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February 25, 2021

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Re: SDG Commerce 217 Distribution Center (PL20-0008) - Mitigated Negative Declaration (February 25, 2021 Planning Commission Meeting, Agenda Item No. 5.2)

Dear Commissioners and Mr. He:

Please accept this brief comment on behalf of **Laborers International Union of North America, Local 324 ("LIUNA")** and its members living and working in and around the City of American Canyon regarding the Draft Initial Study and Mitigated Negative Declaration ("MND") prepared for the proposed SDG Commerce 217 Distribution Center Project (the "Project"). Thank you for the responses prepared to our earlier comments submitted to the Commission on January 17, 2021.

We appreciate the acknowledgement in the responses that the original VMT analysis was incorrect and employed bike trip lengths that could not be substantiated in fact or based on any effort to gather information on bike commuting in general or in the American Canyon area. It appears, however, that the City's consultant, in responding to those obvious shortcomings, has now embellished its VMT mitigation analysis with numerous other unsubstantiated claims and speculation. Rather than an objective analysis of the actual incremental VMT reductions that will

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result from an 800-foot stretch of bike lane connecting two existing bike lanes, the effort seeks, without evidentiary basis, to achieve a desired outcome. The notion that an 800-foot connecting bike lane will, by itself, induce 96 new bike commuters to commute to jobs to the north of the Project and reduce VMTs by 1004 is farfetched. The only way the consultant generates such a number is by ignoring the terms of the federal guidance it claims to be applying, blatantly attempting to assign benefits of other parties' bike lane construction efforts to the applicant, and making believe that, without the connector bike lane, bike commuters from the neighborhood south of the Project heading north must ride on the shoulder of State Route 29. All of these efforts to invent a justification for not requiring sufficient VMT reductions to mitigate the Project's increases in VMT are not supported by the cited guidance or facts. These supplemental comments highlight this continued concern and the remaining fair argument that the Project may have significant environmental impacts from its unmitigated increase in VMTs.

1. GHD's analysis is inconsistent with the NCHRP guidelines it cites.

GHD claims to base its analysis of VMT reductions attributable to the bike lane connector on National Cooperative Highway Research Program Report 552, "Guidelines for Analysis of Investment in Bicycle Facilities." ("NCHRP Report"). The method set forth in the NCHRP Report for estimating induced bike commutes from a new bike facility relies on bike commuters from three buffer distances from a bike facility who would most likely use the facility. (NCHRP Report, p. 38.) These three buffers are less than 400 meters, 400 to 799 meters and 800 to 1599 meters. (*Id.*, pp. 38, Appendix B, B-6.) As the NCHRP Report explains:

Research for this project uncovered that people are more likely to ride a bicycle if they live within 1,600 m (1 mi) of a facility than if they live outside that distance (Appendix B). The likelihood of bicycling increases even more at 800 m and 400 m. The team therefore estimates existing and induced demand using 400-, 800-, and 1600-m buffers around a facility.

(*Id.*) The analysis identifies the population within each of those buffer areas and estimates the number of bike commuters in each buffer using the project region's "bicycle commute share."

(*Id.*) The analysis also provides a method to calculate the total adult cyclists in the buffer areas.

(*Id.*) The NCHRP Report developed "likelihood multipliers" for each of the three buffer zones to account for the fact that "people who live near a facility are more likely to bike than those that do not..." *Id.*, pp. 38-39. A different likelihood multiplier is provided for each of the three NCHRP buffer zones.

Rather than abide by the NCHRP Report's methodology, GHD took the liberty of adding a buffer zone beyond 1600 meters – from 1600 to 2400 meters from the proposed bike lane. (Agenda Packet ("AP"), pp. 302-303.) Substantial evidence includes "facts, reasonable assumptions predicated upon facts, and *expert opinion supported by facts.*" (CEQA Guidelines, § 15384(b) (emphasis added).) Because there is no justification based on the NCHRP Report to inflate induced bike commuter use by randomly expanding the buffers to include people living 1600 to 2400 meters away from a proposed bike lane, GHD's analysis is not based on substantial evidence.

The inconsistencies of GHD's analysis with the NCHRP Report do not however end there. In its analysis, GHD does not include the closest buffer zone identified in the NCHRP Report – 0 – 400 meters. Instead, it uses a 0 – 799 meter buffer, an 800 to 1599 meter buffer and its third made-up buffer from 1600 meters to 2400 meters. However, in calculating how many of the residents in each of these areas are induced to use the new bike lane, GHD then applies the NCHRP's "likelihood multipliers" for the original NCHRP buffer distances. GHD references the likelihood multipliers "[e]stablished by NCHRP 552 research; see Appendix B." AP, p. 304. However, the NCHRP Report and its Appendix B do not establish a likelihood multiplier for GHD's newly minted buffer zone from 1600 to 2400 meters from a facility. So, GHD could not have been applying a number from the NCHRP Report to that area. GHD does not explain which likelihood multipliers it applied to the three zones it selected. If GHD applied the three multipliers calculated by NCHRP for the 400, 800 and 1600 buffer zones to GHD's 800, 1600, and 2400 buffer zones, there would be no evidentiary basis for GHD's new, induced bike commuter computation. In any event, GHD provides no evidence supporting its application of a multiplier factor for the fictitious buffer it seeks to add surreptitiously to the NCHRP Report's methodology. GHD also does not provide evidence of which likelihood multipliers it applied to the 800 meter and 1600 meter zones in its analysis. Without this evidence, the analysis is not substantial evidence.

2. GHD's effort to credit the Project with mitigation for the already completed Bay Trail bike facility adjacent to Wetlands Edge Road is entirely arbitrary and is not supported by evidence that the bike lane gap along 800-feet of Commerce Court is "non-traversable."

GHD further attempts to inflate the VMTs attributable to the proposed 800 feet bike lane by claiming the VMT analysis should include all bike commuters induced by the 1.7 miles of Bay Trail bike access that was constructed along the western side of Wetlands Edge Road many years ago. (AP, pp. 290, 302.) According to GHD, the 800-foot stretch of Commerce Boulevard where it proposes to add bike lanes currently blocks or limits would-be bike commuters heading north from using the Bay Trail bike lanes to the west of Wetlands Edge Road.

First, there is no evidence that the 800-foot stretch of Commerce Boulevard currently blocks or will block any bike commuters from heading north towards the businesses clustered at the north end of Commerce Boulevard or even further north. The MND does not describe in any way the current condition of that road or, more importantly, the condition that will exist upon the completion of the Napa Junction Elementary School project at the corner of Commerce Boulevard and Eucalyptus. The elementary school is scheduled for occupancy this fall. (AP, p. 101.) Construction of the SDG Warehouse project is expected to be ongoing after the school is completed and open. (*Id.*, p. 124.)

The school project includes reconstructing Commerce Boulevard alongside the school property. (See Napa Junction Elementary School Replacement Project Draft Environmental Impact Report, p. 10-28 [available at <https://drive.google.com/open?id=13Ny2i9F6u2R6NFJBqlifGoNeUqaUoqTk>]; see also *id.*, p.

10-29 (“the proposed project would improve the roadway with asphalt concrete pavement and sidewalk”); Figures 3-5, 3-15 and 3-16 (plans showing bike lanes on Commerce Blvd.) Despite this brand new roadway running from Eucalyptus Avenue north to the existing SDG Commerce 330, GHD contends that this stretch of Commerce Boulevard is a “non-traversable” gap between the residential areas of American Canyon and the employment centers north that precludes viable bicycle commuting choices.” (AP, p. 287.) Only from this premise does GHD then claim that bike commuters cannot get through this stretch of Commerce Boulevard and must instead head to State Route 29 “since the only connection to employment destinations north of Eucalyptus today is along the shoulders of SR 29 – a route navigable the only the most experienced and fearless riders.” (AP, p. 302.) Contrary to GHD’s assertions, a newly constructed stretch of Commerce Boulevard adjacent to the elementary school does not pose any barrier to bike commuters to travel between Eucalyptus Avenue and the bike path across from SDG Commerce 330. As a result, GHD’s and the final MND’s assertions that the proposed new bike lanes will unlock additional potential from the 1.7 miles of existing bikeway along Wetlands Edge Road is not supported by any substantial evidence. Well before the Project is completed, any commuting biker will be able to peddle unobstructed along the brand-new stretch of Commerce Boulevard whether the new bikeway is constructed or not.

Even if the stretch of Commerce Boulevard adjacent to the new elementary school did pose some limited impediment to bikers that required them to slow down for 800 feet does not justify GHD’s random proposal to attribute half of the VMT reductions of an already completed 1.7 mile bikeway to the Project. This blatant effort to inflate the VMT benefits of the Project’s proposed 800-foot bike lane has no basis in fact and is not a mitigation measure attributable to the Project.

Applying the NCHRP buffer zones that are actually included in that methodology (800 and 1600 meters) and the actual length of the bike facility proposed by the Project (800 feet), and assuming the rest of GHD’s calculations are correct, the number of new bike commuters induced by the 800-foot bike lane is at most 22 cyclists. Assuming GHD’s estimate of bike commute distance is reasonable, that amounts to, at most, a VMT reduction of 229 VMTs. As a result, substantial evidence of a fair argument exists that the Project’s VMT increases may have a significant environmental impact.

3. GHD’s estimate of commuter bike trip lengths does not eliminate the substantial evidence of a fair argument that average bike commute lengths in California are 1.5 miles as published by the California Air Resources Board.

GHD relies on a study of Portland, Oregon to borrow an estimated bike commute length for American Canyon. (AP, p. 290, citing “Understanding and Measuring Bicycling Behavior: a Focus on Travel Time and Route Choice”. Oregon Transportation Research and Education Consortium, OTREC -RR -08 -03, December 2008.) GHD provides no rationale in its report why Portland bicycle commute lengths would be representative of American Canyon bicycle commute lengths. This is despite a CARB approved distance of 1.5 miles for bike trips used to calculate VMT reductions from bikeways. (AP, p. 684.) There is no substantial evidence to support the use of bike commute distances from a highly urbanized area like Portland versus a

more rural/suburban setting such as American Canyon. Using 1.5 miles as the lower end of a bike commute distance estimates yields a mere 33 VMT reduction from the 800-foot bike lane.

4. The inclusion of the new VMT calculations and efforts to justify the limited bike lane mitigation require the City to recirculate the MND for public review and comment.

The law is well-established that even if an EIR is not required, a revised negative declaration must be circulated for full public review if it adds new mitigation measures or identifies new impacts. *Gentry v. Murrieta*, 36 Cal.App.4th 1359, 1392, 1411, 1417. The MND's substantial 'changes to its VMT analysis and new mitigation proposals based on the so-called non-traversability of Commerce Boulevard are significant changes to the MND that should be recirculated to the public for review and comment.

Despite the responses to our earlier comments, substantial evidence of a fair argument still exists in the record that the Project may have significant health risks and impacts on wildlife. For all of these reasons and those discussed in our prior comment, the MND is inadequate and an EIR is required to analyze and mitigate the Project's potentially significant environmental impacts. Thank you for your attention to these supplemental comments.

Sincerely,



Michael Lozeau
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