

July 7, 2020

Via E-mail

Town of Loomis
c/o Costco Comments
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Re: Costco Final EIR (June 2020)(SCH# 2017052077)

To Whom It May Concern:

This letter is submitted on behalf of the City of Rocklin. Because the proposed Costco wholesale-to-public store (the “Project”) is proposed on Rocklin’s border, Rocklin has a critical interest in ensuring the Project will be properly analyzed and mitigated so that it does not directly and adversely affect City of Rocklin residents, streets and nearby commercial enterprises (existing and potential). In light of the Town of Loomis’ release of the Final EIR (“FEIR”) in just a few days prior to an extended holiday weekend, this letter is focused on the most readily identifiable issues and concerns that remain unaddressed. The City of Rocklin reserves the right to continue its review and submit additional comments, if any, in the days following the Planning Commission hearing on the Project.

Attached are additional comments prepared by Fehr & Peers regarding fundamental flaws in the traffic analyses and newly released Vehicle Miles Traveled (“VMT”) study. (**Exhibit 1.**) As discussed below and detailed further in the exhibit, the Final EIR (“FEIR”) has not fully addressed errors in the identification, evaluation, and mitigation of impacts, particularly on trip generation assumptions and the calculation of the Project’s VMT. As a consequence, these analytical errors continue to undermine the accuracy of the analysis of other critical environmental issues such as Air Quality, Greenhouse Gases (“GHG”), and Noise. The City of Rocklin has also identified several other unresolved CEQA errors in the alternatives, noise, and responses to comments, as well as general plan and zoning issues that must be addressed before the Town of Loomis considers final approval of the Project. The City of Rocklin requests that the EIR and the Project be modified to address the issues identified in this letter, which includes the exhibit which is incorporated into this comment letter in full.

I. Significant Traffic And VMT Analytical Errors Deprive The Public Of A Meaningful Opportunity To Comment On The Significant Impacts of The Project.

Despite the numerous errors and inaccuracies in the RDEIR’s traffic and VMT analyses thoroughly explained in the City of Rocklin’s Comment Letter, the FEIR’s responses to comments relies on irrelevant comparisons, unsupported assumptions, or simply avoids addressing issues

altogether, in order to claim “all is well.” The following are just the more glaring issues the City of Rocklin has identified in its review of the FEIR.

a. The Newly Prepared VMT Study Fails To Fix The Problems Created By The Old VMT Analysis.

To address comments by the City of Rocklin and others regarding the inadequacies of the assumptions and analyses of VMT in the RDEIR, the FEIR introduces a whole new VMT study that purports to affirm the conclusions in the original VMT analysis. Tellingly, it does not confront the questions surrounding the reasonableness of the pass-by assumptions. Instead, the FEIR’s response asks the public to ignore the problems in the original VMT analysis by pointing to another shiny new VMT study that suffers from its own, similar issues:

- The new VMT study makes several assumptions that are based on unsupported assumptions provided by the applicant without any underlying data that would allow decision makers and the public to independently evaluate the reasonableness of those assumptions. These include: (1) the purported “average” number of transactions at the Roseville store; (2) the assumed daily trip generation rate of the Loomis store that is 21% lower per KSF than the Roseville store; and (3) the assumed change in member visit frequency.
- On the substance of the trip generation assumption, the VMT study fails to account for a substantial difference in the number of trips per KSF in Loomis over what is assumed for Roseville. Presumably the relatively close proximity of the Loomis store, which would be bigger in size and have fewer daily customers, would eventually find an equilibrium with the Roseville store. The new VMT study simply presumes, without evidence, that full Loomis project operations will generate 21% fewer daily trips.
- The Town insists that its Costco specific data is accurate simply because it identifies lower pass-by and diverted trip estimates than would be identified in the Trip Generation Manual. (Response to Comment 58.) The Trip Generation Manual information is immaterial, because it is not evidence that the Costco-provided data (which data and analysis has not been provided to decision makers or the public to independently evaluate the reasonableness of the RDEIR’s assumptions) is reasonable and sufficiently supported by substantial evidence.
- The new VMT study still does not confront the pass-by trip assumption problems identified in City of Rocklin Comment 59. In fact, assumptions in the new VMT study only exacerbate the issues previously identified. As outlined in Figure 1 to Exhibit 1, pass-by trips include only those vehicle that “pass by” the studied destination and decide to pull into the site even though they had no intention to drive to that location prior to

driving by. Any other scenario would be considered a primary trip, or at least a diverted trip, both of which would account for some additional amount of VMT.

As shown in City of Rocklin's Comment 59, the top 20 zip codes projected to serve the Loomis store would consist of 45,208 members, which accounts for approximately 19% of all adults within that same geographic region. Figure 1 reasonably assumes that on any given day the same 19% share of 2,060 existing PM peak hour motorists would be traveling by the Project site, equaling 391 Costco members. If, as the RDEIR assumes, 179 of those pass-by trips decide to enter the site, then the pass-by assumptions in the RDEIR requires nearly 50% of those Costco members passing by the site to enter the site. Given that the typical upper bound of the percentage of pass-by drivers that enter a studied site used by traffic engineers is 25%, the burden is on the Town to provide substantial evidence in support of the reasonableness of its pass-by rate assumption of 33.3%. As has been identified previously, and again here, the Town has not provided any evidence to support its unorthodox pass-by rate assumptions.

b. The FEIR Does Not Adequately Respond To Comments Demonstrating Critical Errors in the RDEIR's Cumulative Buildout Assumptions.

City of Rocklin Comment 69 identified a critical error in the buildout trip generation assumptions for the Undeveloped Commercially-Zoned Property directly across from the entrance to the Project site, as well as the Granite Marketplace project. The City of Rocklin's 2030 Travel Demand Model expects the property directly west of the Project site to yield approximately 184,400 square feet of retail commercial space which the ITE Manual would project trip generation to be 855 weekday PM peak hour trips, nearly triple that assumed in the RDEIR. Instead, the RDEIR only assumed 296 weekday PM peak hour vehicle trips would use the presumed west leg of the Project Driveway intersection. For Granite Marketplace, the site is projected to yield 153,000 square feet of retail and a net increase of approximately 575 weekday PM peak hour trips directly onto the east leg of the Sierra College Boulevard/Granite Drive intersection. When these errors were identified, the Town's Response to Comment 69 deflected all responsibility to what amounts to "we included whatever the City of Rocklin 2030 model said," and in the case of Granite Marketplace, the response stated the model included 414 weekday PM peak hour trips were generated in the 2030 model. Yet, despite this assertion the net increase in weekday PM peak hour trips for the eastern leg of the Sierra College Boulevard/Granite Drive intersection between existing and cumulative conditions is only 100 vehicles. Response to Comment 69 fails to address this inconsistency.

- c. The FEIR Fails to Adequately Explain Why Brace Road Trip-Share Assumptions Were Not Modified In Response to Gridlock Conditions On Southbound Sierra College Boulevard.*

City of Rocklin Comment 65 explains that Brace Road trip share assumptions should have been modified to account for more Brace Road trips to access Horseshoe Bar Road Interchange, as a result of significant time-delays to travel south on Sierra College Boulevard to reach I-80 under existing plus project conditions. The Response to Comment simply argues that this will not occur because it would be considered “substantial out-of-direction travel.” The response fails to address the foundational premise of the comment that technological improvements, such as wayfinding smart phone apps, easily allow drivers to determine alternative routes that can reach their destination faster even when, technically, the faster route is a longer one. Furthermore, the response raises an entirely irrelevant assertion that the trip-share assumption was “approved” by the City of Rocklin. The Town has an independent obligation to re-evaluate its early assumptions during the internal traffic study preparation process when data indicates that a previously reasonable assumption is no longer reasonable due to changed circumstances.

- d. The FEIR Appears To Confirm An Additional Unidentified I-80 West Bound Off-Ramp Impact.*

Response to Comment 89 appears to have confirmed an additional unidentified queuing impact on the I-80 west bound off-ramp which was previously identified in City of Rocklin Comment 87 as the result of its traffic analysis peer review. (See Exhibit 1, Rebuttal 89.) The Town must address this unidentified potentially significant impact.

II. The Revised Mitigation Measure To Address Operational Noise Impacts Improperly Defers Formulation of Mitigation Without Establishing Performance Criteria.

The FEIR proposes changes to Mitigation Measure Noise-2 that includes a noise reduction component that requires the following: “The Tire Center doors shall be closed whenever pneumatic wrenches and tire breakers are used, to the maximum extent feasible.” As a result, the FEIR modifies the previously identified significant and unavoidable noise impact conclusion to now find that the noise impact would be less than significant with mitigation. The inclusion of a mitigation requirement that requires compliance only “when feasible” improperly defers formulation of the mitigation, as there is no performance criteria identifying how the Town will ensure compliance, nor demonstrate that the requirement will actually lead to the impact reduction that is presumed to occur.

III. The FEIR’s Responses To Concerns Raised About The Adequacy Of The RDEIR’s Alternatives Analysis Fail To Cure Those Flaws.

- a. The FEIR’s Response To Concerns That The Narrowing Of The Project Objectives Rendered Some Alternatives Facially Infeasible Do Not Address The Fact That Two Alternatives Fail To Meet More Than Half Of The Town’s Project Objectives.*

The City of Rocklin’s concerns about the RDEIR’s narrowing of the project objectives is that they undermine the potential feasibility of the selected alternatives, thus precluding the consideration of other alternatives that could reduce potentially significant

impacts of the Project. As noted in Response to Comment 49, a range of alternatives need only feasibly attain “most” of the project objectives, but two of the three alternatives (that are not a “no project” alternative) on their face would fail to meet three of the Town’s five objectives. As a result, the response concludes that there is no need to consider a Reduced Project/Reduced Fueling Station alternative because “the RDEIR analyzed four alternatives.” The proposed alternative should be analyzed because it would (i) meet “most” of the project objectives and (ii) reduce significant traffic impacts as evidenced by the outsized trip generation impact of the fueling station component as assumed in the RDEIR’s analysis of Alternative 2. (See RDEIR section 6.4.2.6 [“3,300 fewer daily trips would be generated under Alternative 2 (No Fueling Station).”]).

b. Response to Comment 52 Relies On Unsupported Suppositions Provided By The Applicant To Conclude Alternative 3 Does Not Meet Every Project Objective.

The City of Rocklin commented that the RDEIR’s finding that Alternative 3 did not meet the project objective “Develop a Costco warehouse large enough to accommodate all uses and services that Costco provides to its members elsewhere,” was unsupported by substantial evidence. The City argued this was so, because the RDEIR expressly assumed that “all activities planned for the proposed project would occur under Alternative 3.” Instead of addressing this issue, the Towns’ response was non-responsive. It laid out an eloquent defense of a project objective that does not actually appear in the RDEIR. The objective at issue only calls for a project that could “accommodate all uses and services,” not that it must also accommodate them at a specific level. The fact that the 20% reduction would purportedly “result in a reduction of 500 to 550 SKUs” (which is asserted by the applicant without evidence that would allow the decision makers and the public to independently evaluate the veracity of the applicant’s conclusions) does not actually support the Town’s assertion that Alternative 3 would fail to “accommodate all uses and services.” The RDEIR expressly assumes that “all activities planned for the proposed project would occur,” and the fact that a reduced store size could reduce the volume of SKUs does not support the conclusion that the store could not still “accommodate all uses and services” at an overall reduced volume.

IV. Responses To Comments Fail To Adequately Respond As Required By CEQA.

So far, the City of Rocklin has identified several occasions where the FEIR’s responses to comments simply ignore issues and concerns posed in the original comment.

a. Response To Comment 22.

The response fails to address queue spillback concerns raised about the Sierra College Boulevard/Granite Drive intersection and the Sierra College Boulevard/Brace Road intersection.

b. Responses To Comments 23 and 90.

The response fails to address the substantial evidence provided by the City of Rocklin showing specific examples of project driveways aligning directly with the entrance to Costco facilities and other similar uses in other locations.

c. Response To Comment 115.

The response does not address the City of Rocklin's comment that the proposed wall does not "incorporate decorative features on both sides..." as required by the Town Development Standards.

d. Response To Comment 137.

The response asserts that the City of Rocklin comment "does not identify any specific secondary effects or provide any evidence thereof." Though CEQA lead agencies have their own independent obligation to evaluate the potentially significant secondary effects of proposed mitigation, the City of Rocklin is happy to assist. Presumably the second northbound left turn lane would require widening of Sierra College Boulevard to accommodate the added turn lane, which could have biological impacts associated with the additional land area that is required. The additional westbound right turn lane could also have biological impacts because of the land area that would be required, and the City of Rocklin is aware of the presence of wetlands in that location due to a prior proposal to develop that area. Unanticipated discoveries of cultural resources could also occur anytime you are disturbing land, particularly for the undisturbed area of land for the additional westbound right turn lane.

e. Response To Comment 138.

The response to the comment that suggested the Town consider requiring delivery trucks to use Horseshoe Bar interchange, improperly assume that the only route that could be considered was from Horseshoe Bar interchange via Brace Road. The response failed to consider another potentially viable alternative truck route from Horseshoe Bar interchange via Taylor Road. This route avoids truck traffic through residential neighborhoods, aligns the trucks' entry into the site with the right-in only entrance on Brace Road, and the distance to the same location on I-80 northeast of the Horseshoe Bar interchange appears to be about 1/3 mile shorter than the Sierra College Boulevard interchange route.

f. Response To Comment 140.

The response fails to address the concerns over the RDEIR's energy impacts analysis use of amortized construction fuel amounts given the short-term nature of the Project's construction vehicles' consumption of fuel.

V. The Project Is Not In Compliance With Applicable Mandatory Loomis General Plan Policies.

- a. The Town Seeks to Improperly Defer Its Compliance Determination Of The Project's Mandatory Obligation To Conduct Carbon Monoxide Modeling Required By The Loomis General Plan To Another Agency.*

The Town's Response to Comment 34 attempts to address the City of Rocklin's comment that the Project failed to prepare a carbon monoxide (CO) modeling analysis that is mandated by the Town's own general plan Natural Resources and Open Space Policy 1.e by relying on the Air District's determination over whether CO modeling is necessary. The Town cannot defer its general plan compliance determination obligation to another agency. The Town adopted this mandatory policy and must comply.

- b. The Town Seeks to Improperly Amend Land Use Policy F.5 Without Processing A General Plan Amendment.*

The Town's mandatory General Plan Land Use Policy F.5 states that "New commercial development shall preserve and integrate existing natural features (e.g., creeks, native trees, rock outcrops) and topography into project landscaping." The Town's consistency analysis seeks to add a "where feasible" flexibility component to a policy where there is no such language. The Town must comply with its own mandatory policy to "preserve and integrate" native oak stands on the Project site.

- c. The Town's Consistency Determination With Loomis General Plan Natural Resources and Open Space Policy 1.j Requiring Park-and-Ride Lots On New Developments Is Not Supported By Substantial Evidence.*

The Town's determination that the Project is consistent with Natural Resources and Open Space Policy 1.j requiring new development to dedicate land for park-and-ride lots is not supported by substantial evidence. In fact, the Town's assertion that the Project involves a proposed commercial development (retail shopping) and is not an appropriate location for use as a park-and-ride lot" is directly contradicted by (1) the Caltrans park and ride lot within the nearby Rocklin Commons shopping center; and (2) the Yuba-Sutter Transit park-and-ride lot located at the Sam's Club on Highway 20 in Yuba City.

- d. The Town Always Has The Right To Modify Or Delete A Problematic General Plan Policy, But Has Chosen Not To Do So.*

If the Town has now decided that these policies are no longer needed then it could amend its own general plan and prepare the CEQA analyses necessary to do so. None of this occurred, which leaves the Town with one option—comply with its own mandatory policies.

VI. The Project Is Inconsistent With The Allowed Uses In the Site's Residentially-Zoned Properties.

As raised by several commenters to the RDEIR, the City of Rocklin concurs that the Project, as proposed, is not consistent with the allowed uses in the residential zoning districts applicable to

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the Project site. The City should either modify the Project to remove the Project uses from the residentially zoned property or rezone the affected properties to general commercial, consistent with the remainder of the Project site.

VII. Conclusion.

As detailed above, the FEIR does not fully account for the significant flaws previously identified in the RDEIR, and sometimes exacerbates these flaws with additional unsupported assumptions asserted by the applicant without providing the necessary data and evidence for decisionmakers and the public to independently evaluate the reasonableness of those assumptions. The City of Rocklin anticipates that the Town of Loomis in addressing these concerns will be obligated to recirculate the RDEIR for additional public review and comment. In addition to the CEQA considerations, the City of Rocklin has identified general plan, zoning and project design errors that will need to be addressed prior to consideration of Project approval. The City of Rocklin is always committed to work with the Town of Loomis to successfully address the above concerns. Please contact the City Manager's office if you wish to arrange further engagement between the Town of Loomis and the City of Rocklin regarding the Project.

Sincerely,



Daniel S. Cucchi

DSC/lh
Enclosures
cc: Client (w/encls.)