rather than just turning primary energy into heat, a heat pump consumes some work energy to move a greater amount of heat energy from one body of temperature to another. Decades ago, in the heyday of gas promotion in CA, it was considered more efficient to use direct combustion of gas for heating applications (especially compared to electric resistance heating), because the electric grid had a very large component of gas fired power plants and the 30-40% thermal efficiency of those plants mean that you were better off burning that fuel where you needed the heat rather than taking the efficiency hit converting it to electricity and then using an electric resistance heater which can never be better that 100% efficient. This is why, once upon a time, electric resistance water heaters were not allowed when there was gas service available.

Things have changed. Heat pump water heaters are now common and the grid is much, much cleaner than in those days, with only a small fraction of the total energy delivered coming from gas. MCE serves El Cerrito and provides 60% renewable and 95% carbon free electricity with their default product and also offers a 100% renewable product. This means that using gas for space heating now consumes roughly 3 times more primary energy (if not more) than an electric heat pump. Hence, it is very straightforward to conclude that combusting gas for space heating is an unnecessary, wasteful and inefficient practice with a far superior cost effective alternative, before you even consider the GHG implications, which are, of course, considerable on their own.

The quote from page 158 of the 2022 Draft Scoping plan is talking about the need for dispatchable electric power generation for grid reliability purposes and is completely unrelated to gas use for heating applications in buildings. If anything, it points out that we need to limit gas use and the associated GHG emissions to the most valuable applications. As pointed out above, space heating in buildings is no longer a critical use of gas, in fact, it is an unnecessary, wasteful and inefficient use of gas. Fossil gas is diminishing as a power plant energy source on the grid, but as a highly dispatchable source, it remains useful for dealing with the transient...
load fluctuations throughout the day. This does not mean that a huge fraction of MWhs are originating from gas power plants, but rather that a small fraction of energy is provided this way, mostly on a contingency basis for stability purposes.

The grid is intentionally decarbonizing and there are plenty of low, or no, carbon ways to get dispatchable power, too, such as: using energy storage, demand response, renewables like hydro and geothermal, etc. The Scoping Plan may recognize a continued transitional role for gas on the power grid, but its use will continue to diminish. There are new loads coming on the grid with electrification of buildings and transportation, but no one is looking at burning more and more gas on the grid to power them because that is climate suicide. Least of all, the 2022 Scoping Plan itself, which states its intention as an "ambitious and aggressive approach to squeezing the carbon out of every sector of the economy" and "the major element of this unprecedented transformation is the aggressive reduction of fossil fuels wherever they are currently used in California."

Yes, there is merit to a thoughtfully planned staged transition where there are issues that require that planning and staging, but we know everything we need to know, right now, to make the right decision on gas use in new buildings for the Specific Plan. We are not going to overload the grid by electrifying a few new buildings in El Cerrito, or even all the new buildings in CA. There simply aren't enough of them to make a big dent. As you point out, the big nut is the existing buildings, they are far more numerous and far less efficient, so they drive the bulk of the load on the grid.

All those old, inefficient buildings with gas appliances are like holes in a boat that is sinking us. When you are in a leaky boat, you start bailing and plugging holes right away. You certainly don't make decisions that lead to making more holes, when you know how to avoid them. You also don't want to stop and waste a bunch of time making a bailing and hole plugging plan while continuing to make new holes at the same time, when you know perfectly well how to start moving on solving the problem. Each new building that we build with gas service is another hole in our boat that is sinking us rather than saving us and each adds to the burden of costly holes we need to retrofit in the future. Let's stop making holes and start plugging holes.

Thanks,
Howdy Goudey
El Cerrito

On Fri, Sep 2, 2022 at 9:36 AM Chris Dugan <cdugan@migcom.com> wrote:

Howdy,

Thank you for your email.

I don't remember the specific wording in my comments at the EQC meeting. But my comments would have been in the specific context of the California Environmental Quality Act (CEQA) and the requirements set forth by CEQA for environmental impact analyses,
which include an evaluation of potential GHG emissions and whether the use or consumption of energy resources would be wasteful, inefficient, or unnecessary.

With regards to the 2022 Draft Scoping Plan, Page 158 states “While the electricity sector is using less fossil fuel due to increasing amounts of renewables, in the near term, fossil gas generation will continue to play a critical role in grid reliability until other clean, dispatchable alternatives are available and can be deployed.” The Draft Scoping Plan (pp. 156 to 163) identifies that vehicle and building electrification plans will result in unprecedented electric system load growth, and emphasizes the need for a clean electric grid that supports decarbonization of California’s economy. Since the State needs time to update and improve the grid, the Draft 2022 Scoping Plan (pp. 169 – 172) identifies a phased transition away from gas usage in new and existing buildings. It targets all electric appliances in new buildings by 2026 (residential) and 2029 (commercial). It’s an even longer timeframe for existing buildings (2030 to 2035). The next energy efficiency code update, which I think is likely to require all-electric building requirements, still needs to be developed and won’t take effect until January 2026. So the fact remains that mixed-fuel options remain viable and permitted by the energy code through 2025. In my professional opinion, this is evidence that the State is planning for a timely but controlled transition to a decarbonized economy that includes building electrification, and that the near-term use of natural gas (as well as vehicle gasoline and diesel fuel) can be necessary, efficient, and unwasteful pursuant to CEQA energy and GHG impact analyses.

I appreciate your interest and opinion on these matters, as they are serious issues. We are well past 2020, and the 2022 Scoping Plan, as well as the next iteration of the energy code, will be needed to support achievement of our State’s GHG reduction goals.

I do have to note that since your comments were sent to me directly, they are not official comments on the San Pablo Avenue Specific Plan Update SEIR. For disclosure purposes, I am copying the City on my reply to you. I welcome your comments on the SEIR and encourage you to follow the procedures for commenting on the SEIR described at the EQC meeting and contained in the SEIR’s Notice of Availability.

Sincerely,

Chris
Chris,

At the El Cerrito Environmental Quality Committee meeting on Aug. 9th, during discussion of the Specific Plan Update and the SEIR, you made a statement along the lines of "the most recent draft CA scoping plan calls natural gas an essential fuel," implying that it is consistent with climate goals to continue to make decisions now to install new gas infrastructure and commit us to using additional gas in the future.

Can you please provide the reference to the statement you were referring to? I have quickly searched the May 2022 draft scoping plan and I find no such language about natural gas, although storage and demand-side management, carbon removal and sequestration, as well as wetlands are described as "essential" in the plan.

The draft scoping plan discusses that "hydrogen and renewable natural gas must remain options as we transition away from fossil fuels," but that has a limited scope for covering some legacy use during transition, it is not a justification to introduce new gas infrastructure with decades of additional use.

Where can you direct me to any state guidance that we should continue installing natural gas in new buildings?

Why did you make such a loaded and seemingly inaccurate statement? It reflects badly on you as a GHG expert and reflects badly on MIG.

Thanks,

Howdy Goudey

El Cerrito
L06: Howdy Goudey (September 2, 2022)

L06.01 The commenter clarifies the intention of their comments and requests the City include communications between the commenter and the consultant selected by the City to assist the City with the preparation of the SEIR in the SEIR record.

Response: As requested by the commenter, the City is including the full communication record between the commenter and the consultant in the SEIR comment record.

L06.02 The commenter provides evidence that the combustion of fossil fuel, particularly for space heating purposes, results in the unnecessary, wasteful, and inefficient use of energy and unnecessary GHG emissions, especially when considering that MCE provides 60%, 95%, and 100% carbon-free consumer energy options.

Response: The City does not disagree with the commenter that heat pumps are an efficient form of space heating, and notes that the 2022 Energy Code, which will take effect on January 1, 2023, encourages efficient, electric heat pumps while still permitting natural gas space heating systems within new building development. Furthermore, the City recognizes that CARB’s draft 2022 Scoping Plan states (p. 228), “When it comes to climate change mitigation, the sum of the parts matters. Only when we add up the impacts of the choices we make do we understand the true impact on GHG emissions. We can choose to drive a car, take a bus, bike, or walk. We can choose to install a heat pump or buy an electric cooktop. Together, we get to pick the future we want.” Although this statement is directed at individuals, it warrants the City’s attention. The draft 2022 Scoping Plan also recognizes (p. 192), “Heat pumps, while using electricity, not fossil gas, currently rely predominantly on high- [global warming potential, or GWP] refrigerants. Very low or no-GWP technologies and solutions are either available or emerging for various heat pump technologies, and likely to develop further as international efforts to mitigate HFCs continue. However, most of these technologies are still nascent in the U.S. In addition, some of the alternatives cannot be used until California building codes are updated, which is currently expected at the earliest in 2025 for some technologies, and in the following years for others.”

The City is disinclined to favor or disfavor any particular technology within a defined geographic subarea of the city at this time. The City recognizes the current and future energy efficiency and GHG emission reductions potential associated with heat pumps, but also recognizes the 2022 Energy Code does not prohibit the use of natural gas in new residential construction. As explained in more detail in MR 01, the SPASP Update DSEIR’s GHG emissions analysis is based on prevailing best practices, standards, and guidance in effect at the time the NOP for the SPASP Update SEIR was issued (November 2020) and provides substantial evidence that supports the DSEIR’s less than significant GHG emissions impact finding, even with the use of natural gas. This finding is based, in part, on the use of an updated threshold of significance consistent with applicable guidance from the BAAQMD (as of November 2020), State GHG reduction goals, and other local, regional, and state plans, policies, and regulations adopted for the purposes of reducing GHG emissions. The 2022 Draft SEIR also relies upon consistency with key GHG-reduction plans to determine the significance of the proposed SPASP Updates’ potential GHG
emission, including, but not limited to the 2017 Climate Change Scoping Plan, 2040 Plan Bay Area, the City’s Climate Action Plan, and the City’s Climate Emergency Resolution, none of which explicitly prohibit the use of natural gas in new residential or commercial development.

For the reasons outlined above, the SPASP Update DSEIR’s GHG and energy resource impact analyses include a level of information and analysis regarding potential GHG emissions and energy usage associated with the SPASP Update that allows the DSEIR to conclude, based on substantial evidence, that the SPASP Update would not result in a significant GHG emissions or energy resources impact.

L06.03 The commenter provides evidence that CARB’s draft 2022 Scoping Plan does not support the use of natural gas in new development in the State and stresses the importance of decision-making that immediately reduces GHG emissions and addresses potential climate change impacts.

Response: First, as a point of clarification, the commenter’s remarks do not provide any specific suggestion or recommendation regarding the SPASP Update DSEIR and, therefore, no further response is warranted and no revisions to the DSEIR are necessary.

Nonetheless, for information purposes, the City notes that it is generally accepted that the State’s electric grid will need to undergo transitions to address, support, and achieve the State’s long-term GHG emissions reduction goals. For example, The Draft Scoping Plan (pp. 156 to 163) identifies that vehicle and building electrification plans will result in unprecedented electric system load growth and emphasizes the need for a clean electric grid that supports decarbonization of California’s economy. The California Independent System Operator (CAISO) has also acknowledged, “To reliably manage the green grid, the [CAISO] needs flexible resources with the right operational characteristics in the right location. The [CAISO] is actively engaged in policy efforts to build awareness of the new grid needs. Working with the industry and policymakers, the [CAISO] is collaborating on rules and new market mechanisms that support and encourage the development of flexible resources to ensure a reliable future grid.”

The Draft 2022 Scoping Plan (pp. 169 – 172) identifies a phased transition away from gas usage in new and existing buildings. It targets all electric appliances in new buildings by 2026 (residential) and 2029 (commercial), with a longer timeframe for existing buildings (2030 to 2035). Given this, and the current requirements contained in the 2022 Energy Code (see Response to Comments L02.05, L02.10, and L05.07), it is a fact that mixed-fuel options will remain viable designs for new development through at least 2025; however, this fact does not diminish the City’s obligation to make informed decisions regarding the SPASP Update DSEIR’s GHG emissions and energy resource impacts.

As described in more detail in MR 01, the SPASP Update DSEIR’s GHG emissions and energy resource impact analysis are based on prevailing best practices,

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standards, and guidance and provides substantial evidence that supports the DSEIR’s less than significant GHG emissions and energy resources impact findings. In addition, as described in more detail in MR 02, since the DSEIR appropriately concludes, based on substantial evidence, that the SPASP Update would not result in a significant GHG emissions or energy resources impact, the City is not required to incorporate mitigation measures that avoid or reduce GHG emissions and energy consumption associated with the SPASP Update.

The City also notes that, as described in Response to Comment L02.07, Climate Emergency Resolution 19-52 calls for a reiterated commitment to reducing GHG emissions as part of the City’s forthcoming Climate Action Plan update, and not specifically as part of the SPASP Update. The City has initiated a process for updating its current Climate Action Plan, and anticipates this process will achieve important city-wide GHG emissions reductions. The City’s updated Climate Action Plan is expected to be developed over the 2023-2024 timeframe.

L06.04 The questions statements made by the EIR consultant selected by the City to assist with the preparation of the SPASP Update EIR at the EQC’s August 9, 2022 meeting and the EIR consultant responds these questions.

Response: The City has reviewed the communication between the commenter and the EIR consultant and determined the communication to be between individuals and not a communication in relation to the SPASP Update DSEIR. Nonetheless, as described in more detail in Response to Comments L06.01 to L06.03, the City has included the full communication in the SEIR comment record and responded to subsequent comments made on the DSEIR.
September 1, 2022

Mr. Sean Moss
City of El Cerrito
10890 San Pablo Avenue
El Cerrito, CA 94530
SMoss@ci.el-cerrito.ca.us

DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT FOR THE
SAN PABLO AVENUE SPECIFIC PLAN UPDATE, CALIFORNIA – DATED JULY 2022
(STATE CLEARINGHOUSE NUMBER: 2014042025)

Dear Mr. Moss:

The Department of Toxic Substances Control (DTSC) received a Draft Supplemental Environmental Impact Report (EIR) for the San Pablo Avenue Specific Plan Update (Project). The Lead Agency is receiving this notice from DTSC because the Project includes one or more of the following: groundbreaking activities, work in close proximity to a roadway, and/or presence of site buildings that may require demolition or modifications, importation of backfill soil.

DTSC recommends that the following issues be evaluated in the Hazards and Hazardous Materials section of the Supplemental EIR:

1. The EIR lists one DTSC and four Regional Water Quality Control Board (RWQCB) hazardous materials sites in the specific plan area. The Project should be coordinated with respective DTSC and RWQCB project managers to ensure that Project activities remain protective of human health and the environment. In addition to the documented DTSC and RWQCB sites, the EIR should acknowledge the potential for other historic activities on or near the project site to have resulted in the release of hazardous wastes/substances on the project site. In instances in which releases have occurred or may occur, further studies should be carried out to delineate the nature and extent of the contamination, and the potential threat to public health and/or the environment.
should be evaluated. Per comment 1, the EIR should also identify the mechanism(s) to initiate any required investigation and/or remediation and the government agency who will be responsible for providing appropriate regulatory oversight.

2. A regulatory agency such as DTSC or RWQCB, or a qualified local agency that meets the requirements of Assembly Bill 304 (AB304) should provide regulatory concurrence that the Project sites are safe for construction and the proposed use.

3. Refiners in the United States started adding lead compounds to gasoline in the 1920s in order to boost octane levels and improve engine performance. This practice did not officially end until 1992 when lead was banned as a fuel additive in California. Tailpipe emissions from automobiles using leaded gasoline contained lead and resulted in aerially deposited lead (ADL) being deposited in and along roadways throughout the state. ADL-contaminated soils still exist along roadsides and medians and can also be found underneath some existing road surfaces due to past construction activities. Due to the potential for ADL-contaminated soil DTSC, recommends collecting soil samples for lead analysis prior to performing any intrusive activities for the project described in the EIR.

4. If buildings or other structures are to be demolished on any project sites included in the proposed project, surveys should be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition, and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with DTSC’s 2006 Interim Guidance Evaluation of School Sites with Potential Contamination from Lead Based Paint, Termiticides, and Electrical Transformers.

5. If any projects initiated as part of the proposed project require the importation of soil to backfill any excavated areas, proper sampling should be conducted to ensure that the imported soil is free of contamination. DTSC recommends the imported materials be characterized according to DTSC’s 2001 Information Advisory Clean Imported Fill Material.

6. If any sites included as part of the proposed project have been used for agricultural, weed abatement or related activities, proper investigation for organochlorinated pesticides should be discussed in the EIR. DTSC recommends the current and former agricultural lands be evaluated in
accordance with DTSC’s 2008 *Interim Guidance for Sampling Agricultural Properties (Third Revision)*.

DTSC appreciates the opportunity to comment on the EIR. Should you choose DTSC to provide oversight for any environmental investigations, please visit DTSC’s [Site Mitigation and Restoration Program](http://www.dtsc.ca.gov) page to apply for lead agency oversight. Additional information regarding voluntary agreements with DTSC can be found at [DTSC’s Brownfield website](http://www.dtsc.ca.gov).

If you have any questions, please contact me at (916) 255-3710 or via email at [Gavin.McCreary@dtsc.ca.gov](mailto:Gavin.McCreary@dtsc.ca.gov).

Sincerely,

Gavin McCreary  
Project Manager  
Site Evaluation and Remediation Unit  
Site Mitigation and Restoration Program  
Department of Toxic Substances Control

cc:  
Governor’s Office of Planning and Research  
State Clearinghouse  
[State.Clearinghouse@opr.ca.gov](mailto:State.Clearinghouse@opr.ca.gov)

Mr. Dave Kereazis  
Office of Planning & Environmental Analysis  
Department of Toxic Substances Control  
[Dave.Kereazis@dtsc.ca.gov](mailto:Dave.Kereazis@dtsc.ca.gov)
L07: Gavin McCreary, Department of Toxic Substances Control (September 1, 2022)

L07.01 The EIR lists one DTSC and four Regional Water Quality Control Board (RWQCB) hazardous materials sites in the specific plan area. The Project should be coordinated with respective DTSC and RWQCB project managers to ensure that Project activities remain protective of human health and the environment. The EIR should also acknowledge the potential for other historic activities on or near the project site to have resulted in the release of hazardous wastes/substances on the project site. In instances in which releases have occurred or may occur, further studies should be carried out to delineate the nature and extent of the contamination, and the potential threat to public health and/or the environment should be evaluated. Per comment 1, the EIR should also identify the mechanism(s) to initiate any required investigation and/or remediation and the government agency who will be responsible for providing appropriate regulatory oversight.

Response: As discussed in SEIR Chapter 10, Hazards and Hazardous Materials, each project applicant in the Plan Update Area would be required to comply with all applicable, existing jurisdictional City-, regional-, and State-mandated site assessment, remediation, removal, and disposal requirements for soil, surface water, and/or groundwater contamination. These include the requirements of each City, the Regional Water Quality Control Board (RWQCB), and the California Department of Toxic Substances Control (DTSC). Compliance with these established requirements would be expected to assure that the potential threat to public health and/or the environment from hazardous waste/substance release would be minimized.

L07.02 A regulatory agency such as DTSC or RWQCB, or a qualified local agency that meets the requirements of Assembly Bill 304 (AB304) should provide regulatory concurrence that the Project sites are safe for construction and the proposed use.

Response: As noted in response to Comment L06.01, each project applicant would be required to comply with assessment requirements for soil, surface water, and/or groundwater contamination, including the consultation with and concurrence of the appropriate regulatory agency.

L07.03 Due to the potential for ADL-contaminated soil DTSC, recommends collecting soil samples for lead analysis prior to performing any intrusive activities for the project described in the EIR.

Response: As discussed in Chapter 10 of the SEIR, Hazards and Hazardous Materials, each project applicant in the Plan Update Area would be required to comply with all applicable, existing jurisdictional City-, regional-, and State-mandated site assessment, remediation, removal, and disposal requirements for soil, surface water, and/or groundwater contamination. These are the same requirements as identified in the 2014 EIR, and would include the requirements of each City, the Regional Water Quality Control Board (RWQCB), and the California Department of Toxic Substances Control (DTSC). Typically this involves preparation of a Phase I Environmental Site Assessment (ESA), which, depending on its findings, may conclude the need for a subsequent Phase II ESA and soil and/or water sampling on the site. Based on these findings, a Phase II ESA would recommend measures to reduce possible health and safety impacts related to contaminated soil and/or
groundwater. An applicant would be required to complete these measures to the satisfaction of the DTSC or RWQCB, as appropriate. As explained in SEIR Chapter 10, compliance with these established requirements would be expected to assure that possible health and safety impacts related to contaminated soil and/or groundwater would be less-than-significant.

L07.04 Buildings or other structures to be demolished on any project sites should include surveys for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition, and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with DTSC’s 2006 Interim Guidance Evaluation of School Sites with Potential Contamination from Lead Based Paint, Termiticides, and Electrical Transformers.

Response: SEIR Chapter 10, Hazards and Hazardous Materials, discusses potential exposure to asbestos, PCB, and lead-based paint during building demolition. The City requires all new developments to comply with applicable regulations for surveying and removal of hazardous substances. In addition, as noted in response to Comment L06.01, each project applicant would be required to comply with assessment requirements for potential site contamination, including the consultation with and concurrence of the appropriate regulatory agency.

L07.05 If any projects initiated as part of the proposed project require the importation of soil to backfill any excavated areas, proper sampling should be conducted to ensure that the imported soil is free of contamination. DTSC recommends the imported materials be characterized according to DTSC’s 2001 Information Advisory Clean Imported Fill Material.

Response: Requirements for imported soil are noted on project plans based on the project soil or geotechnical engineer report and typically indicate that use of imported materials in any combination must be free of organic material, debris and other deleterious substances.

L07.06 If any sites included as part of the proposed project have been used for agricultural, weed abatement or related activities, proper investigation for organochlorinated pesticides should be discussed in the EIR. DTSC recommends the current and former agricultural lands be evaluated in accordance with DTSC’s 2008 Interim Guidance for Sampling Agricultural Properties (Third Revision).

Response: As noted in response to Comment L06.01, each project applicant would be required to comply with site assessment requirements for contamination, including the consultation with and concurrence of the appropriate regulatory agency.
August 22, 2022

Sean Moss, Planning Manager
City of El Cerrito
10890 San Pablo Avenue
El Cerrito, CA 94530

Re: Notice of Availability for a Draft Supplemental Environmental Impact Report for the San Pablo Avenue Specific Plan Update, El Cerrito

Dear Mr. Moss:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Draft Supplemental Environmental Impact Report (SEIR) for the San Pablo Avenue Specific Plan Update located in the City of El Cerrito. EBMUD commented on the Notice of Preparation of a Draft SEIR for the project on December 17, 2020 (see enclosure); the comments under general, water service (except the need for a Water Supply Assessment [WSA]), wastewater service, recycled water, and water conservation still apply to the Draft SEIR. As requested by the City, EBMUD completed a WSA and provided a written response to the City on November 10, 2021.

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

Sincerely,

David J. Rehnstrom
Manager of Water Distribution Planning

DJR:WTJ:djr
sb22_187 HOA San Pablo Avenue Specific Plan

Enclosure: Letter to Sean Moss from David Rehnstrom, dated December 17, 2020
December 17, 2020

Sean Moss, Planning Manager
City of El Cerrito
10890 San Pablo Avenue
El Cerrito, CA 94530

Re: Notice of Preparation for a Draft Supplemental Environmental Impact Report for the San Pablo Avenue Specific Plan Update, El Cerrito

Dear Mr. Moss:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Notice of Preparation of a Draft Supplemental Environmental Impact Report (SEIR) for the San Pablo Avenue Specific Plan Update located in the City of El Cerrito (City). EBMUD has the following comments.

GENERAL

EBMUD is proposing to install a new 36-inch diameter pipeline in San Pablo Avenue from Central Avenue to Nevin Avenue (see enclosed Figure 1) adjacent to the project that is currently scheduled for construction between 2026 to 2029. The SEIR should account for cumulative impacts of all active construction projects within the project area.

WATER SERVICE

Pursuant to Section 15155 of the California Environmental Quality Act Guidelines and Sections 10910-10915 of the California Water Code, the project meets the threshold requirement for a Water Supply Assessment (WSA) because the entire scope of the project includes at least 500 dwelling units. Please submit a written request to EBMUD to prepare a WSA. EBMUD requires the lead agency to provide future water demand data and estimates for the project site for the analysis of the WSA. Please be aware that the WSA can take up to 90 days to complete from the day on which the request is received.

Effective January 1, 2018, water service for new multi-unit structures shall be individually metered or sub-metered in compliance with State Senate Bill 7 (SB-7). SB-7 encourages conservation of water in multi-family residential and mixed-use multi-family and commercial buildings through metering infrastructure for each dwelling unit, including appropriate water billing safeguards for both tenants and landlords. EBMUD water services shall be conditioned for all development projects that are subject to SB-7.
requirements and will be released only after the project sponsor has satisfied all requirements and provided evidence of conformance with SB-7.

EBMUD’s Central Pressure Zone, with a service elevation range between 0 and 100 feet, will serve proposed projects within the specific plan area. Water main extensions, at the project sponsor’s expense, may be required to serve proposed projects within the specific plan area depending on EBMUD’s metering requirements and fire flow requirements set by the local fire department. Project sponsors for proposed projects within the specific plan area should contact EBMUD’s New Business Office and request a water service estimate to determine the costs and conditions of providing additional water service to the proposed development. Engineering and installation of water mains and services require substantial lead time, which should be provided for in the project sponsor’s development schedule.

A minimum 20-foot wide right-of-way is required for installation of new and replacement water mains. Utilities to be installed in the right-of-way with the water mains must be located such that the new water mains meet the minimum horizontal and vertical separation distances with other utilities as set forth in the California (Waterworks Standards) Code of Regulations, Title 22, Section 64572 (Water Main Separation) and EBMUD requirements for placement of water mains within a right-of-way. These minimum horizontal separation distance requirements include, but are not limited to, 10 feet between the water main and sewer, 5 feet between the water main and storm drain, 7 feet from the face of curb, and 5 feet from the edge of the right-of-way. In addition, water mains must be vertically located a minimum of one foot above sewers and storm drains.

EBMUD’s Standard Site Assessment Report indicates the potential for contaminated soils or groundwater to be present within the project site boundaries. The project sponsor should be aware that EBMUD will not install piping or services in contaminated soil or groundwater (if groundwater is present at any time during the year at the depth piping is to be installed) that must be handled as a hazardous waste or that may be hazardous to the health and safety of construction and maintenance personnel wearing Level D personal protective equipment. Nor will EBMUD install piping or services in areas where groundwater contaminant concentrations exceed specified limits for discharge to the sanitary sewer system and sewage treatment plants. The project sponsor must submit copies to EBMUD of all known information regarding soil and groundwater quality within or adjacent to the project boundary and a legally sufficient, complete and specific written remediation plan establishing the methodology, planning and design of all necessary systems for the removal, treatment, and disposal of contaminated soil and groundwater.

EBMUD will not design piping or services until soil and groundwater quality data and remediation plans have been received and reviewed and will not start underground work until remediation has been carried out and documentation of the effectiveness of the remediation has been received and reviewed. If no soil or groundwater quality data exists, or the information supplied by the project sponsor is insufficient, EBMUD may require the project sponsor to perform sampling and analysis to characterize the soil and groundwater that may be encountered during excavation, or EBMUD may perform such sampling and
analysis at the project sponsor’s expense. If evidence of contamination is discovered during EBMUD work on the project site, work may be suspended until such contamination is adequately characterized and remediated to EBMUD standards.

WASTEWATER SERVICE

EBMUD’s Main Wastewater Treatment Plant (MWWTP) and interceptor system are anticipated to have adequate dry weather capacity to accommodate the proposed wastewater flows from this project and to treat such flows provided that the wastewater generated by the project meets the requirements of the EBMUD Wastewater Control Ordinance. However, wet weather flows are a concern. The East Bay regional wastewater collection system experiences exceptionally high peak flows during storms due to excessive infiltration and inflow (I/I) that enters the system through cracks and misconnections in both public and private sewer lines. EBMUD has historically operated three Wet Weather Facilities (WWFs) to provide primary treatment and disinfection for peak wet weather flows that exceed the treatment capacity of the MWWTP. Due to reinterpretation of applicable law, EBMUD’s National Pollutant Discharge Elimination System (NPDES) permit now prohibits discharges from EBMUD’s WWFs. Additionally, the seven wastewater collection system agencies that discharge to the EBMUD wastewater interceptor system (“Satellite Agencies”) hold NPDES permits that prohibit them from causing or contributing to WWF discharges. These NPDES permits have removed the regulatory coverage the East Bay wastewater agencies once relied upon to manage peak wet weather flows.

A federal consent decree, negotiated among EBMUD, the Satellite Agencies, the Environmental Protection Agency (EPA), the State Water Resources Control Board (SWRCB), and the Regional Water Quality Control Board (RWQCB), requires EBMUD and the Satellite Agencies to eliminate WWF discharges by 2036. To meet this requirement, actions will need to be taken over time to reduce I/I in the system. The consent decree requires EBMUD to continue implementation of its Regional Private Sewer Lateral Ordinance (www.eastbaypsl.com), construct various improvements to its interceptor system, and identify key areas of inflow and rapid infiltration over a 22-year period. Over the same time period, the consent decree requires the Satellite Agencies to perform I/I reduction work including sewer main rehabilitation and elimination of inflow sources. EBMUD and the Satellite Agencies must jointly demonstrate at specified intervals that this work has resulted in a sufficient, pre-determined level of reduction in WWF discharges. If sufficient I/I reductions are not achieved, additional investment into the region’s wastewater infrastructure would be required, which may result in significant financial implications for East Bay residents.

To ensure that future projects under the San Pablo Avenue Specific Plan Update contribute to these legally required I/I reductions, the lead agency should require all future project applicants to comply with EBMUD’s Regional Private Sewer Lateral Ordinance. Additionally, it would be prudent for the lead agency to require the following mitigation measures for future proposed projects: (1) replace or rehabilitate any existing sanitary
sewer collection systems, including sewer lateral lines to ensure that such systems and lines are free from defects or, alternatively, disconnected from the sanitary sewer system, and (2) ensure any new wastewater collection systems, including sewer lateral lines, for the project are constructed to prevent I/I to the maximum extent feasible while meeting all requirements contained in the Regional Private Sewer Lateral Ordinance and applicable municipal codes or Satellite Agency ordinances.

RECYCLED WATER

EBMUD’s Policy 9.05 requires that customers use non-potable water, including recycled water, for non-domestic purposes when it is of adequate quality and quantity, available at reasonable cost, not detrimental to public health and not injurious to plant, fish, and wildlife to offset demand on EBMUD’s limited potable water supply. Appropriate recycled water uses could include landscape irrigation, commercial and industrial process uses, building cooling, toilet and urinal flushing in non-residential buildings and other applications.

Proposed projects within the specific plan area are not currently candidates for recycled water; however, future recycled water pipeline expansion towards the City could potentially serve proposed projects within the specific plan area. Recycled water is appropriate for outdoor landscape irrigation and EBMUD is evaluating options of recycled water for in-building and commercial non-potable use. As EBMUD further plans its recycled water program, feasibility of providing recycled water to this region may change. EBMUD encourages the City and project sponsors to coordinate closely with EBMUD during the planning of the various project components to further explore the options and requirements relating to recycled water use.

WATER CONSERVATION

Proposed projects within the specific plan area present an opportunity to incorporate water conservation measures. EBMUD requests that the City include in its conditions of approval a requirement that the project sponsor comply with Assembly Bill 325, "Model Water Efficient Landscape Ordinance," (Division 2, Title 23, California Code of Regulations, Chapter 2.7, Sections 490 through 495). The project sponsor should be aware that Section 31 of EBMUD’s Water Service Regulations requires that water service shall not be furnished for new or expanded service unless all the applicable water-efficiency measures described in the regulation are installed at the project sponsor’s expense.
If you have any questions concerning this response, please contact Timothy R. McGowan, Senior Civil Engineer, Major Facilities Planning Section at (510) 287-1981.

Sincerely,

David J. Rehnstrom
Manager of Water Distribution Planning

Enclosure: Figure 1 – Central Pressure Zone Pipeline Map
Figure 1

- New Wildcat Pipeline (El Cerrito) - 13,500 LF
- New Central PZ Pipeline (El Cerrito/Richmond) - 13,000 LF
L08: David J. Rehnstrom, East Bay Municipal Utility District (August 22, 2022)

L08.01 EBMUD is proposing to install a new 36-inch diameter pipeline in San Pablo Avenue from Central Avenue to Nevin Avenue (see enclosed Figure l) adjacent to the project that is currently scheduled for construction between 2026 to 2029. The SEIR should account for cumulative impacts of all active construction projects within the project area.

Response: The SEIR analysis includes current development activity and reasonably foreseeable development in its buildout assumptions. SEIR Chapter 17, Utilities and Service Systems, includes a description of the EBMUD 36-inch pipeline project. With respect to construction period impacts, the SEIR determined that the Specific Plan Update would result in potentially significant construction period air quality impacts (for particulate matter and exhaust emissions), however, the SEIR concluded that the mitigation measures identified in the 2014 Specific Plan EIR (2014 EIR) would still be applicable. These measures call for incorporation of BAAQMD dust control provisions into project conditions of approval (Mitigation 5-1) and preparation of project-specific health risk assessments (Mitigation 5-2). The SEIR concluded that with these mitigation measures, construction period impacts on air quality would be reduced to a less-than-significant level.

With respect to construction period noise and vibration impacts, the SEIR concluded that the Specific Plan Update would result in intermittent exposure to high levels of noise for some businesses and residences, consistent with the 2014 EIR. The 2014 EIR determined that incorporation of the construction noise mitigations in Mitigation 13-3 would reduce construction noise impacts but not to a less-than-significant level, and therefore the impact would be significant and unavoidable; the SEIR concluded that this would be the same for the Specific Plan Update, even with Mitigation 13-3. Similarly, for construction vibration impacts, the 2014 EIR concluded that because of the density of the area, project construction activities might take place near vibration-sensitive areas, and that it would not always be possible to avoid construction activities that generate high levels of vibration. The SEIR concluded that 2014 EIR Mitigation 13-4 would still apply. Mitigation 13-4 calls for site-specific vibration studies to be conducted in areas where project construction is anticipated to include vibration-generating activities in close proximity to existing structures. However, even with this mitigation, construction period vibration impacts would still be significant and unavoidable.

L08.02 The project meets the threshold requirement for a Water Supply Assessment (WSA) because the entire scope of the project includes at least 500 dwelling units and needs to request a WSA from EBMUD.

Response: The City of El Cerrito requested a Water Supply Assessment for the Specific Plan Update, which EBMUD prepared (WSA dated November 10, 2021). The results of the WSA were incorporated into the Draft Supplemental EIR (see SEIR Chapter 17, Utilities and Service Systems). No further response is necessary.

L08.03 State Senate Bill 7 (SB-7) encourages conservation of water in multi-family residential and mixed-use multi-family and commercial buildings through metering infrastructure for each dwelling unit. EBMUD water services shall be conditioned for...
all development projects that are subject to SB-7 requirements and will be released only after the project sponsor has satisfied all requirements and provided evidence of conformance with SB-7.

Response: Comment does not pertain to the adequacy of the SEIR but instead discusses utility service requirements for individual project applicants. Chapter 17, Utilities and Service Systems, of the SEIR describes how all discretionary development facilitated by the Specific Plan Update would continue to incorporate City requirements regarding water supply and water conservation, including water efficiency standards, water recycling, and water conservation measures. The SEIR also notes that State Senate Bill 7 (SB-7) regarding individually metering or sub-metering for new multi-unit structures has applied since 2018.

L08.04 EBMUD's Central Pressure Zone serves proposed projects within the specific plan area. Water main extensions, at the project sponsor's expense, may be required to serve proposed projects within the specific plan area depending on EBMUD's metering requirements and fire flow requirements set by the local fire department.

Response: Comment does not pertain to the adequacy of the SEIR but instead discusses utility service requirements for individual project applicants. Chapter 17, Utilities and Service Systems, of the SEIR describes how all discretionary development facilitated by the Specific Plan Update would continue to incorporate City requirements including coordinating development review with EBMUD. Individual project applicants would be responsible for complying with EBMUD standards.

L08.05 EBMUD's Standard Site Assessment Report indicates the potential for contaminated soils or groundwater within the project site boundaries and sends notice that EBMUD will not install piping or services in contaminated soil or groundwater (if groundwater is present at any time during the year at the depth piping is to be installed). The project sponsor must submit copies to EBMUD of all known information regarding soil and groundwater quality within or adjacent to the project boundary and a legally sufficient, complete and specific written remediation plan establishing the methodology, planning and design of all necessary systems for the removal, treatment, and disposal of contaminated soil and groundwater.

Response: As discussed in Chapter 10 of the SEIR, Hazards and Hazardous Materials, each project applicant in the Plan Update Area would be required to comply with all applicable, existing jurisdictional City-, regional-, and State-mandated site assessment, remediation, removal, and disposal requirements for soil, surface water, and/or groundwater contamination. These are the same requirements as identified in the 2014 EIR, and would include the requirements of each City, the Regional Water Quality Control Board (RWQCB), and the California Department of Toxic Substances Control (DTSC). The SEIR concluded that compliance with these established requirements would be expected to assure that possible health and safety impacts related to contaminated soil and/or groundwater would be less-than-significant.
L08.06 The EBMUD Main Wastewater Treatment Plant (MWWTP) and interceptor system anticipates wet weather capacity issues related to accommodating proposed wastewater flows from due to excessive infiltration and inflow (I/I) during storms.

Response: Comment does not pertain to the adequacy of the SEIR but instead discusses requirements for individual project applicants. Chapter 17 of the SEIR, Utilities and Service Systems, discusses the EBMUD wastewater capacity issues and Regional Water Board “consent decree” requirements. The SEIR also discusses the work program implemented by the Stege Sanitary District to improve wastewater collection facilities. In addition, the SEIR describes recommended wastewater infrastructure improvements, including wastewater pipe upsizing, to accommodate increased flows from Specific Plan Update development. Developer participation in these improvements would be part of the standard conditions of development under the Specific Plan Update.

L08.07 EBMUD (and its service cities and Stege Sanitary District, collectively “Satellite Agencies”) needs to eliminate wastewater facilities discharges by 2036. EBMUD requests that the lead agency require future project applicants to comply with EBMUD’s Regional Private Sewer Lateral Ordinance and that the following mitigation measures should be required for future proposed projects: (1) replace or rehabilitate any existing sanitary sewer collection systems, including sewer lateral lines to ensure that such systems and lines are free from defects or, alternatively, disconnected from the sanitary sewer system, and (2) ensure any new wastewater collection systems, including sewer lateral lines, for the project are constructed to prevent I/I to the maximum extent feasible while meeting all requirements contained in the Regional Private Sewer Lateral Ordinance and applicable municipal codes or Satellite Agency ordinances.

Response: Comment does not pertain to the adequacy of the SEIR but instead discusses utility service requirements for individual project applicants. As discussed in SEIR Chapter 17, Utilities and Service Systems, these EBMUD requirements would be considered standard conditions of development under the Specific Plan Update. Specific consent decree requirements would be the responsibility of Stege and/or EBMUD, with individual project applicant compliance a requirement of utility service.

L08.08 EBMUD Policy 9.05 requires customers to use non-potable water, including recycled water, for non-domestic purposes when it is of adequate quality and quantity, available at reasonable cost, not detrimental to public health and not injurious to plant, fish, and wildlife to offset demand on EBMUD’s limited potable water supply. EBMUD encourages the City and project sponsors to coordinate closely with EBMUD during the planning of the various project components to further explore the options and requirements relating to recycled water use.

Response: Comment acknowledged. As discussed in SEIR Chapter 17, Utilities and Service Systems, neither El Cerrito nor Richmond currently has a program to use recycled water.

L08.09 EBMUD requests that the City include in its conditions of approval a requirement that the project sponsor comply with Assembly Bill 325, "Model Water Efficient
Landscape Ordinance," and states unless all the applicable water-efficiency measures described in the regulation are installed at the project sponsor's expense, new or expanded service may not be furnished.

Response: In the SEIR discussion of “Project and Cumulative Water Supply Impacts,” in Chapter 17, Utilities and Service Systems, the SEIR states: “…future development would be subject to EBMUD and jurisdictional City plans, regulations, and ordinances regarding water supply, including water efficiency standards and conservation measures.” In addition, the California Green Building Code includes requirements for new development to comply with the local model water efficient landscape ordinance (MWELO) or, in its absence, the State’s MWELO. Per El Cerrito Municipal Code section 16.24.010, the Green Building Code applies to new development and requires development projects to implement the current California Department of Water Resources Model Water Efficient Landscape Ordinance (MWELO). No change in the SEIR discussion or analysis is required.
3. REVISIONS TO THE DRAFT SEIR

The following section includes all revisions to the Draft SEIR subsequent to public release of the document in July 2022. Several of the comments on the Draft SEIR required minor revisions to the document. Revisions have been made to Chapter 9, Greenhouse Gas Emission and Energy and are included in the following pages. None of the revisions to the Draft SEIR otherwise changes any of the document’s content, findings, or conclusions. Likewise, none of the revisions to the Draft SEIR results in a substantial increase in the severity of an identified significant impact or the identification of a new significant impact, mitigation, or alternative considerably different from those already considered in preparing the Draft SEIR.

All text revisions are indicated by strike-through and underlining plus a bracket in the left margin next to the revised line(s). All the revised pages supersede the corresponding pages in the July 2022 Draft SEIR. None of the criteria listed in CEQA Guidelines section 15088.5 (Recirculation of an EIR Prior to Certification) indicating the need for recirculation of the July 2022 Draft SEIR has been met as a result of the revisions. In particular:

- no new significant environmental impact due to the project or due to a new mitigation measure has been identified;
- no substantial increase in the severity of a significant environmental impact has been identified; and
- no additional feasible project alternative or mitigation measure considerably different from others analyzed in the Draft SEIR has been identified that would clearly lessen the environmental impacts of the project.
California has one of the lowest per capita energy consumption levels in the U.S. This is a result of California’s mild climate, extensive efforts to increase energy efficiency, and implementation of alternative technologies. California leads the nation in electricity generation from solar, geothermal, and biomass resources (U.S. EIA 2018).

**9.2.1 Electricity**

In 2018, almost half of California’s net electricity generation was from renewable resources, including hydropower (U.S. EIA, 2019). In 2018, the California electric system used 282,448 gigawatt hours (GWh) of electricity (CEC 2021). Contra Costa County consumed 9,258 GWh of electricity, about three percent of the state’s electricity consumption in 2018 (CEC 2021).

MCE is the utility provider for the Plan Update Area. Estimated Annual MCE Electricity data consumed by customers in 2018 was 5,748,700,734 kilowatt hours (kWh) – or 5,749,701 MWh – with 5,747,377 MWh coming from electricity consumed within the city of El Cerrito.

**9.2.2 Natural Gas**

California accounts for less than 1 percent of total U.S. natural gas reserves and production; however, almost two-thirds of California households use natural gas for home heating (U.S. EIA 2020). In 2018, California consumed about 12,666 million therms of natural gas. Contra Costa County consumed approximately 1,124 million therms of natural gas in the same year, accounting for approximately nine percent of statewide consumption (CEC 2020b).

Pacific Gas and Electric (PG&E) provides natural gas service to the Plan Area. PG&E is the principal distributor of natural gas in Northern California and provides natural gas for residential, commercial, and industrial markets. The annual gas sale to all markets in 2018 was approximately 4,794 million therms (CEC 2020c).

**9.2.3 Transportation**

California’s transportation sector consumed 80.6 million British thermal units (Btu) of energy per capita in 2017, which ranked 31st in the nation (U.S. EIA 2017). Most gasoline and diesel fuel sold in California for motor vehicles is refined in California to meet state-specific formulations required by the California Air Resources Board.

According to the Board of Equalization (BOE), statewide taxable sales figures indicate a total of 15,339 million gallons of gasoline and 3,074 million gallons of diesel fuel were sold in 2018 (CEC 2019b; CDFTA 2018). Although exact estimates are not available by County, retail fuel outlet survey data indicates Santa Clara-Contra Costa County accounted for approximately 2.6 percent and two percent of total statewide gasoline and diesel sales, respectively, in 2018 (CEC 2019c).

**9.3 REGULATORY SETTING**

The following section focuses on any changes to the regulatory setting that have occurred since certification of the 2014 Specific Plan EIR. Chapter 9 (Greenhouse Gas Emissions and Energy), Section 9.2 (Regulatory Setting) of the 2014 EIR includes the regulatory setting for GHG emissions and energy and is still current for this SEIR, except as noted below.
As discussed in Section 9.3.2 of this SEIR, the State of California has adopted additional (codified) goals and plans for the purposes of reducing GHG emissions through 2030. Therefore, this SEIR compares estimated emissions against an interpolated efficiency metric of 1.84 MTCO$_2$/SP/YR for the Year 2040 to help evaluate the significance of proposed Specific Plan's GHG emissions. The 1.84 MTCO$_2$/SP/YR efficiency metric demonstrates substantial progress toward future GHG emission reduction goals at the state-level. While the interpolated project-specific goal of 1.84 MTCO$_2$/SP/YR for Year 2040 is a helpful proxy for demonstrating substantial progress toward future state GHG emission reduction goals, it is also important that the proposed Specific Plan be consistent with plans, policies, and regulations for the purposes of reducing GHG emissions, as the strategies / requirements contained in these documents also address GHG emission reduction goals through the region and state. Thus, in addition to demonstrating consistency with the interpolated 2040 project-specific efficiency metric, this EIR also relies upon consistency with the following plans to determine the significance of the proposed Specific Plan’s GHG emissions:

- CARB 2017 Climate Change Scoping Plan, including the 2017 Climate Change Scoping Plan’s recommended interpolated 2-2040 2030 and 2040 per capita GHG efficiency metrics of 4 and 2 MTCO$_2$ per capita per year, respectively;
- 2040 Plan Bay Area;
- 2017 BAAQMD Clean Air Plan;
- City El Cerrito Climate Action Plan; and
- City of Richmond Climate Action Plan.

In addition, the following criteria have been added to the CEQA Guidelines Appendix G2 (see new [c] and [d] below) and, as shown below, the proposed project would also be considered to have a significant energy impact if it would:

(c) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation; or

d) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

9.4.2 Pertinent Project Changes

Figures 3-4 through 3-8 in Chapter 3 (Description of Project Changes) illustrate the proposed Specific Plan Update site plan. The project proposes adding an additional 2,500 dwelling units to the Specific Plan Area, as well as 100,000 square feet of commercial space. The Plan Update also includes expanding the Plan Area to include an approximately two-acre parcel at the southern Plan Update Area boundary. The additional development capacity proposed by the

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1AB 32 required the state to reduce its emissions to 1990 levels by 2020 SB 32 and EO S-3-05 further establish goals of reductions state-wide emissions 40 and 80 percent below 1990 levels by 2030 and 2050, respectively. 2040 is the halfway point between 2030 and 2050; thus, half the reductions that need to occur between 2030 and 2050 should be achieved by 2040 (i.e., 60 percent below 1990 levels by 2040). Using the efficiency metric for 2020, 4.6 MTCO$_2$/SP/YR and reducing it by 60 percent results in a derived efficiency metric of 1.84 MTCO$_2$/SP/YR for 2040 (4.6 MTCO$_2$/SP/YR * (1 – 0.6) = 1.84 MTCO$_2$/SP/YR). The City is not adopting nor proposing to use 1.84 MTCO$_2$/SP as a CEQA GHG threshold for general use; rather, it is only intended for use on this project.

2CEQA Guidelines appendix G, items VI(a and b) have been added since the 2014 Certified EIR.
development. The quantity of wood-burning fireplaces assumed by CalEEMod were added to natural-gas powered fireplaces.

- **Mobile Sources:**
  - **Trip Generation and Distance:** The default, weekday, and weekend trip generation rates were replaced to reflect the trip generation rates prepared by Fehr and Peers for the Specific Plan Update (Fehr and Peers, 2022). The average trip distance was also adjusted to 6.13 miles per trip to reflect the VMT estimate prepared for the Specific Plan Update by Fehr and Peers (Fehr and Peers, 2022).¹
  - **Emission Factors:** Vehicle emission factors were updated based on derived EMFAC2021 (Version 1.0.1) emission rates for Contra Costa County in the Year 2040, consistent with the methodology described in the CalEEMod User’s Guide Appendix A (CAPCOA, 2021).

- **Water/Wastewater:** As provided in the Water Supply Assessment (WSA) prepared for the proposed Specific Plan Update, the additional development capacity proposed by the Plan Update would use approximately 123.74 million gallons of water per year (EBMUD 2021).

- **Stationary Sources:** Development proposed by the Specific Plan Update may require the use of emergency back-up generators to power fire pumps in the event that electricity is shut off to buildings (e.g., during rolling brownouts or Public Safety Power Shutoffs). The CalEEMod run conducted for the proposed Specific Plan Update conservatively assesses potential emissions associated with the operation of 33, 100 horsepower diesel generators each operating for 146 hours per year. This assumption is conservative, because: 1) it assumes a new back-up generator would be required for approximately every new project proposed under implementation of the Specific Plan Update, and 2) the runtime estimate of 146 hours covers 50 hours of annual testing (maximum allowed under CARB’s Airborne Toxic Control Measure for Stationary Compression Ignition Engines and Section 330.3 of BAAQMD Regulation 9, Rule 8) and four (4) additional days (i.e., 96 hours) of runtime in the event of an emergency.

The estimated emissions associated with the proposed Specific Plan Update are presented below in Table 9-1.

As shown in Table 9-1, implementation of the proposed Specific Plan Update would result in a net mass increase of approximately 12,149 MTCO2e under Year 2040 conditions. The proposed Plan Update Area’s GHG emissions, on a service population efficiency basis, would be reduced to approximately 1.76 MTCO2e/SP/YR, which is below both the BAAQMD current annual emissions threshold of 4.6 MTCO2e/SP/YR for Year 2040 and the 2040 project-specific goal used to demonstrate

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¹Fehr and Peers estimates that the additional development capacity proposed by the Specific Plan Update would result in approximately 88,553 daily VMT. This estimate was scaled upwards by a factor of 347 days to estimate annual emissions generated by mobile sources, the same adjustment factor used in CARB’s 2000-2012 Greenhouse Gas Emissions Inventory, and divided through by an annualized estimate of trip generation to derive an average trip length of 6.13 miles per trip. The multiplication factor of 347 days accounts for differences in mobile source activity on weekdays and weekends (CARB, 2014).
2022. Permitted Stationary Sources Risk and Hazards Map. Available at: https://baaqmd.maps.arcgis.com/apps/webappviewer/index.html?id=2387ae674013413f987b107171546a5

California Air Pollution Control Officers Association (CAPCOA)


California Air Resources Board (ARB)


California Energy Commission (CEC)


City of El Cerrito


City of Richmond


East Bay Municipal Utility District (EBMUD)


Marin Clean Energy (MCE)


Metropolitan Transportation Commission (MTC)

2021 Priority Development Areas (Plan Bay Area 2040) Available at:
https://opendata.mtc.ca.gov/datasets/priority-development-areas-plan-bay-area-