



## PLANNING COMMISSION

### AGENDA

TUESDAY, MARCH 19, 2024

PLANNING COMMISSION REGULAR MEETING – 7:00 PM

MEETING PARTICIPATION INFORMATION CAN BE FOUND AT THE END OF THE  
AGENDA

**IN PERSON INFORMATION:**

CIVIC CENTER MEETING HALL  
CITY COUNCIL CHAMBERS  
1016 S. LIVERMORE AVENUE

Steven Dunbar, Commissioner  
Tracy Kronzak, Commissioner  
Daniel Leary, Commissioner  
Yolanda Fintschenko, Vice Chair  
Jacob M Anderson, Chair

## 1. CALL TO ORDER

### ROLL CALL

Commissioner Steven Dunbar  
Commissioner Tracy Kronzak  
Commissioner Daniel Leary  
Vice Chairperson Yolanda Fintschenko  
Chairperson Jacob Anderson

### PLEDGE OF ALLEGIANCE

## 2. OPEN FORUM

- In conformance with the Brown Act, no Planning Commission action can occur on items presented during Open Forum.
- To provide public comment, please submit a speaker card. When your name is called, walk to the lectern to address the Planning Commission.
- Comments are limited to a maximum of 3 minutes per person, per item. The Chair may reduce the amount of time based on the number of persons wishing to speak.
- Open Forum will conclude after 30 minutes; however, if there are additional speakers, Open Forum will reconvene after Matters for Consideration.

## 3. CONSENT CALENDAR

Consent Calendar items are considered routine and are acted upon by the Planning Commission with a single action. Members of the audience wishing to provide public input must submit a speaker card.

## 4. PROJECT REVIEW

## 5. PUBLIC HEARINGS

- 5.1 Hearing to consider Appeal (APL) 24-001 - Greenville Community Charging Depot, 151 Greenville Road - Site Plan Design Review (SPDR) 23-004

### **Recommendation:**

Staff recommends the Planning Commission adopt a resolution finding the project exempt from the California Environmental Quality Act (CEQA) and adopt a resolution denying Appeal 24-001 and affirming staff's approval of Site Plan Design Review (SPDR) 23-004.

### **Staff Report**

### **Attachments:**

1. [Location Map - 151 Greenville Rd](#)
2. [Development Plans](#)
3. [LMC Chapter 15.38 - EVCS Permit Streamlining](#)
4. [EV Charging Checklist](#)
5. [EV Charging Law Memo](#)
6. [Appeal Application](#)
7. [Staff Findings for Site Plan Design Review](#)
8. [Staff CEQA Determination](#)
9. [CEQA Notice of Exemption](#)

- 10. Resolution - CEQA Exemption
- 11. Resolution - Project approval
- 12. Exhibit A - Conditions of Approval

**6. MATTERS FOR CONSIDERATION**

**7. MATTERS INITIATED BY PLANNING COMMISSION AND STAFF**

**8. ADJOURNMENT**

To a regular Planning Commission meeting on Tuesday, April 2, 2024 at 7:00 pm, Civic Center Meeting Hall, City Council Chambers, 1016 S. Livermore Avenue.

**9. HOW TO PARTICIPATE IN THE MEETING**

You can participate in the meeting in a number of ways:

**Open Forum** is an opportunity for the public to speak regarding items not listed on the agenda. Speakers are limited to a maximum of 3 minutes per person. To address the Planning Commission you must submit a speaker card to the Planning Commission Liaison prior to the start of that item. Please note that the Planning Commission is prohibited by State law from taking action on any items that are not listed on the agenda. However, if your item requires action, the Planning Commission may place it on a future agenda or direct staff to work with you and/or report to the Planning Commission on the issue.

**Public Hearings** - The topic of the hearing is typically summarized by staff, followed by a presentation by the applicant, and then questions from the Planning Commission. The Chair will then open the hearing to the public and offer an opportunity for public comments. Speakers are limited to a maximum of 3 minutes per person. To address the Planning Commission, you must submit a speaker card to the Planning Commission Liaison prior to the start of the presentation of the item.

**Other Agenda Items** are also open for public input including Consent Calendar or Matters for Consideration items. These comments are also subject to the 3-minute limit.

**Special Meetings, Workshops** - The public will have the opportunity to address the Planning Commission regarding the item that is the subject of the special meeting or workshop. Public comments are limited to a maximum of 3 minutes per person.

**Submission of Comments Prior to the Meeting:**

**Email Comments** may be submitted by the public to the Planning Commission Liaison ([planning@LivermoreCA.gov](mailto:planning@LivermoreCA.gov)). Items received no later than 12:00 pm on the day of the meeting will be provided to the Commission and available on the City website prior to the meeting. These items will NOT be read into the record.

**eComments** may be submitted by the public using the eComment link [here](#). Comments may be up to 1000 characters in length and will be accepted up until 6:00 pm the day of the meeting. These items will NOT be read into the record and are viewable by the the

Commission and the public upon submittal.

### Submission of Comments During the Meeting:

Speakers are limited to a maximum of 3 minutes per person. To submit a comment in person, you must complete a speaker card for each item. Speaker cards are available in the Civic Center Meeting Hall lobby. Indicate on the card the item number you wish to comment on and submit the card directly to the Planning Commission Liaison prior to the start of the item. Please note that the Planning Commission is prohibited by State law from taking action on any items that are not listed on the agenda. However, if your item requires action, the Planning Commission may place it on a future agenda or direct staff to work with you and/or report to the Planning Commission on the issue.

If you would like to deliver written materials to the Commission as part of your public comments, please provide 8 copies of to the Planning Commission Liaison with your speaker card.

The **Planning Commission Agenda and Agenda Reports** are prepared by City staff and are available for public review on Friday evening, three days prior to the Planning Commission meeting at 1016 South Livermore Avenue, Livermore. The Agenda is also available on the City's website, <http://livermoreca.gov/agenda>.

Under Government Code §54957.5, any supplemental material distributed to the members of the Planning Commission after the posting of this agenda will be available for public review at City Hall, 1052 South Livermore Avenue, Livermore, and included in the agenda packet available on the City's web site at <http://livermoreca.gov/agenda>.

PURSUANT TO TITLE II OF THE AMERICANS WITH DISABILITIES ACT (CODIFIED AT 42 UNITED STATES CODE SECTION 12101 AND 28 CODE OF FEDERAL REGULATIONS PART 35), AND SECTION 504 OF THE REHABILITATION ACT OF 1973, THE CITY OF LIVERMORE DOES NOT DISCRIMINATE ON THE BASIS OF RACE, COLOR, RELIGION, NATIONAL ORIGIN, ANCESTRY, SEX, DISABILITY, AGE OR SEXUAL ORIENTATION IN THE PROVISION OF ANY SERVICES, PROGRAMS, OR ACTIVITIES. TO ARRANGE AN ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PUBLIC MEETING, PLEASE CONTACT THE ADA COORDINATOR AT [ADACOORDINATOR@LIVERMORECA.GOV](mailto:ADACOORDINATOR@LIVERMORECA.GOV) OR CALL (925) 960-4170 (VOICE) OR (925) 960-4104 (TDD) AT LEAST THREE (3) BUSINESS DAYS IN ADVANCE OF THE MEETING.





**DATE:** March 19, 2024  
**TO:** Chairperson and Members of the Planning Commission  
**FROM:** Steve Riley, Acting Planning Manager  
**SUBJECT:** Hearing to consider Appeal (APL) 24-001 - Greenville Community Charging Depot, 151 Greenville Road - Site Plan Design Review (SPDR) 23-004

**RECOMMENDED ACTION**

Staff recommends the Planning Commission adopt a resolution finding the project exempt from the California Environmental Quality Act (CEQA) and adopt a resolution denying Appeal 24-001 and affirming staff's approval of Site Plan Design Review (SPDR) 23-004.

**SUMMARY**

California Government Code Section 65850.7 requires local agencies to approve the installation of electric vehicle charging stations through non-discretionary permits, unless local officials make a finding that the project could have a specific, adverse impact on public health or safety. Review of the application to install an electric vehicle charging station shall be limited to review of whether it meets all health and safety requirements of local, state, and federal law.

On December 21, 2023, City of Livermore staff (staff) approved non-discretionary application Site Plan Design Review (SPDR) 23-004 for the Greenville Community Charging Depot, a charging hub for medium-and heavy-duty electric trucks. Additionally, staff found the project Statutorily Exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15268, which exempts ministerial projects. Where the law requires a public agency to act on a project using fixed standards and the agency does not have authority to use its own judgment, the project is considered ministerial and CEQA does not apply (CEQA Guidelines Section 15268(a), Section 15369). Staff filed a CEQA Notice of Exemption NOE with the Alameda County Clerk on December 21, 2023.

On January 4, 2024, the City of Livermore (City) received an application from Adams Broadwell Joseph & Cardoza to appeal staff's approval of the project. The appeal is based on the following four points:

1. The City's Development Code describes Site Plan Design Review applications as discretionary acts, therefore staff's review of the project was not ministerial and the project is subject to CEQA.

2. The project may result in significant and unmitigated impacts from hazards and to air quality such that the City must prepare a CEQA Initial Study and EIR.
3. The City filed the CEQA Notice of Exemption with the Alameda County Clerk prematurely and must withdraw to comply with CEQA requirements.
4. The approval is inconsistent with General Plan policies because the project does not include local hire requirements that would employ a skilled and trained workforce to construct the project.

In reviewing the appeal, the Planning Commission exercises its quasi-judicial authority to determine whether the decision made by staff was accurate. Staff recommends the Planning Commission adopt a resolution finding the project exempt from the California Environmental Quality Act (CEQA) and adopt a resolution denying Appeal 24-001 and affirming staff's approval of Site Plan Design Review (SPDR) 23-004. The Planning Commission's decision is subject to a 15-day appeal period.

## **DISCUSSION**

### Project Location

The project site is a triangular, approximately 4.4-acre parcel near the eastern boundary between the City of Livermore and unincorporated Alameda County (Attachment 1). The site is bounded by Greenville Road to the east, industrial buildings and former Southern Pacific rail lines to the north and west, and industrial outdoor storage yards to the south. The site currently contains storage containers, soil stockpiles, and chain link fencing.

### Project Description

FM Greenville, LLC (Forum Mobility) is proposing to develop the Greenville Community Charging Depot, an electric vehicle charging hub for medium and heavy-duty trucks (see Development Plans - Attachment 2). The project is intended to support businesses in Livermore and across the region to comply with the California Air Resources Board's (CARB) Advanced Clean Fleets (ACF) Regulation, which sets stringent requirements for fleets to transition to zero-emission medium- and heavy-duty vehicles. The availability of charging infrastructure is crucial to this transition.

The project will provide trucking entities with dwell charging and opportunity charging services. Dwell charging typically occurs overnight and will be the predominant way to fully charge an electric truck at the site. Opportunity charging, ranging from approximately 30 minutes to two and a half hours, will also be available for trucking entities during shift hours or between freight trips. In most cases, semi-trucks visiting the site will not have trailers attached. Only four of the approximately 90 charging spaces can accommodate a full truck and trailer.

In addition to charging infrastructure, the project includes passenger vehicle parking for truck drivers to park passenger vehicles during shifts, stormwater infrastructure, landscaping, lighting, fencing, and an approximately 400 square-foot modular security and operations building that will include bathrooms for truck drivers. Access to the site will be provided via two new driveways on Greenville Road; the northern driveway will be a right-in only entrance and the southern driveway will be a right-out only exit. The applicant complied with design standards that implicate health and safety, including setbacks to provide adequate clearance to and from the site, lighting, and stormwater management.

Forum Mobility will grant the City a 15-foot easement on the northern boundary of the site to accommodate a future segment of the Iron Horse Trail. Additionally, Forum Mobility will dedicate right-of-way and construct roadway widening improvements along the Greenville Road frontage, as identified in the Livermore General Plan.

### General Plan and Zoning

The project is located in an area designated as High-Intensity Industrial (HII) in the Livermore General Plan. Appropriate uses for this designation include manufacturing, warehousing, research and development facilities, recycling facilities, and heavy industry that uses, stores, or processes raw materials. The High-Intensity Industrial designation is intended to provide an insulated area for uses that may be objectionable in other areas due to noise, odors, vibration, glare or hazards.

The project is located in a Heavy Industrial (I-3) zoning district. The I-3 zone is applied to areas of the city that are appropriate for a range of industrial activities including manufacturing, assembly and processing, the storage and distribution of raw materials, and related industrial uses that are neither objectionable nor detrimental to adjacent properties because of hazards, noise, or other disturbance. The I-3 zone also accommodates professional and administrative facilities accessory to research and manufacturing operations. Finally, the I-3 zone provides for and protects appropriate areas within the City for heavy industrial development.

### State EV Charging Streamlining Laws

In California, Electric Vehicle Charging Station (EVCS) permit applications are required to be approved through a non-discretionary and streamlined permitting process. Government Code Section 65850.7 requires all cities and counties to develop an expedited, streamlined permitting process for all charging station installations including:

- Level 1, Level 2, DC Fast, and wireless charging;
- Public and private charging stations;
- Light-, medium-, and heavy-duty electric vehicle charging stations; and
- Stations that are installed as the accessory or primary use of a site

The State adopted this law to accelerate deployment of charging infrastructure, drive the adoption of zero-emission vehicles, and ultimately improve California's air quality, reduce greenhouse gas emissions, and capture local economic benefits.

Section 65850.7 establishes that local ordinances cannot create unreasonable barriers to electric vehicle station installation, including subjecting applications to aesthetic review or other processes that require unnecessarily long timelines. Section 65850.7 explicitly states that local agencies are required to comply not only with the language of the law, but also the legislative intent to encourage EVCS.

If EV charging is the primary use of the site, the use may require more consideration of health and safety components (e.g., due to increased vehicle usage of the site). Local agencies may implement a different, yet still streamlined, permitting process for these projects (*Electric Vehicle Charging Station Permitting Guidebook Second Edition*, CA Governor's Office of Business and Economic Development).

Nevertheless, a charging station that is the primary use of a site should not be deemed a fueling station,

be limited to zones that allow fueling stations, or be required to complete a conditional use permit process. The State encourages local agencies to develop strategies to enable streamlined permitting for all charging installations, including charging depots, in as many site types as possible.

A local agency may not deny an application to install an electric vehicle charging station unless it makes written findings based upon substantial evidence in the record that the proposed installation would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. While design guidelines that implicate health and safety, such as safety-related lighting, clearance, and signage are permissible under Section 65850.7, aesthetic changes without a specific impact on health and safety—such as landscaping and other screening requirements—are not in accordance with State permitting requirements under Section 65850.7. The State encourages project developers and local agencies to collaborate on creative, practical design elements that can be implemented with minimal expense and complication. Local agencies may provide alternative compliance pathways or ministerial flexibility for EVCS projects to meet design standards in their zoning code wherever possible.

### Staff Review of the Project

The City adopted Livermore Municipal Code (LMC) Chapter 15.38 Electric Vehicle Charging Stations Expedited Permitting, consistent with Government Code Section 65860.7, to create an expedited, streamlined permitting process for electric vehicle charging stations and adopted a checklist of all requirements with which electric vehicle charging stations shall comply to be eligible for expedited review (Attachments 3 and 4). The Governor's Office of Business and Economic Development's EVCS Permit Streamlining Map has verified the City's ordinance and checklist are in compliance with State law: <https://business.ca.gov/industries/zero-emission-vehicles/plug-in-readiness/>.

Although an application for Site Plan and Design Review would typically require approval by the Livermore Planning Commission, as outlined in Chapter 9.07 of the Livermore Development Code, in accordance with Government Code Section 65850.7 and LMC Chapter 15.38, the City was required to implement a non-discretionary, streamlined permitting process for the project. Most EV charging projects in Livermore are reviewed only through the Building Permit process. However, based on the State guidance for primary-use projects discussed above, the City applied a streamlined process, requiring a nondiscretionary permit which was reviewed by the Building Official for health and safety considerations.

To streamline the project, staff conducted an administrative Site Plan Design Review to screen for potential health and safety concerns prior to Building Permit review. The requirements of local law were limited to those standards and regulations necessary to ensure that the project will not have a specific, adverse impact upon the public health or safety. For example, staff reviewed the project for conformance with stormwater requirements, vehicle circulation and traffic safety sight lines, and emergency vehicle access. Additional information about local agency requirements under Government Section 65850.7 are included in Attachment 5.

On December 21, 2023, Staff found the project Statutorily Exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15268, which exempts ministerial projects. Where the law requires a public agency to act on a project using fixed standards and the agency does not have authority to use its own judgment, the project is considered ministerial and CEQA does not apply (CEQA Guidelines, Section 15268(a), Section 15369). Following its CEQA determination,

on December 21, 2023, staff approved the project and filed a Notice of Exemption (NOE) with the Alameda County Clerk (Attachment 9).

### Staff Response to Appeal

On January 4, 2024, the City received an application from Adams Broadwell Joseph & Cardoza to appeal staff's approval of the project (Attachment 6). The appeal is based on the following four points, which have been summarized. Full explanations of the appellant's claims are detailed in Attachment 6.

1. The Livermore Development Code describes Site Plan Design Review applications as discretionary acts, therefore staff's review of the project was not ministerial and the project is subject to CEQA.

Response: Government Code Section 65850.7 requires all cities and counties to develop an expedited, non-discretionary, streamlined permitting process for all charging station installations including heavy-duty charging hubs. This law supersedes Livermore Development Code requirements. Following the discretionary Site Plan Design Review process outlined in Livermore Development Code Chapter 9.07 would be in violation of Government Code Section 65850.7.

Consistent with State guidance for primary use projects, staff applied a different yet still streamlined approval process. Staff approved a non-discretionary Site Plan Design Review to screen for potential health and safety concerns prior to Building Permit review. The requirements of local law were limited to those standards and regulations necessary to ensure that the project will not have a specific, adverse impact upon the public health or safety. Where the law requires a public agency to act on a project using fixed standards and the agency does not have authority to use its own judgment, the project is considered ministerial and CEQA does not apply (CEQA Guidelines Section 15268(a), Section 15369).

Staff's approach to reviewing the project was consistent with how local agencies are required to administer new State streamlining laws that are in conflict with the discretionary processes outlined in local codes. Future updates to the Livermore Development Code will address State streamlining provisions for electric vehicle charging stations and the City's process for reviewing applications. In the meantime, the City is still required to process applications in a manner consistent with State law.

2. The project may result in significant and unmitigated impacts from hazards and to air quality such that the City must prepare a CEQA Initial Study and EIR.

Response: The project is not subject to CEQA because it is a ministerial project. CEQA only applies to discretionary decisions by public agencies (Public Resources Code, Section 21080(a)). Projects that are determined by the public agency to be ministerial are exempt from CEQA (Public Resources Code, Section 15268). Where the law requires a public agency to act on a project using fixed standards and the agency does not have authority to use its own judgment, the project is considered ministerial and CEQA does not apply (CEQA Guidelines Section 15268(a), Section 15369).

3. The City filed the CEQA Notice of Exemption prematurely and must withdraw to comply with CEQA requirements.

Response: Staff's filing of the CEQA Notice of Exemption (NOE) following its approval of the project was consistent with CEQA law and standard practice. The NOE filing did not impede the appellant from filing an appeal within the project's 15-day appeal period. Staff will withdraw the NOE if the Planning Commission grants the appeal and reverses staff's decision. Staff will file a new NOE if the Planning Commission denies the appeal, affirms staff's decision, and approves the project.

4. The approval is inconsistent with General Plan policies because it does not include local hire requirements that would employ a skilled and trained workforce to construct the project.

Response: Lack of local labor would not result in a specific, adverse impact on health and safety. Therefore, imposing local hire requirements on the project would be inconsistent with Government Code Section 65850.7.

Additionally, the approval is not inconsistent with the General Plan goal, objective, and policies cited by the appellant, which are listed below, because they do not require private developers to use local labor.

- Goal ED-2: Balance the supply of job and housing opportunities in Livermore, and match jobs and wages to housing prices.
- Objective ED-2.1: Initiate strategies to attract additional higher wage jobs, leading to decreased out-commuting and a better jobs/housing match.
- Policy 1: The City shall work toward achieving a more "balanced" economy by attracting greater diversification of employment opportunities, particularly those which can use the local labor force.
- Policy 2: Support and encourage businesses that provide jobs that would have a positive effect on Livermore's job/housing match.

A city is afforded great deference in determining whether a project is consistent with the general plan. (See *San Francisco Tomorrow v. City and County of San Francisco* (2014) 229 Cal.App.4th 498, 514.) A project is inconsistent with the general plan only when it conflicts with one or more specific, fundamental and mandatory policies of the general plan. (See *Clover Valley Foundation v. City of Rocklin* (2011) 197 Cal.App. 4th 200, 239; *Families Unafraid to Uphold Rural El Dorado County v. El Dorado County Board of Supervisors* (1998) 62 Cal.App. 4th 1332, 1341.) Although the use of local labor is encouraged in the General Plan, there is no specific or mandatory policy requiring developers to use local labor. The approval of SPDR 23-004 is consistent with the General Plan.

### Environmental Review

The California Environmental Quality Act (CEQA) only applies to discretionary decisions by public agencies (Public Resources Code, Section 21080(a)). Projects that are determined by the public agency to be ministerial are exempt from CEQA (Public Resources Code, Section 15268). Where the law requires a public agency to act on a project using fixed standards and the agency does not have authority to use its own judgment, the project is considered ministerial and CEQA does not apply (CEQA Guidelines Section 15268(a), Section 15369).

Government Code Section 65850.7 requires local agencies to approve the installation of electric vehicle charging stations through non-discretionary permits, unless local officials make a finding that the project

could have a specific, adverse impact on public health or safety. Review of the application to install an electric vehicle charging station shall be limited to the agency's review of whether it meets all health and safety requirements of local, state, and federal law. The requirements of local law shall be limited to those standards and regulations necessary to ensure that the electric vehicle charging station will not have a specific, adverse impact upon the public health or safety.

The project as conditioned will meet all health and safety requirements of local, state, and federal law. The project is subject to ministerial approval and exempt from the provisions of CEQA.

### Recommendation

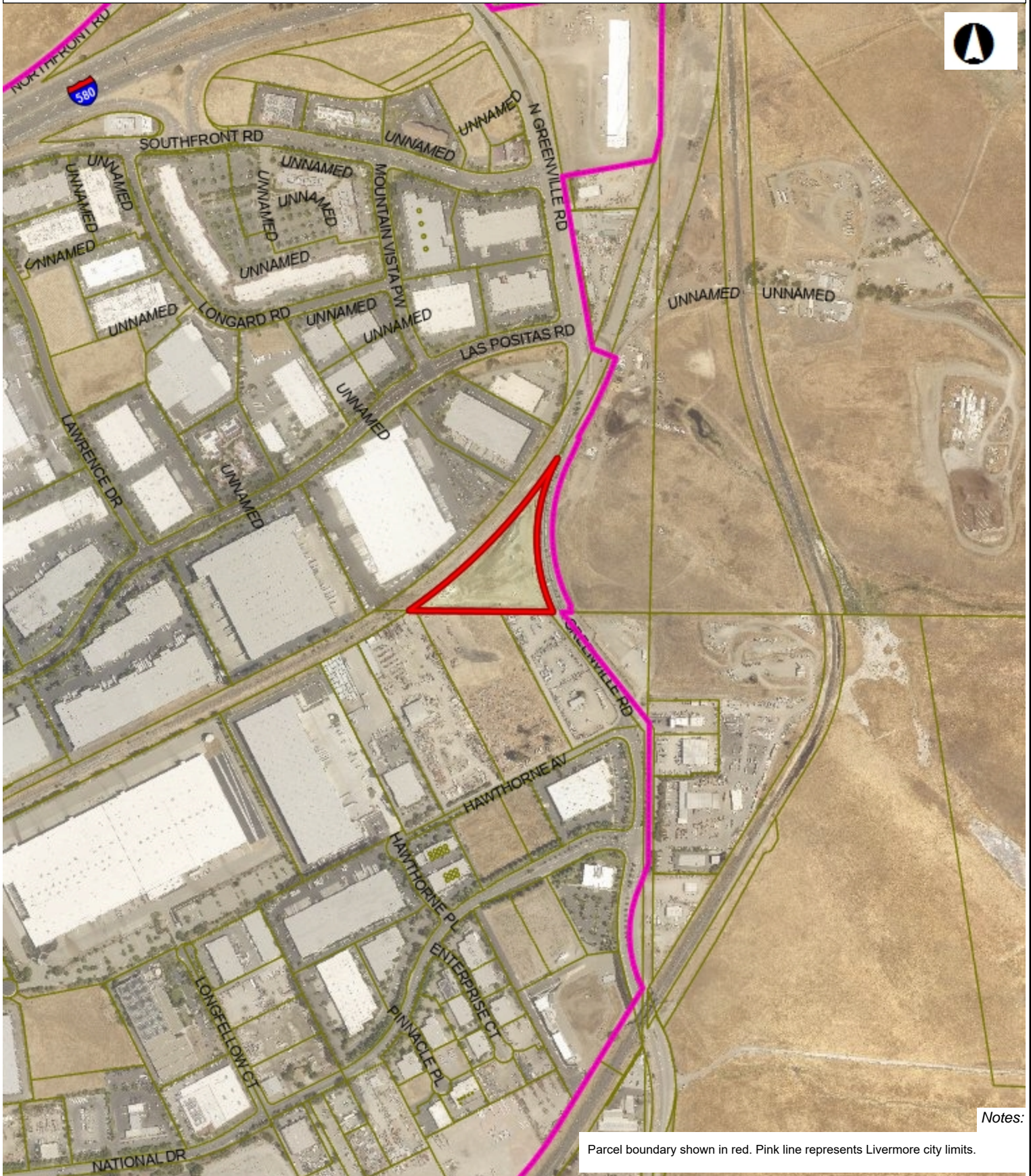
Staff recommends the Planning Commission adopt a resolution finding the project exempt from the California Environmental Quality Act (CEQA) and adopt a resolution denying Appeal 24-001 and affirming staff's approval of Site Plan Design Review (SPDR) 23-004.

### **ATTACHMENTS**

1. Location Map - 151 Greenville Rd
2. Development Plans
3. LMC Chapter 15.38 - EVCS Permit Streamlining
4. EV Charging Checklist
5. EV Charging Law Memo
6. Appeal Application
7. Staff Findings for Site Plan Design Review
8. Staff CEQA Determination
9. CEQA Notice of Exemption
10. Resolution - CEQA Exemption
11. Resolution - Project approval
12. Exhibit A - Conditions of Approval

Prepared by: Tricia Pontau  
Sustainability Program Manager





Notes:

Parcel boundary shown in red. Pink line represents Livermore city limits.



NAD\_1983\_2011\_StatePlane\_California\_III\_FIPS\_0403  
Livermore IT, GIS Services

Scale: 1: 8,000

This map is based on City of Livermore GIS Information and reflects the most current information at the time of this printing. The map is intended for reference purposes only and the City and its staff is not responsible for errors.

Prepared:  
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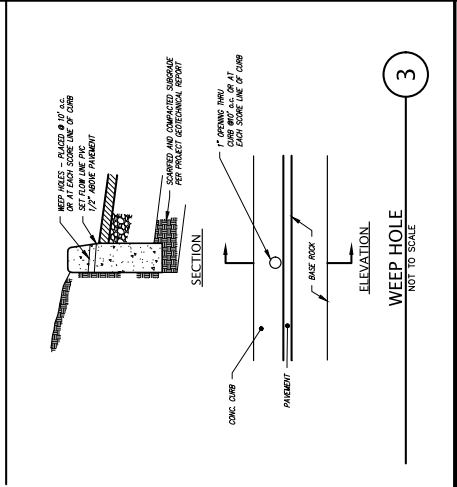
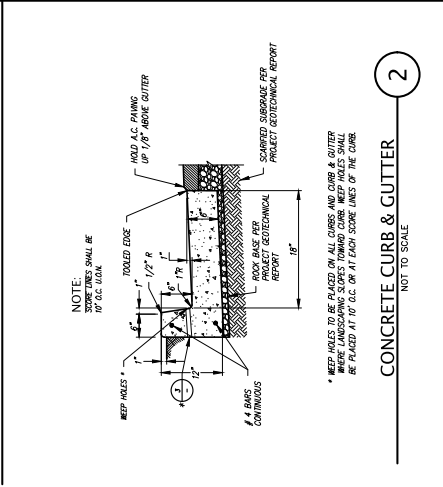
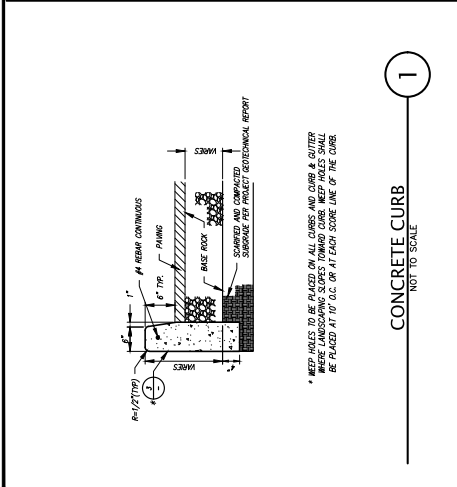
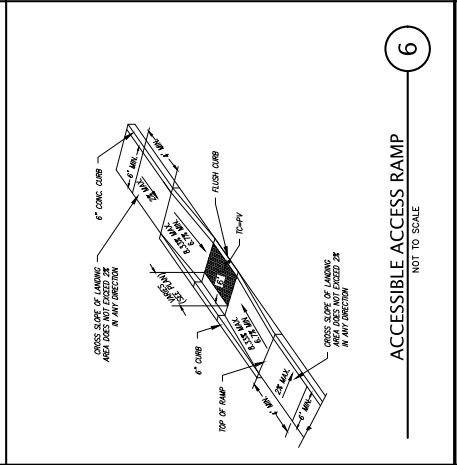
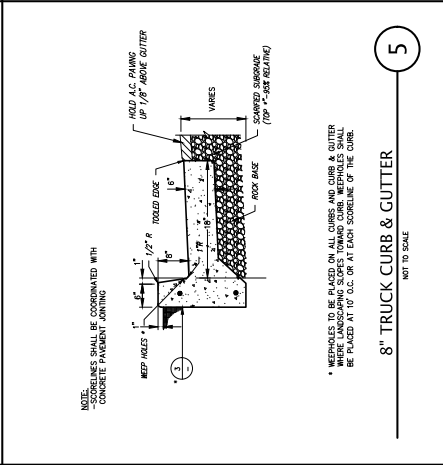
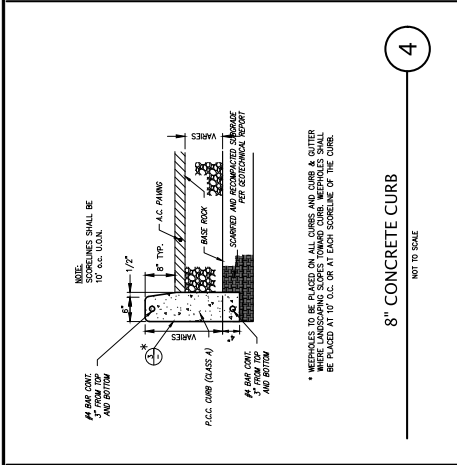
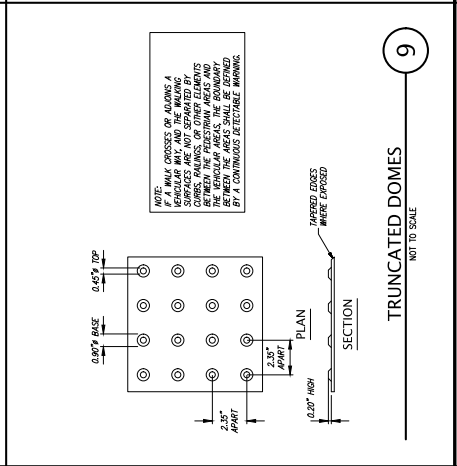
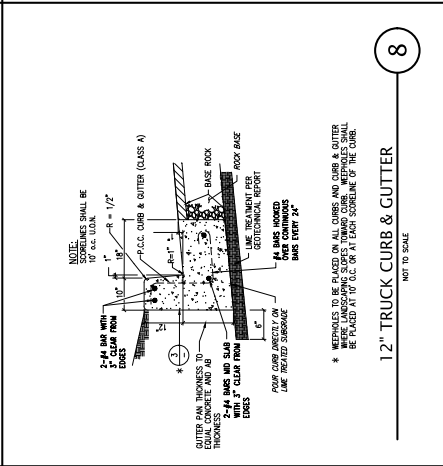
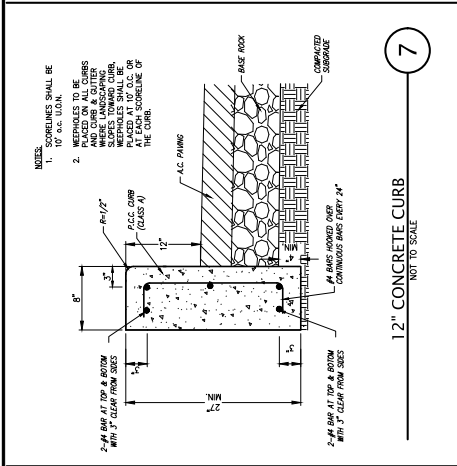
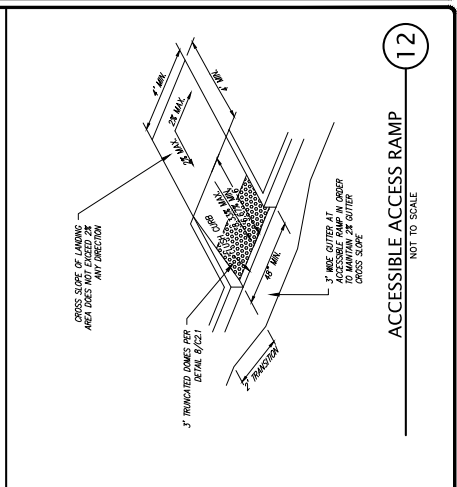
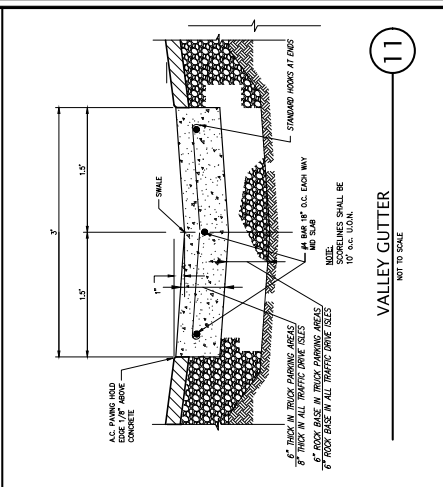
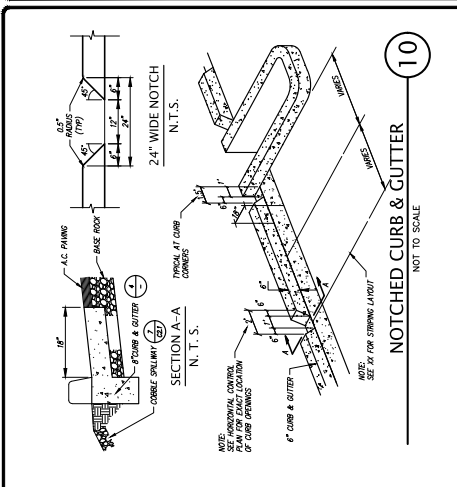










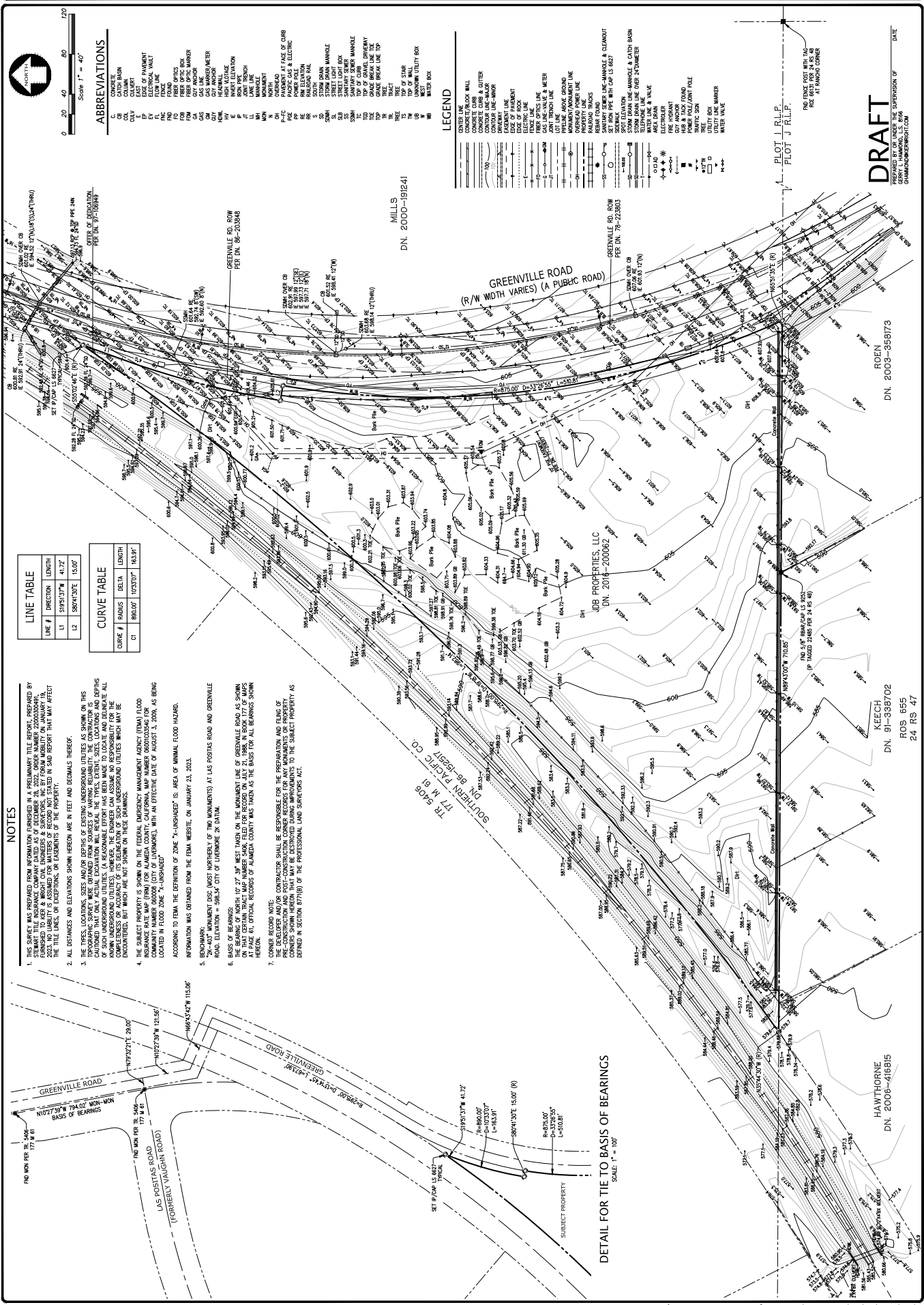


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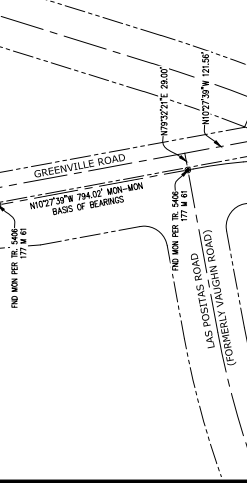
**LINE TABLE**

LINE #	DIRECTION	LENGTH
L1	S90°30'17" W	41.27'
L2	S89°04'10" E	15.00'

**CURVE TABLE**

CURVE #	RADIUS	DELTA	LENGTH
C1	180.00'	193°30'17"	163.91'

- NOTES**
- THIS SURVEY WAS PREPARED FROM INFORMATION FURNISHED IN A PRELIMINARY TITLE REPORT, PREPARED BY FURNISHED TO KIER & WRIGHT CIVIL ENGINEERS & SURVEYORS, INC. BY FORUM MOBILITY ON JANUARY 19, 2023. THE INFORMATION CONTAINED HEREIN IS BASED ON THE INFORMATION FURNISHED IN SAID REPORT THAT MAY AFFECT THE TITLE LINES, OR EXCEPTIONS OR EXTENSIONS OF THE PROPERTY.
  - ALL DISTANCES AND ELEVATIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.
  - THE TYPES, LOCATIONS, SIZES AND/OR DEPTHS OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THIS SURVEY ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY DATA. THE ENGINEER HAS CONDUCTED VISUAL INSPECTIONS AND CAUTIONED THAT ONLY ACTUAL EXCAVATION WILL REVEAL THE TYPES, EXENT, SIZES, LOCATIONS AND DEPTHS OF EXISTING UNDERGROUND UTILITIES. THE ENGINEER CAN ASSUME NO RESPONSIBILITY FOR THE COMPLETENESS OR ACCURACY OF ITS DETERMINATION OF SUCH UNDERGROUND UTILITIES WHICH MAY BE ENCOUNTERED, BUT WHICH ARE NOT SHOWN ON THESE DRAWINGS.
  - THE SUBJECT PROPERTY IS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD MAP, COMMUNITY NUMBER 800808 (CITY OF LIVERMORE), WITH AN EFFECTIVE DATE OF AUGUST 3, 2009, AS BEING LOCATED IN FLOOD ZONE "X-UNSHADED".
  - ACCORDING TO FEMA, THE DEFINITION OF ZONE "X-UNSHADED" IS: AREA OF MINIMAL FLOOD HAZARD.
  - RECORDATION WAS OBTAINED FROM THE FEMA WEBSITE, ON JANUARY 21, 2023.
  - 20'-40" MONUMENT (DISC MOST NORTHERLY OF TWO MONUMENTS) AT LAS POSTAS ROAD AND GREENVILLE ROAD. ELEVATION = 596.34 CITY OF LIVERMORE 2K DATUM.
  - BASIS OF BEARINGS: 1913°37'4" N115°48' E
  - CORNER RECORD NOTE: THE SURVEYOR SHALL BE RESPONSIBLE FOR THE PREPARATION AND PLACING OF PRE-CONSTRUCTION AND POST-CONSTRUCTION CORNER RECORDS FOR ANY MONUMENTS OR PROPERTY CORNERS SHOWN HEREON THAT MAY BE DESTROYED DURING IMPROVEMENTS TO THE SUBJECT PROPERTY AS DEFINED IN SECTION 6716(b) OF THE PROFESSIONAL LAND SURVEYORS ACT.



**DRAFT**

PREPARED BY OR UNDER THE SUPERVISION OF  
 AN ENGINEER REGISTERED IN THE STATE OF CALIFORNIA  
 CHAMBERLAIN@KIERWRIGHT.COM

ROEN  
 DN. 2008-358173

KEECH  
 DN. 91-958702  
 ROS 655  
 24 RS 47

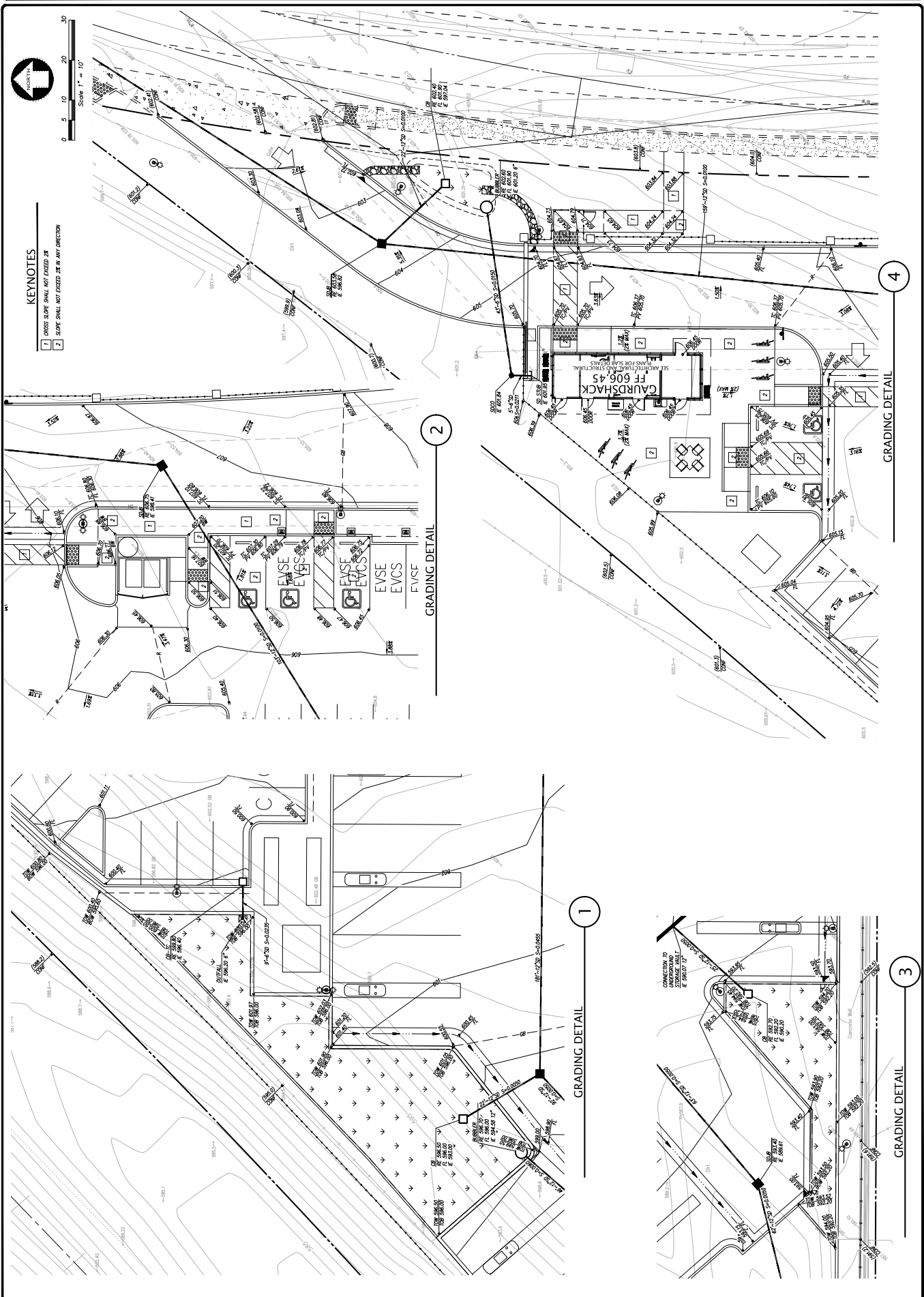
HANTHORNIE  
 DN. 2006-415515







	<b>KIER-WRIGHT</b> 2850 Cedar Canyon Road Livermore, CA 94551 Phone: (925) 243-8788 www.kierwright.com	<b>GRADING DETAIL</b> OF <b>151 GREENVILLE ROAD</b> FOR <b>FORUM MOBILITY</b> CALIFORNIA	LIVERMORE, CA DATE: NOVEMBER, 2023 SCALE: AS SHOWN DESIGNER: CK DRAWN BY: VB JOB NO.: A23562 SHEET: <b>C6.1</b> OF 12 SHEETS
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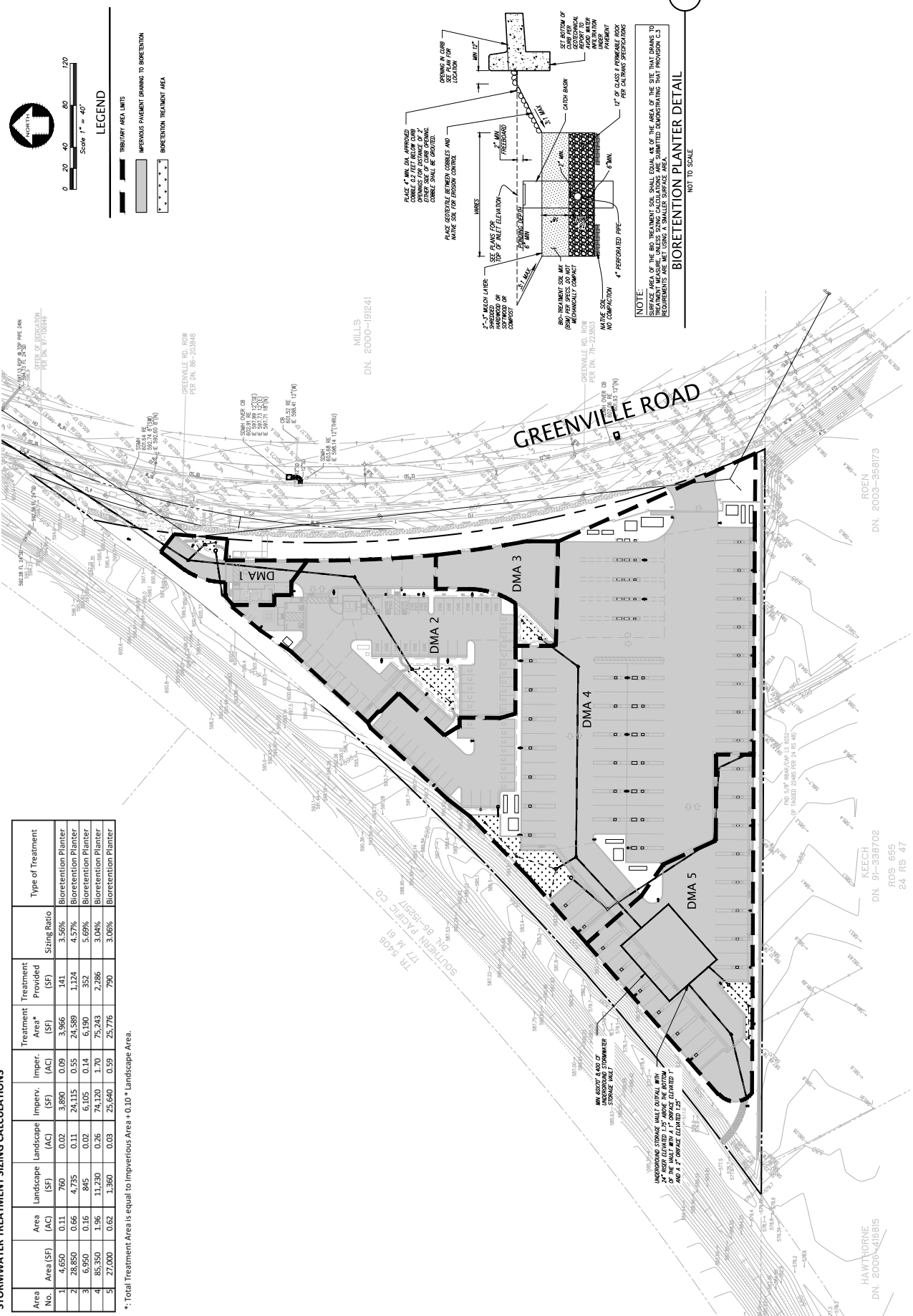




STORMWATER TREATMENT SIZING CALCULATIONS

Area No.	Area (SF)	Area (AC)	Landscape (SF)	Landscape (AC)	Imperv. (SF)	Imperv. (AC)	Treatment Area* (SF)	Treatment Provided (SF)	Sizing Ratio	Type of Treatment
1	4,650	0.11	760	0.02	3,890	0.09	3,966	141	3.56%	Bioretention Planter
2	28,850	0.66	4,735	0.11	24,115	0.55	24,589	1,124	4.57%	Bioretention Planter
3	6,950	0.16	845	0.02	6,105	0.14	6,190	352	5.69%	Bioretention Planter
4	85,350	1.96	11,230	0.26	74,120	1.70	75,243	2,286	3.04%	Bioretention Planter
5	27,000	0.62	1,360	0.03	25,640	0.59	25,776	790	3.06%	Bioretention Planter

\* Total Treatment Area is equal to Impervious Area + 0.10 \* Landscape Area.



NOTE: AREA OF THE BIO TREATMENT SOIL SHALL EQUAL AS OF THE AREA OF THE SITE THAT DRAINS TO THE TREATMENT MEASURE, UNLESS SIZING CALCULATIONS ARE SUBMITTED DEMONSTRATING THAT PROVISION C.3 REQUIREMENTS ARE MET USING A SMALLER SURFACE AREA.

BIORETENTION PLANTER DETAIL

NOT TO SCALE

**KIER+WRIGHT**  
2850 CEDAR CANYON ROAD  
LIVERMORE, CA 94551  
Phone: (925) 243-8788  
www.kierwright.com

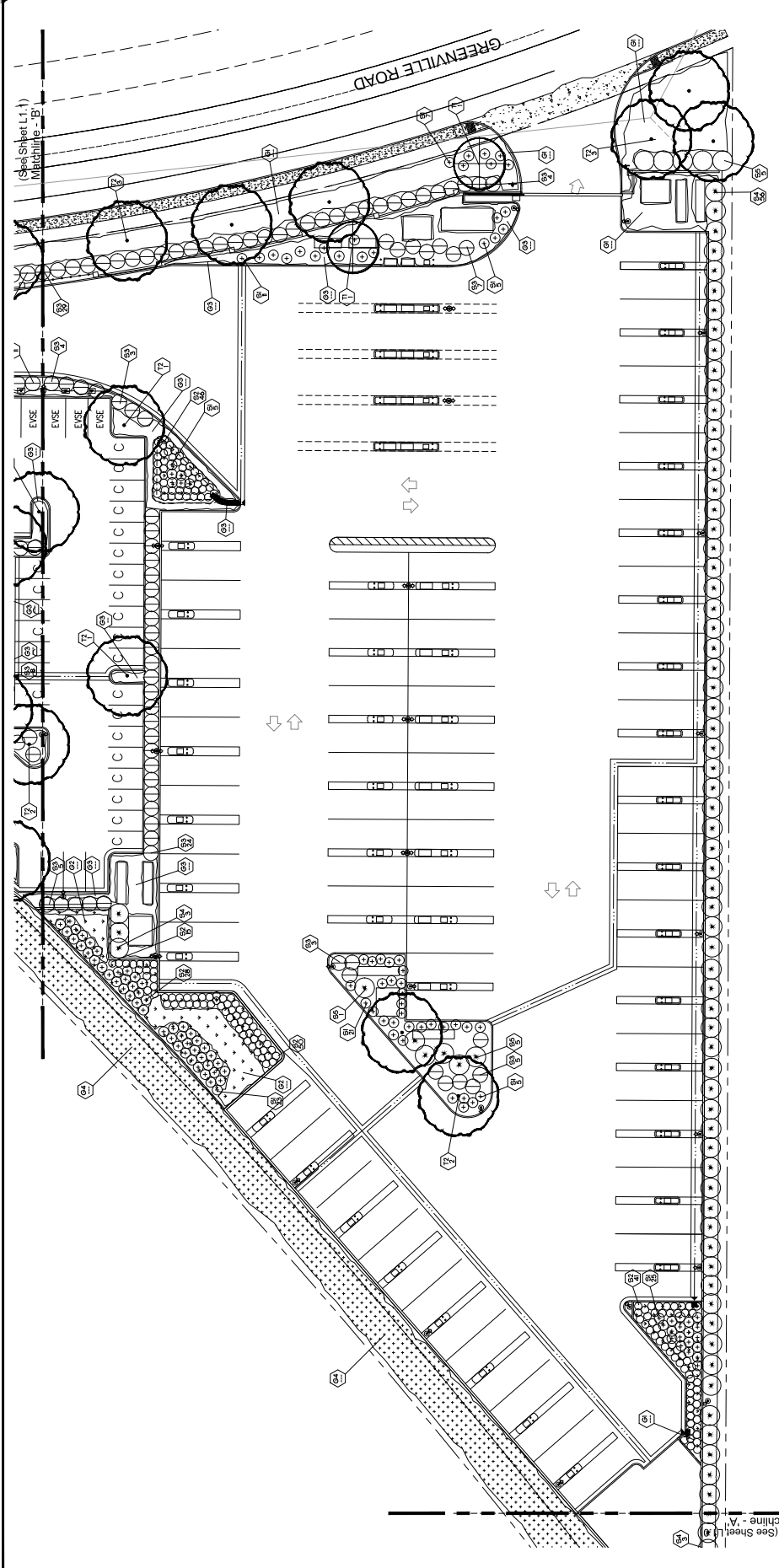
FORUM MOBILITY  
OF  
151 GREENVILLE ROAD  
STORM WATER MANAGEMENT PLAN

DATE: NOVEMBER, 2023  
SCALE: AS SHOWN  
DESIGNER: CK  
DRAWN BY: VB  
JOB NO.: A23562  
SHEET: **C8.0**  
OF 12 SHEETS





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 2850 Collier Canyon Road  
 Livermore, CA 94551  
 Phone: (925) 245-8788  
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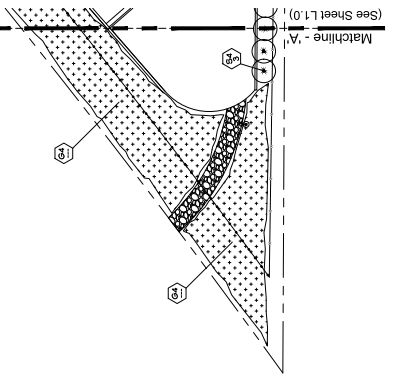
BEFORE EXCAVATING CALL 811  
 TO IDENTIFY ALL UTILITIES IN THE  
 PLANNED WORK AREAS.

Know what's below.  
 Call before you dig.

- PLANT NOTES:**
1. PLANT QUANTITIES SHALL BE PLANTED FROM THE PLANTING PLAN QUANTITIES. PLANT QUANTITIES SHALL BE PLANTED FOR CONSTRUCTION ONLY.
  2. NOTIFY THE LANDSCAPE ARCHITECT IMMEDIATELY IN THE EVENT OF ANY DISCREPANCIES BETWEEN ACTUAL SITE CONDITIONS AND THE PLANTING PLAN.
  3. PLANT GROUNDCOVER IN SHIELD AREAS AS NOTED. USE TRIANGULAR SPACING.
  4. SEE DETAIL AND SPECIFICATION SHEETS FOR ADDITIONAL INFORMATION.
  5. OWNER FOR THE LANDSCAPE ARCHITECT MATERIALS SUBSTITUTIONS WITHOUT APPROVAL OF THE LANDSCAPE ARCHITECT IS TO BE NOTIFIED IMMEDIATELY.
  6. IN THE EVENT OF ANY DISCREPANCIES BETWEEN THIS PLAN AND ACTUAL SITE CONDITIONS, THE LANDSCAPE ARCHITECT IS TO BE NOTIFIED IMMEDIATELY.
  7. FRONT GRASS TO LANDSCAPE CONTRACTOR IS 18" OF FINE GRADE. ALL LANDSCAPE AREAS SHALL BE PROTECTED DURING CONSTRUCTION. IN THE EVENT OF CONFLICT, ANY DAMAGE TO UTILITIES, STRUCTURES, OR OTHER FEATURES TO REMAIN AND CAUSED BY THE CONTRACTOR SHALL BE REPAIRED OR REPLACED BY THE CONTRACTOR AT NO EXPENSE TO THE OWNER.
  8. ALL SITE UTILITIES ARE TO BE PROTECTED DURING CONSTRUCTION. IN THE EVENT OF CONFLICT, ANY DAMAGE TO UTILITIES, STRUCTURES, OR OTHER FEATURES TO REMAIN AND CAUSED BY THE CONTRACTOR SHALL BE REPAIRED OR REPLACED BY THE CONTRACTOR AT NO EXPENSE TO THE OWNER.
  9. THE WORK IN THESE DRAWINGS AND SPECIFICATIONS MAY BE CONCURRENTLY WITH WORK BY OTHER CONTRACTORS.
  10. PRIOR TO ANY DIGGING OR TRENCHING, CALL UNDERGROUND SERVICE AGENCY: 1-800-327-2600

**PLANT LIST:**

PLANT SYMBOL	PLANT NAME	QUANTITY	PLANT SIZE	PLANT TYPE	PLANT DIMENSIONS	USDA ZONE
101	SPRING BLOSSOM	1	18" GAL	SHRUB	18" GAL	9B
102	SPRING BLOSSOM	1	18" GAL	SHRUB	18" GAL	9B
103	SPRING BLOSSOM	1	18" GAL	SHRUB	18" GAL	9B
104	SPRING BLOSSOM	1	18" GAL	SHRUB	18" GAL	9B
105	SPRING BLOSSOM	1	18" GAL	SHRUB	18" GAL	9B
106	SPRING BLOSSOM	1	18" GAL	SHRUB	18" GAL	9B
107	SPRING BLOSSOM	1	18" GAL	SHRUB	18" GAL	9B
108	SPRING BLOSSOM	1	18" GAL	SHRUB	18" GAL	9B
109	SPRING BLOSSOM	1	18" GAL	SHRUB	18" GAL	9B
110	SPRING BLOSSOM	1	18" GAL	SHRUB	18" GAL	9B
111	SPRING BLOSSOM	1	18" GAL	SHRUB	18" GAL	9B
112	SPRING BLOSSOM	1	18" GAL	SHRUB	18" GAL	9B
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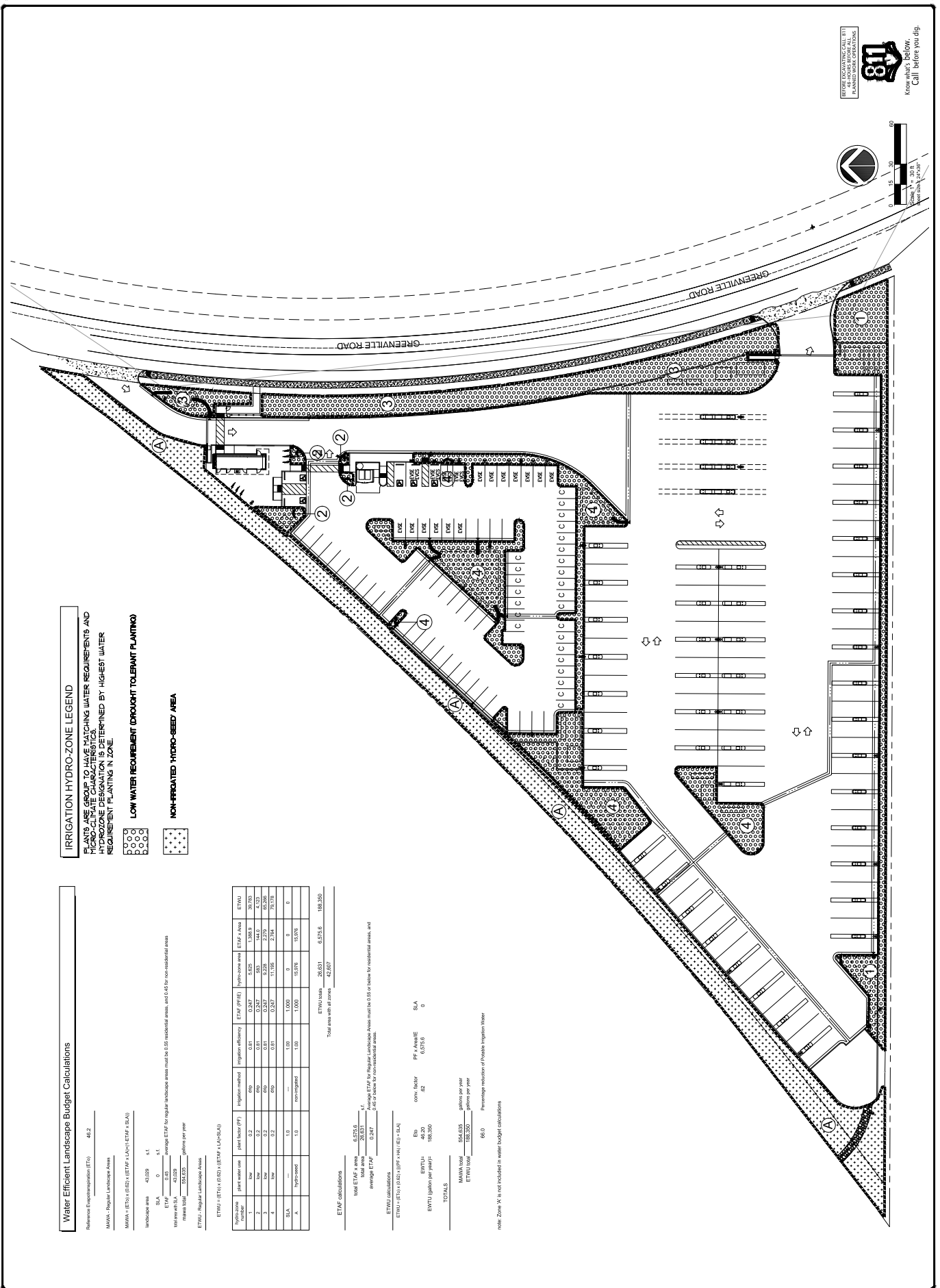


(See Sheet L1.0) Matchline - 'A'

(See Sheet L1.1) Matchline - 'B'







**IRRIGATION HYDRO-ZONE LEGEND**

PLANTS ARE GROUP TO HAVE MATCHING WATER REQUIREMENTS AND HYDRO-ZONE CHARACTERISTICS. HYDROZONE DESIGNATION IS DETERMINED BY HIGHEST WATER REQUIREMENT PLANTING IN ZONE.

**LOW WATER REQUIREMENT (DROUGHT TOLERANT PLANTS)**

**NON-IRRIGATED HYDRO-SEED AREA**

**Water Efficient Landscape Budget Calculations**

Reference Evapotranspiration (ET<sub>0</sub>) 46.2

MAWA - Regular Landscape Area

MAWA - (ET<sub>0</sub>) x (E<sub>tc</sub>) = (ET<sub>0</sub>) x (E<sub>tc</sub>) x (E<sub>af</sub>) = (E<sub>af</sub>) x (E<sub>af</sub>)

ET<sub>0</sub> = 46.2  
 E<sub>tc</sub> = 0.8  
 E<sub>af</sub> = 0.8  
 MAWA = 43,009 sq ft  
 ET<sub>0</sub> x E<sub>tc</sub> x E<sub>af</sub> = 46.2 x 0.8 x 0.8 = 29.856  
 MAWA x (ET<sub>0</sub> x E<sub>tc</sub> x E<sub>af</sub>) = 43,009 x 29.856 = 1,284,000 gallons per year

Hydrozone number	Plant water use (gallons per year)	ET <sub>0</sub> (ET <sub>0</sub> )	ET <sub>0</sub> (ET <sub>0</sub> )	ET <sub>0</sub> (ET <sub>0</sub> )	ET <sub>0</sub> (ET <sub>0</sub> )	ET <sub>0</sub> (ET <sub>0</sub> )
1	100	0.8	0.8	0.8	0.8	0.8
2	100	0.8	0.8	0.8	0.8	0.8
3	100	0.8	0.8	0.8	0.8	0.8
4	100	0.8	0.8	0.8	0.8	0.8
5	100	0.8	0.8	0.8	0.8	0.8
6	100	0.8	0.8	0.8	0.8	0.8
TOTALS	600	4.8	4.8	4.8	4.8	4.8

**ETAF calculations**

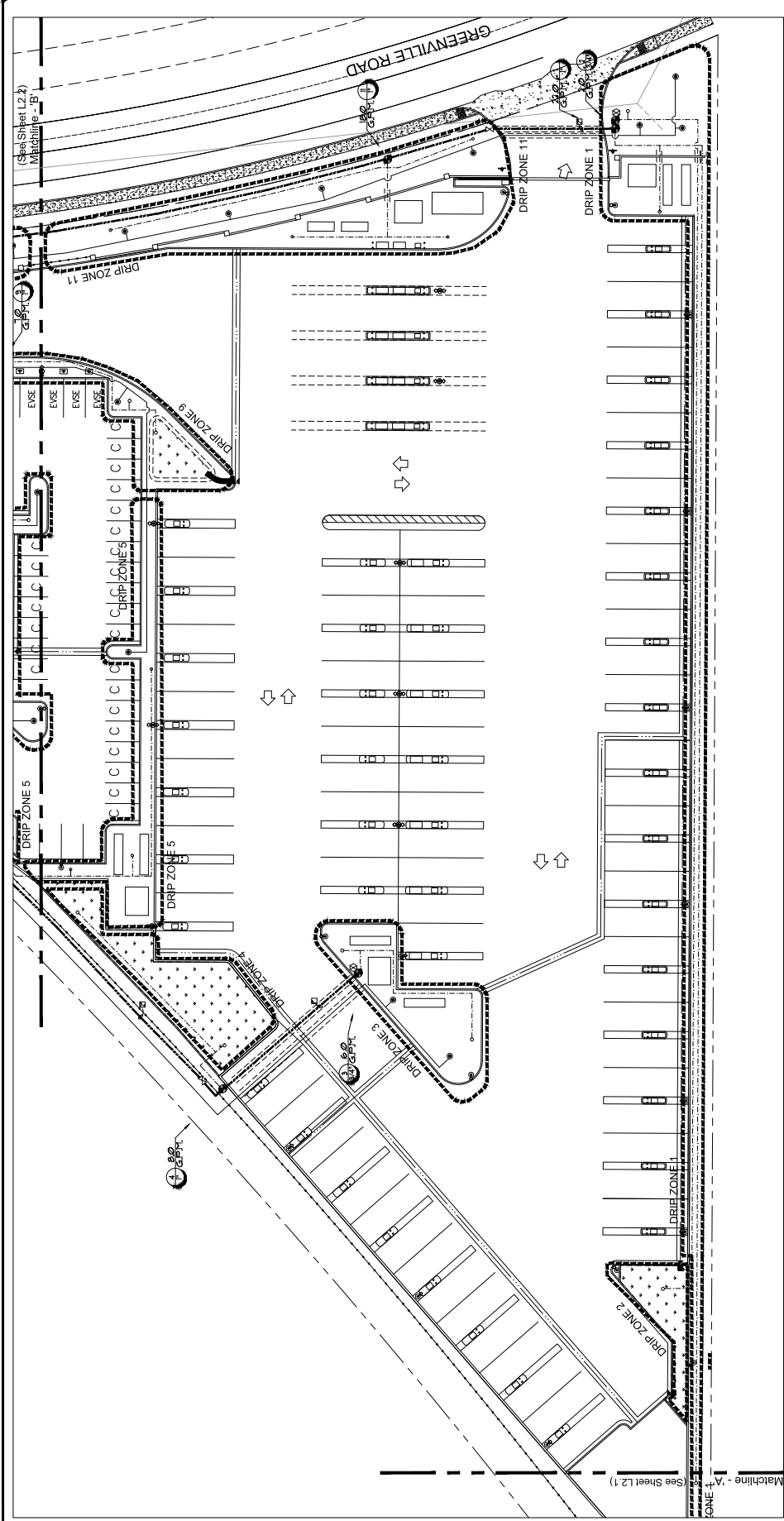
Total ETAF = 6,575.6  
 Total area = 20,833  
 Average ETAF for Regular Landscape Areas must be 0.55 or below for residential areas, and 0.45 or below for non-residential areas.

**ETAF calculations**

ETAF = (ET<sub>0</sub>) x (E<sub>tc</sub>) x (E<sub>af</sub>) x (E<sub>af</sub>) x (E<sub>af</sub>) = (E<sub>af</sub>) x (E<sub>af</sub>) x (E<sub>af</sub>) x (E<sub>af</sub>)

ETAF = 46.2 x 0.8 x 0.8 x 0.8 = 29.856  
 ETAF = 29.856 x 220 = 6,575.6

REVISION BY NO REVISION BY NO REVISION BY NO		<b>KIER+WRIGHT</b> 2850 Collier Canyon Road Livermore, CA 94551 Phone: (925) 265-8788 www.kierwright.com	LANDSCAPE IRRIGATION PLAN OF 151 GREENVILLE ROAD LIVERMORE, CALIFORNIA	DATE: DEC 20, 2023 SCALE: 1" = 30' DESIGNER: BH DRAWN BY: DS JOB NO.: A33692 SHEET: L2.1 OF: SHEETS
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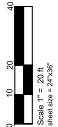


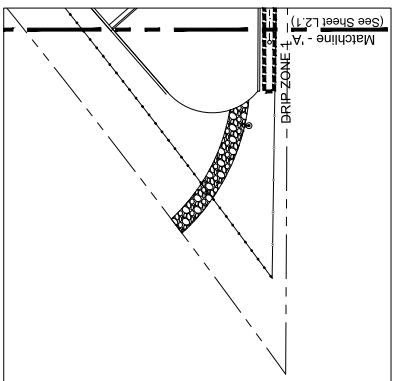
**LANDSCAPE IRRIGATION NOTES AND LEGENDS**

1. SEE SHEET L2.2 FOR IRRIGATION LEGENDS AND NOTES
2. SEE SHEETS L3.0 AND L3.1 FOR IRRIGATION DETAILS

BEFORE EXCAVATING CALL 811  
 AT 1-800-4-A-SHIELD  
 TO IDENTIFY UTILITIES  
 AND AVOID WORKER INJURIES

Know what's below.  
 Call before you dig.









2850 Collier Canyon Road  
Livermore, CA 94551  
Phone: (925) 245-8788  
www.kierwright.com

**KIERWRIGHT**

LANDSCAPE CONSTRUCTION DETAILS  
OF  
151 GREENVILLE ROAD  
CALIFORNIA  
LIVERMORE

DATE	02-20-2023
SCALE	N/S
DESIGNER	BH
DRAWN BY	DS
JOB NO.	A33692
SHEET	L3.1
OF	SHEETS

<b>1</b>	<b>DRIP LINE AIR RELIEF VALVE</b>		<b>2</b>	<b>DRIP LINE CONTROL ZONE KIT DETAIL</b>		<b>3</b>	<b>DRIP EMITTER LINE DETAIL</b>		<b>4</b>	<b>DRIP EMITTER LINE DETAIL</b>		<b>5</b>	<b>DRIP EMITTER LINE DETAIL</b>		<b>6</b>	<b>DRIP EMITTER LINE DETAIL</b>		<b>7</b>	<b>DRIP EMITTER LINE DETAIL</b>		<b>8</b>	<b>DRIP SYSTEM - OPERATION INDICATOR DETAIL</b>		<b>9</b>	<b>FLUSH POINT DETAIL</b>		<b>10</b>	<b>TREE BUBBLER DETAIL</b>		<b>11</b>	<b>IRRIGATION FLOW SENSOR/MASTER VALVE DETAIL</b>	
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				<p>6</p>
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				<p>18</p>
				<p>18</p>
				<p>18</p>





**G|A|A**  
**ARCHITECTS**  
 8811 Research Drive,  
 Suite 200,  
 Irvine, CA 92618  
 T: 949 474 1775  
 F: 949 553 8183

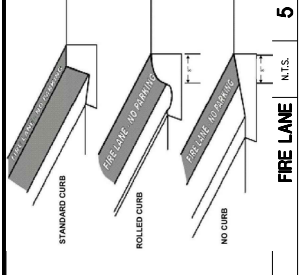
DEVELOPED FOR:  
**FM GREENVILLE**  
 151 GREENVILLE ROAD  
 TRUCK CHARGING DEPOT  
 LIVERMORE, CA 94551

NO.	DESCRIPTION	DATE
1	301 PERMITS SUBMITTAL	10/1/23

**FIRE ACCESS SITE PLAN**

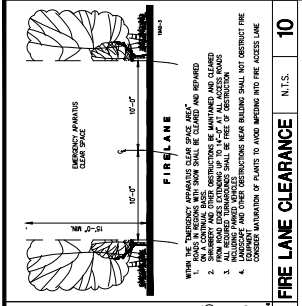
ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREBY ARE THE PROPERTY OF G|A|A ARCHITECTS. NO PART OF THIS DOCUMENT IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF G|A|A ARCHITECTS. ALL RIGHTS RESERVED.

PROJECT NO. **A12**  
 SHEET NO. **A12**  
 DATE: 10/1/23

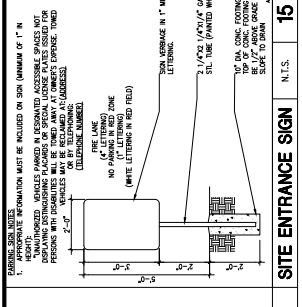


**FIRE LANE** N.I.S. 5

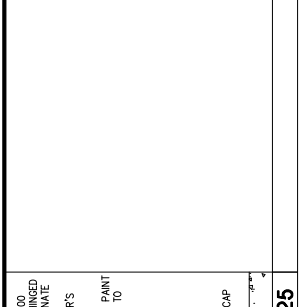
- KEYNOTES**
- 1.0 SIGNAGE
  - 1.1 SITE PROPERTY LINE / F.O.M. - REFERS TO CIVIL DRAWINGS
  - 1.2 SITE PROPERTY COMBINED FIRE AND ACCESSIBILITY WARNING SIGN
  - 1.3 FIRE DEPARTMENT ACCESS KEY BOX (KNOX BOX). REFER TO 20/A1.2.
  - 1.4 SIGNAGE INCLUDING APPROVED ADDRESS NUMBERS, BUILDING NUMBER, ADDRESS, AND FIRE DEPARTMENT ACCESS KEY BOX (KNOX BOX). REFER TO 20/A1.2.
  - 1.5 SIGNAGE INCLUDING APPROVED ADDRESS NUMBERS, BUILDING NUMBER, ADDRESS, AND FIRE DEPARTMENT ACCESS KEY BOX (KNOX BOX). REFER TO 20/A1.2.
  - 1.6 SIGNAGE INCLUDING APPROVED ADDRESS NUMBERS, BUILDING NUMBER, ADDRESS, AND FIRE DEPARTMENT ACCESS KEY BOX (KNOX BOX). REFER TO 20/A1.2.
  - 1.7 SIGNAGE INCLUDING APPROVED ADDRESS NUMBERS, BUILDING NUMBER, ADDRESS, AND FIRE DEPARTMENT ACCESS KEY BOX (KNOX BOX). REFER TO 20/A1.2.
  - 2.0 FIRE DEPARTMENT ACCESS TO THE PROTECTION DRAWINGS
  - 2.1 NEW FIRE HYDRANT
  - 2.2 NEW FIRE HYDRANT
  - 2.3 FIRE DEPARTMENT CONNECTION
  - 2.4 FIRE DEPARTMENT CONNECTION
  - 2.5 EXISTING PUBLIC FIRE HYDRANT
  - 26.0 ELECTRICAL - REFER TO ELECTRICAL
  - 26.1 EXISTING OVERHEAD ELECTRICAL WIRES (2' CLEARANCE)



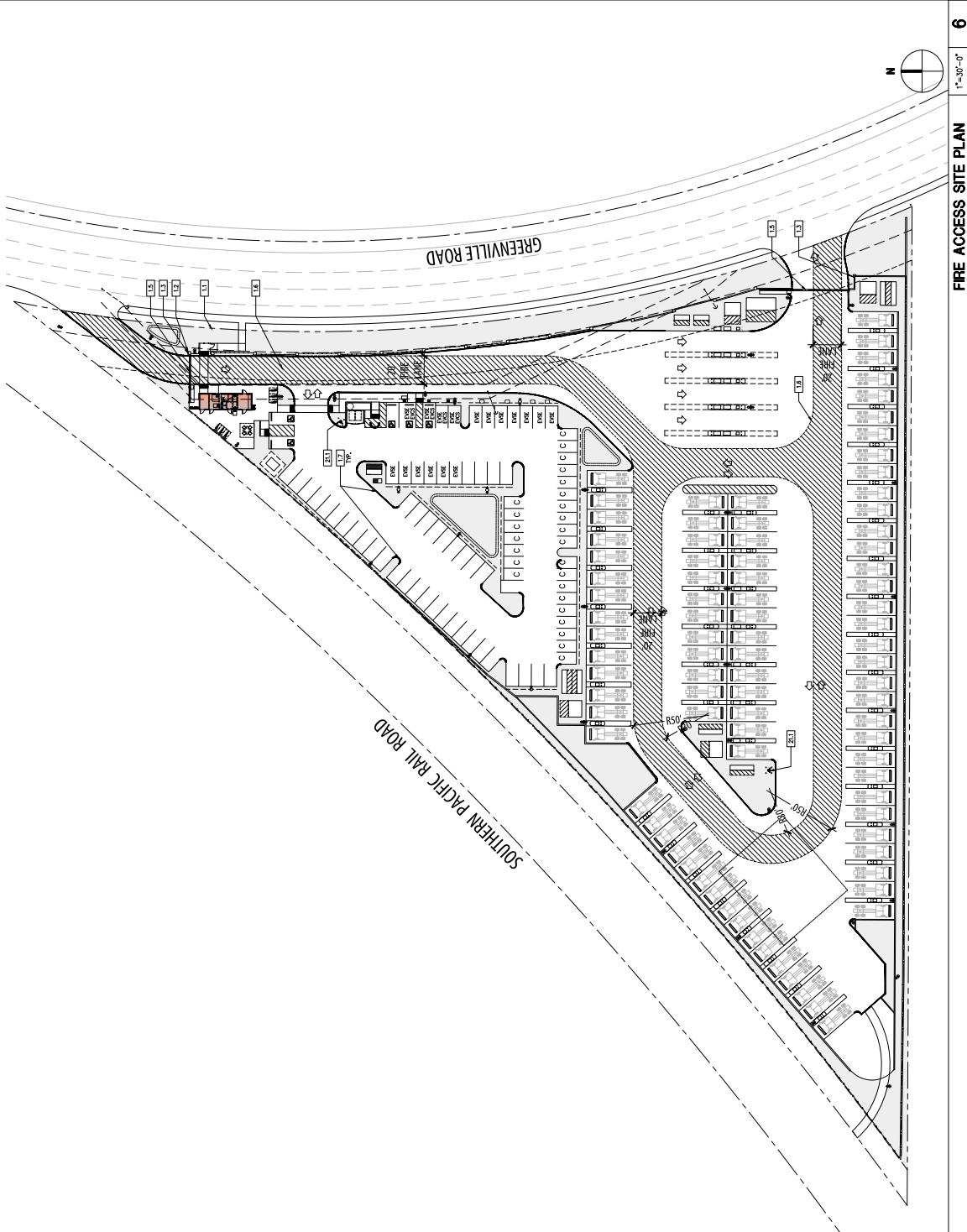
**FIRE LANE CLEARANCE** N.I.S. 10



**SITE ENTRANCE SIGN** N.I.S. 15



**KNOX BOX** 1/2" x 1'-0" 25



**FIRE ACCESS SITE PLAN** 1" = 30'-0" 6









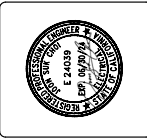












FORUM MOBILITY  
151 GREENVILLE RD.  
LIVERMORE, CA 94551

NO.	REVISION	DATE	INT.
05/24/23	JC		
07/17/23	JC		
07/17/23	JC		
08/04/23	JC		
08/14/23	JC		
08/06/23	JC		
10/17/23	JC		

ORIGINAL SIZE 8 1/2" X 11"  
SHEET SIZE ARCH 'D'

PROJECT:  
223022

SHEET TITLE:  
SINGLE LINE DIAGRAM REV

SHEET NUMBER:  
E-2.4

**GENERAL NOTES**

- ALL EQUIPMENT SHALL BE UL LISTED.
- ALL EQUIPMENT SHALL BE INSTALLED IN ACCORDANCE WITH LATEST ELECTRICAL AND BUILDING CODES. PAH HAS FINAL JURISDICTIONAL AUTHORITY ON CODE APPLICATION AND COMPLIANCE.
- ALL MANUFACTURER'S RECOMMENDATIONS SHALL BE REFERRED TO THE MANUFACTURER'S RECOMMENDED PRACTICES REFER TO PLANNING & INSTALLATION MANUAL FOR THIS GUIDANCE.
- COORDINATE DATE, TIME, AND LENGTH OF ANY REQUIRED FACILITY CONSTRUCTION WITH THE ELECTRICAL CONSTRUCTION (IF APPLICABLE).
- LUSS SHALL BE EQUAL RATED FOR COPPER/ALUMINUM CONDUCTORS.
- ALL BREAKERS SHALL INCLUDE A SINGLE-POLE AIR GAP BETWEEN SWITCHGEAR AND SWITCHBOARD BREAKERS SHALL BE ELECTRONIC TRIP.
- REFER TO SHEETS E-2.1 THRU E-2.4 FOR ELECTRICAL DETAILS.
- REFER TO SHEETS E-2.4 FOR WIRING LABELS AND LOCATIONS.
- ALL EQUIPMENT SHALL HAVE ARC FLASH WARNING LABELS WITH APPROPRIATE PPE INFORMATION AND DISTANCES. AND REQUIRED PPE IN ACCORDANCE WITH NFPA 70E.
- EXPOSED NON-CURRENT CARRYING METAL PARTS OF EQUIPMENT AND ENCLOSURES SHALL BE GROUNDED IN ACCORDANCE WITH NEC 250.14 AND 250.15.
- PROVIDE SHUNT TRIP ACCESSORIES FOR ALL GREATER FEEDING EY CHARGERS AND DISTRIBUTION EQUIPMENT, UNLESS OTHERWISE NOTED IN THE SINGLE LINE DIAGRAM OR CIRCUIT SCHEDULE. ALL COMMUNICATION CIRCUITS SHALL BE CU, WITH THRU-2 OR XHHW-2 CONDUCTORS IN CABLE TROUGH SHALL BE CU WITH USE-2 OR USE-2R CONDUCTORS. ALL LOW-VOLTAGE AL CONDUCTORS IN THE SINGLE LINE DIAGRAM OR CIRCUIT SCHEDULE.

**KEYED NOTES:**

- MEDIUM VOLTAGE STEP DOWN TRANSFORMER
  - TAPS: (2)2.5% FCAN, (2)2.5% FCBN
  - WINDING: 200% OVERCURRENT PROTECTION
  - GROUNDED WYE CONNECTED LV WINDING
  - FLUID FILLED, PAD MOUNT, LOOP FED, RAYNET AND OLF WITH 100% OVERCURRENT PROTECTION
  - DEADFRONT CONSTRUCTION WITH 600A RESONANT WELLS
  - ON-LOAD MONITORING OF TEMPERATURE, PRESSURE, VACUUM, AND REMOVABLE NEUTRAL GROUNDING STRAP.
- PROVIDE SHUNT TRIP ACCESSORIES TO ALL BRANCH CIRCUIT BREAKERS, FEEDERS AND 300 SERIES EY CHARGERS. DC FAST SEMIAUTOMATIC CHARGER. ZEROVIA # 40R182.
- PROVIDE SHUNT TRIP ACCESSORIES TO ALL BRANCH CIRCUIT BREAKERS, FEEDERS AND 300 SERIES EY CHARGERS. DC FAST SEMIAUTOMATIC CHARGER. ZEROVIA # 40R182.
- COMMUNICATION WIRING FROM (N) EY CHARGERS TO (N) PDS/LOAD MANAGEMENT SYSTEM REFER TO MANUFACTURER DRAWINGS AND INSTALLATION MANUAL FOR ADDITIONAL INFORMATION PRIOR TO ROUGH-IN.

6

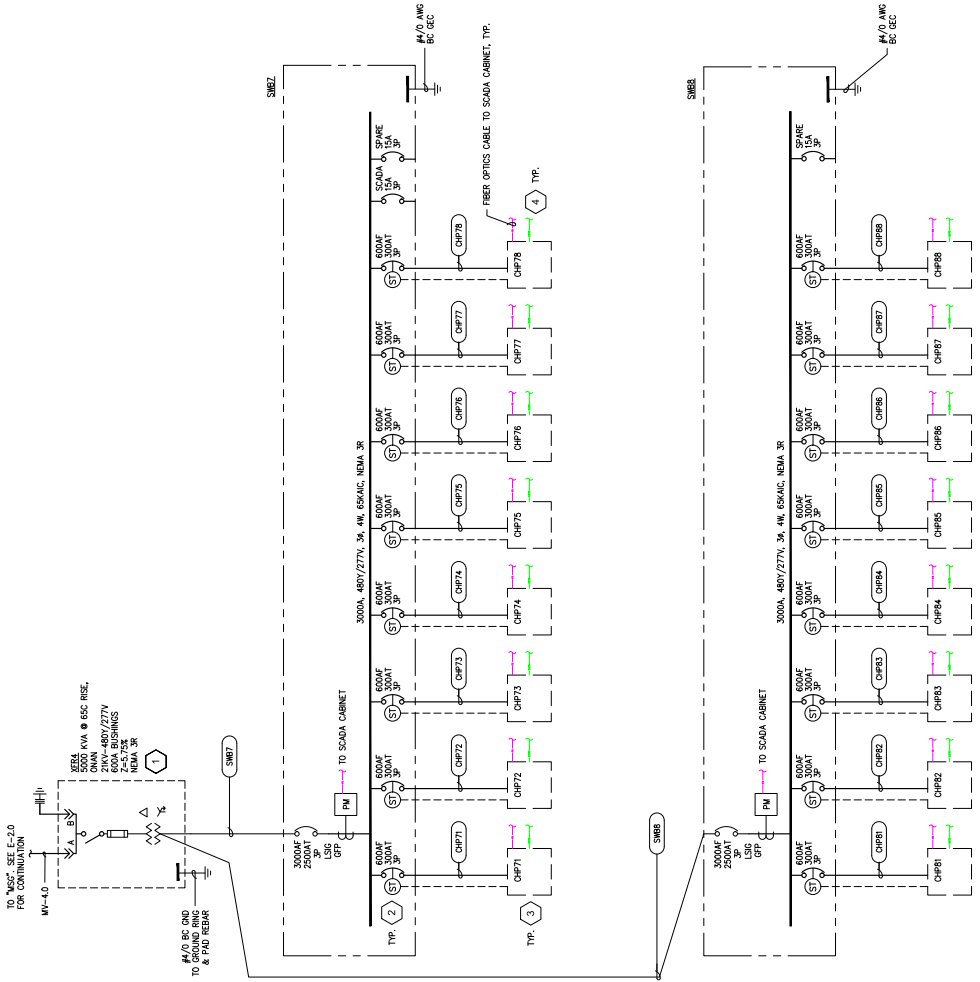
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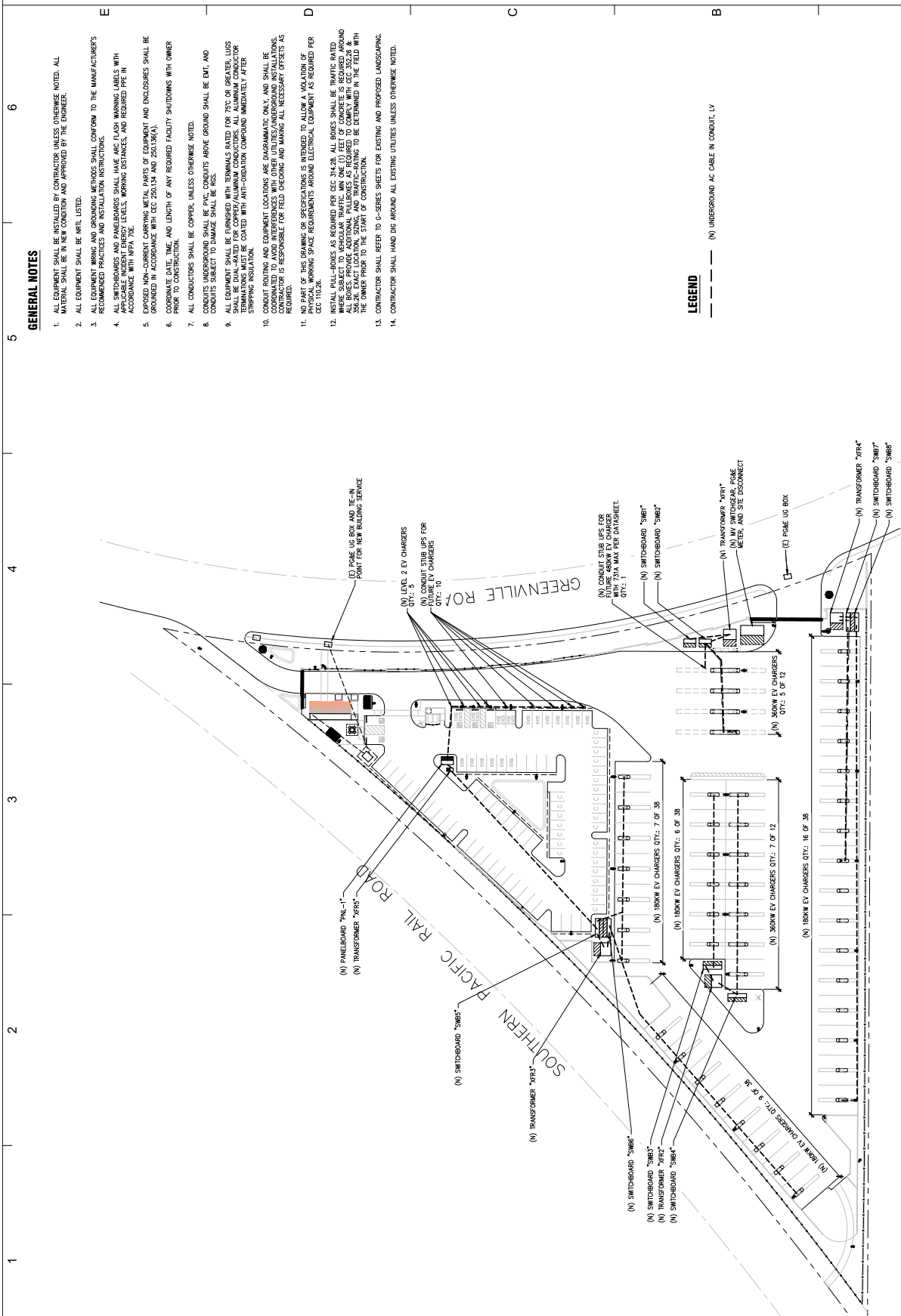
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2

1



1 SINGLE LINE DIAGRAM - EV  
SCALE NTS

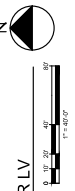


### GENERAL NOTES

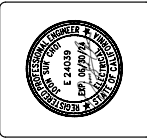
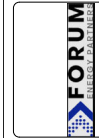
1. ALL EQUIPMENT SHALL BE INSTALLED BY CONTRACTOR UNLESS OTHERWISE NOTED. ALL MATERIAL SHALL BE IN THE POSITION AND APPROVED BY THE ENGINEER.
2. ALL EQUIPMENT SHALL BE METL LISTED.
3. ALL EQUIPMENT WIRING AND GROUNDING METHODS SHALL CONFORM TO THE MANUFACTURER'S RECOMMENDED PRACTICES AND INSTALLATION INSTRUCTIONS.
4. ALL CONDUITS AND UNDERGROUND INSTALLATIONS SHALL HAVE E-1500 MARKING LABELS WITH APPROPRIATE INFORMATION. ALL CONDUITS SHALL BE INSTALLED IN ACCORDANCE WITH NFPA 70E.
5. EXPOSED NON-CURRENT CARRYING METAL PARTS OF EQUIPMENT AND ENCLOSURES SHALL BE GROUNDED IN ACCORDANCE WITH NEC 250.134 AND 250.136(A).
6. COORDINATE DATE, TIME, AND LENGTH OF ANY REQUIRED FACILITY SHUTDOWNS WITH OWNER PRIOR TO CONSTRUCTION.
7. ALL CONDUCTORS SHALL BE COPPER UNLESS OTHERWISE NOTED.
8. CONDUITS UNDERGROUND SHALL BE PVC CONDUITS ABOVE GROUND SHALL BE EMT, AND CONDUITS SUBJECT TO DAMAGE SHALL BE RSC.
9. ALL EQUIPMENT SHALL BE FURNISHED WITH TERMINALS RATED FOR 75C OR GREATER. UNLESS OTHERWISE NOTED, ALL EQUIPMENT SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDED PRACTICES AND INSTALLATION INSTRUCTIONS. ALL TERMINALS MUST BE COVERED WITH ANTI-OXIDATION COMPOUND IMMEDIATELY AFTER STRIPPING INSULATION.
10. CONDUIT ROUTING AND EQUIPMENT LOCATIONS ARE DIAGRAMMATIC ONLY, AND SHALL BE COORDINATED TO AVOID INTERFERENCE WITH OTHER UTILITIES/UNDERGROUND INSTALLATIONS. CONTRACTOR SHALL BE RESPONSIBLE FOR FIELD CHECKING AND MAKING ALL NECESSARY ADJUSTS AS REQUIRED.
11. NO PART OF THIS DRAWING OR SPECIFICATIONS IS INTENDED TO ALLOW A VIOLATION OF ANY APPLICABLE ELECTRICAL CODES OR REGULATIONS. ALL WORK SHALL BE PERFORMED PER THE PHYSICAL WORKING SPACE REQUIREMENTS AROUND ELECTRICAL EQUIPMENT AS REQUIRED PER NEC TABLE 110.26(A).
12. ALL WORK SHALL BE SUBJECT TO THE FIELD CHECKING AND MAKING ALL NECESSARY ADJUSTS AS REQUIRED. ALL WORK SHALL BE SUBJECT TO THE FIELD CHECKING AND MAKING ALL NECESSARY ADJUSTS AS REQUIRED. ALL WORK SHALL BE SUBJECT TO THE FIELD CHECKING AND MAKING ALL NECESSARY ADJUSTS AS REQUIRED.
13. CONTRACTOR SHALL REFER TO P-SERIES SHEETS FOR EXISTING AND PROPOSED LANDSCAPING.
14. CONTRACTOR SHALL HAND DIG AROUND ALL EXISTING UTILITIES UNLESS OTHERWISE NOTED.

### LEGEND

- (N) UNDERGROUND AC CABLE IN CONDUIT, LV



1 ELECTRICAL SITE PLAN - EV POWER LV  
SCALE 1" = 40' 0"



FORUM MOBILITY  
151 GREENVILLE RD.  
LIVERMORE, CA 94551

NO.	REVISION	DATE	INT.
05/24/23	PRELIM	07/17/23	JC
07/17/23	PROGRESS	07/17/23	JC
08/04/23	PROGRESS	07/17/23	JC
08/14/23	PROGRESS	07/17/23	JC
08/06/23	PROGRESS	07/17/23	JC
10/17/23	PROGRESS	07/17/23	JC


ORIGINAL SIZE 36"X48"  
SHEET SIZE ARCH 'D'

PROJECT: 223022


ELECTRICAL  
SITE PLAN -  
EV POWER  
LV

DATE PLOTTED: 10/24/23  
E-3.0






**FORUM**  
ELECTRIC SYSTEMS

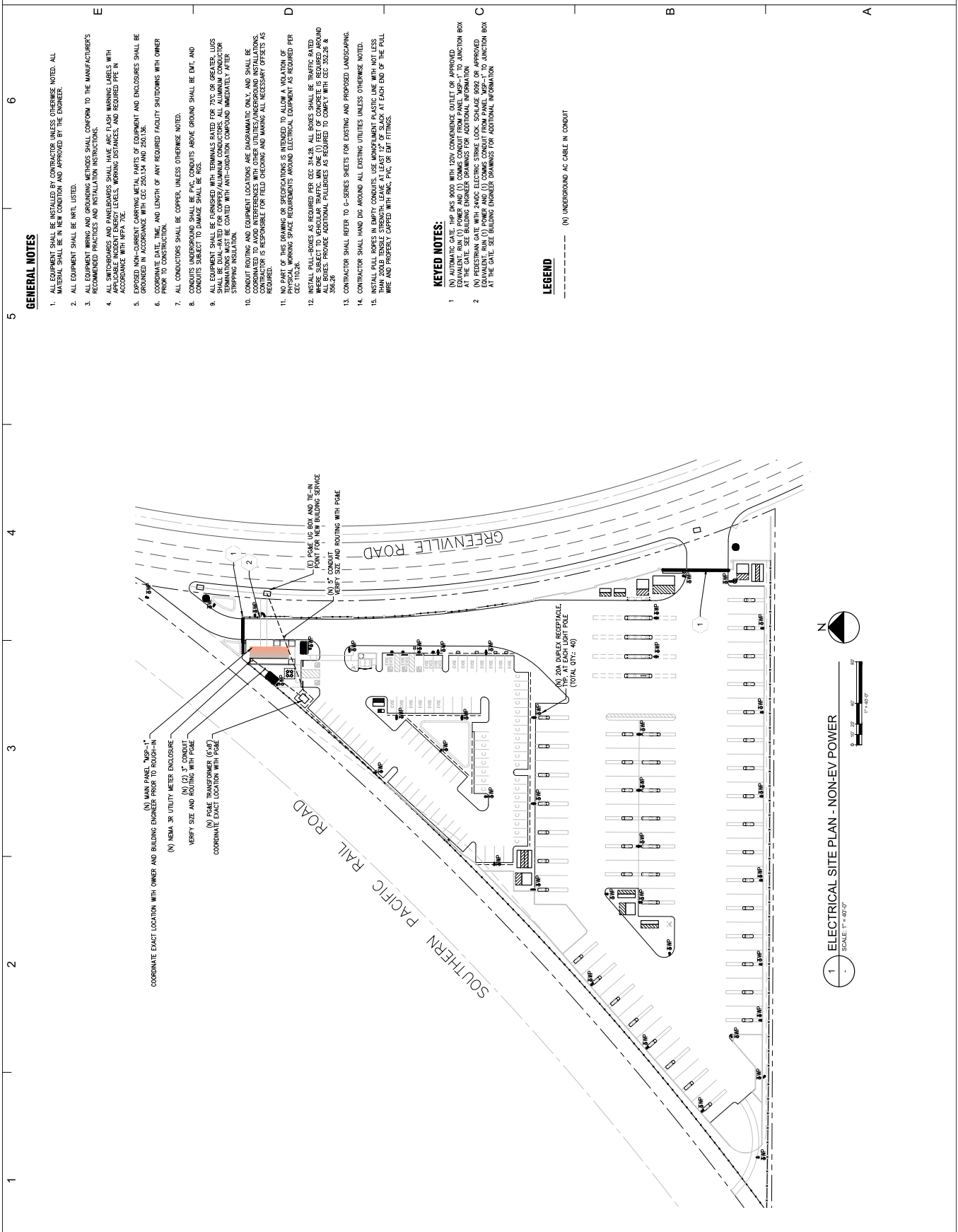


**BLYMYER**  
ENGINEERS  
11 AMERICA CA 94011 510.531.2773



**FORUM MOBILITY**  
151 GREENVILLE RD.  
LIVERMORE, CA 94551

NO.	REVISION
05/24/23	JC
07/17/23	JC
07/17/23	JC
08/04/23	JC
08/04/23	JC
09/06/23	JC
10/17/23	JC



**GENERAL NOTES**

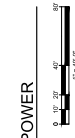
- ALL EQUIPMENT SHALL BE INSTALLED BY CONTRACTOR UNLESS OTHERWISE NOTED. ALL MATERIAL SHALL BE IN THE POSITION AND APPROVED BY THE ENGINEER.
- ALL EQUIPMENT SHALL BE METL LISTED.
- ALL EQUIPMENT WIRING AND GROUNDING METHODS SHALL CONFORM TO THE MANUFACTURER'S RECOMMENDED PRACTICES AND INSTALLATION INSTRUCTIONS.
- ALL CONDUITS AND WIRING SHALL HAVE E-1500 MARKING. ALL WIRING SHALL BE IN ACCORDANCE WITH NFPA 70E.
- EXPOSED NON-CURRENT CARRYING METAL PARTS OF EQUIPMENT AND ENCLOSURES SHALL BE GROUND IN ACCORDANCE WITH NEC 250.134 AND 250.136.
- COORDINATE DATE, TIME, AND LENGTH OF ANY REQUIRED FACILITY SHUTDOWNS WITH OWNER PRIOR TO CONSTRUCTION.
- ALL CONDUCTORS SHALL BE COPPER, UNLESS OTHERWISE NOTED.
- CONDUITS UNDERGROUND SHALL BE PVC. CONDUITS ABOVE GROUND SHALL BE EMT, AND CONDUITS SUBJECT TO DAMAGE SHALL BE RGS.
- ALL EQUIPMENT SHALL BE FURNISHED WITH TERMINALS RATED FOR 75% OR GREATER, UNLESS OTHERWISE NOTED. ALL CONDUIT AND WIRING SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDED PRACTICES AND INSTALLATION INSTRUCTIONS. STRIPPING INSULATION.
- CONDUIT ROUTING AND EQUIPMENT LOCATIONS ARE DIAGRAMMATIC ONLY, AND SHALL BE VERIFIED BY THE CONTRACTOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL NECESSARY OFFSETS AS REQUIRED.
- NO PART OF THIS DRAWING OR SPECIFICATIONS IS INTENDED TO ALLOW A VIOLATION OF FEDERAL, STATE, OR LOCAL LAWS, ORDINANCES, REGULATIONS, AND STANDARDS. THE CONTRACTOR IS RESPONSIBLE FOR FIELD OBSERVATIONS AND MAKING ALL NECESSARY OFFSETS AS REQUIRED.
- INSTALL PULL-SERVICES AS REQUIRED PER NEC 314.8. ALL SERVICES SHALL BE TRAFFIC RATED.
- ALL BOXES, PROVIDE ADDITIONAL PULLBOXES AS REQUIRED TO COMPLY WITH NEC 352.28 & 352.8.
- CONTRACTOR SHALL REFER TO C-SERIES SHEETS FOR EXISTING AND PROPOSED LANDSCAPING.
- CONTRACTOR SHALL HAND DIG AROUND ALL EXISTING UTILITIES UNLESS OTHERWISE NOTED.
- INSTALL PULL ROPES IN EMPTY CONDUITS. USE MONUMENTAL PLASTIC LINE WITH NOT LESS THAN 700LB TENSILE STRENGTH. LEAVE AT LEAST 12" OF SLACK AT EACH END OF THE PULL WIRE, AND PROTECT CAPPED WITH 1/2" PVC OR TBT FITTINGS.

**KEYED NOTES:**

- (N) AUTOMATIC GATE: 1HP DKS 9000 WITH 120V CONDUIT OUTLET OR APPROVED EQUIVALENT WITH 1/2" CONDUIT. POWER AND WIRING SHALL BE FROM PANEL TO JUNCTION BOX AT THE GATE. SEE BUILDING ENGINEER DRAWINGS FOR ADDITIONAL INFORMATION.
- (N) PEDESTRIAN GATE WITH 2400V ELECTRIC STRIKE LOCK, SLAGAGE 5902, OR APPROVED EQUIVALENT. (1) POWER AND (1) COMING CONDUIT FROM PANEL "MSP-1" TO JUNCTION BOX AT THE GATE. SEE BUILDING ENGINEER DRAWINGS FOR ADDITIONAL INFORMATION.

**LEGEND**

--- (N) UNDERGROUND AC CABLE IN CONDUIT



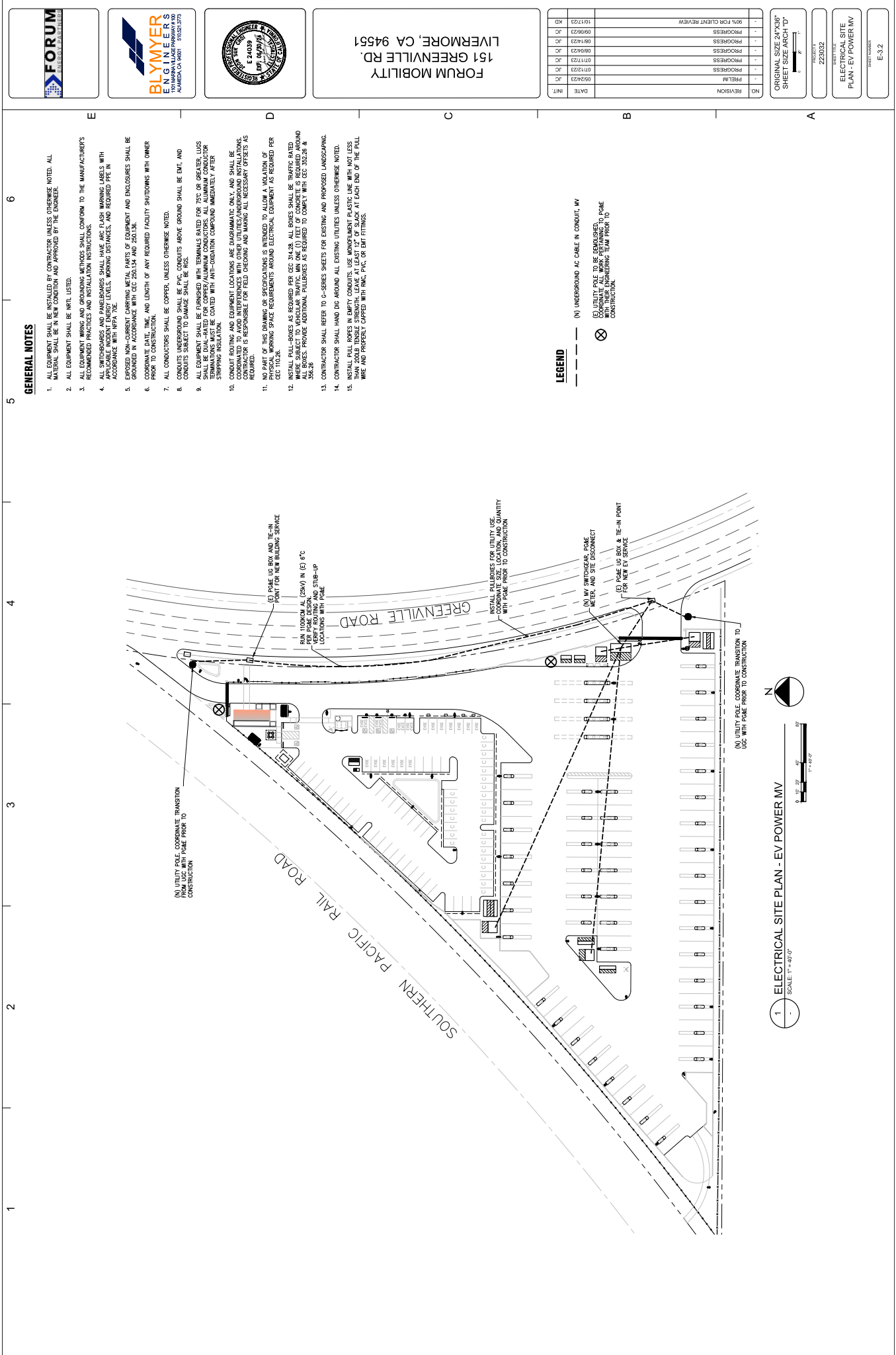
**1 ELECTRICAL SITE PLAN - NON-EV POWER**  
SCALE: 1" = 40'

ORIGINAL SIZE 24"X36"  
SHEET SIZE ARCH "D"

PROJECT: 223002

ELECTRICAL SITE PLAN  
- NON-EV POWER

SHEET NUMBER: E-3.1



### GENERAL NOTES

1. ALL EQUIPMENT SHALL BE INSTALLED BY CONTRACTOR UNLESS OTHERWISE NOTED. ALL MATERIALS SHALL BE IN ACCORDANCE WITH THE MANUFACTURER'S SPECIFICATIONS AND APPROVED BY THE ENGINEER.
2. ALL EQUIPMENT SHALL BE METL LISTED.
3. ALL EQUIPMENT WIRING AND GROUNDING METHODS SHALL CONFORM TO THE MANUFACTURER'S RECOMMENDED PRACTICES AND INSTALLATION INSTRUCTIONS.
4. ALL CONDUITS AND EQUIPMENT SHALL HAVE E-1000 MARKING LABELS WITH APPROPRIATE INFORMATION. LABELS SHALL BE PLACED AT THE POINT OF ENTRY TO THE EQUIPMENT AND SHALL BE IN ACCORDANCE WITH NFPA 70E.
5. EXPOSED NON-CURRENT CARRYING METAL PARTS OF EQUIPMENT AND ENCLOSURES SHALL BE GROUNDED IN ACCORDANCE WITH NEC 250.134 AND 250.136.
6. COORDINATE DATE, TIME, AND LENGTH OF ANY REQUIRED FACILITY SHUTDOWNS WITH OWNER PRIOR TO CONSTRUCTION.
7. ALL CONDUCTORS SHALL BE COPPER UNLESS OTHERWISE NOTED.
8. CONDUITS UNDERGROUND SHALL BE PVC CONDUITS ABOVE GROUND SHALL BE EMT, AND CONDUITS SUBJECT TO DAMAGE SHALL BE RIS.
9. ALL EQUIPMENT SHALL BE FURNISHED WITH TERMINALS RATED FOR 75°C OR GREATER UNLESS OTHERWISE NOTED. TERMINALS SHALL BE COATED WITH ANTI-OXIDATION COMPOUND IMMEDIATELY AFTER STRIPPING INSULATION.
10. CONDUIT ROUTING AND EQUIPMENT LOCATIONS ARE DIAGRAMMATIC ONLY, AND SHALL BE VERIFIED BY THE CONTRACTOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR FIELD MEASUREMENTS AND MAKING ALL NECESSARY ADJUSTMENTS AS REQUIRED.
11. NO PART OF THIS DRAWING OR SPECIFICATIONS IS INTENDED TO ALLOW A VIOLATION OF ANY LOCAL, STATE, FEDERAL, OR FEDERAL REGULATORY AGENCIES' REQUIREMENTS. THE CONTRACTOR IS RESPONSIBLE FOR FIELD MEASUREMENTS AND MAKING ALL NECESSARY ADJUSTMENTS AS REQUIRED.
12. INSTALL PULL-BOXES AS REQUIRED PER NEC 314.8. ALL BOXES SHALL BE TRAFFIC RATED. ALL BOXES SHALL BE INSTALLED AT A MINIMUM OF 18" FEET OF CONCRETE IS REQUIRED AROUND ALL BOXES. PROVIDE ADDITIONAL PULLBOXES AS REQUIRED WITH NEC 352.28 & 352.6.
13. CONTRACTOR SHALL REFER TO C-SERIES SHEETS FOR EXISTING AND PROPOSED LANDSCAPING.
14. CONTRACTOR SHALL HAND DIG AROUND ALL EXISTING UTILITIES UNLESS OTHERWISE NOTED.
15. INSTALL PULL ROPES IN EMPTY CONDUITS. USE MONUMENTAL PLASTIC LINE WITH NOT LESS THAN 700LB TENSILE STRENGTH. LEAVE AT LEAST 12" OF SLACK AT EACH END OF THE PULL WIRE, AND PROTECT CAPPED WITH 1/2" PVC OR TBT FITTINGS.

### LEGEND

- (N) UNDERGROUND AC CABLE IN CONDUIT, MV
- (E) UTILITY POLE TO BE DEMOLISHED
- (X) COORDINATE ALL WORK PERTAINING TO POLE CONSTRUCTION

1 ELECTRICAL SITE PLAN - EV POWER MV  
SCALE: 1" = 40'



FORUM MOBILITY  
151 GREENVILLE RD.  
LIVERMORE, CA 94551

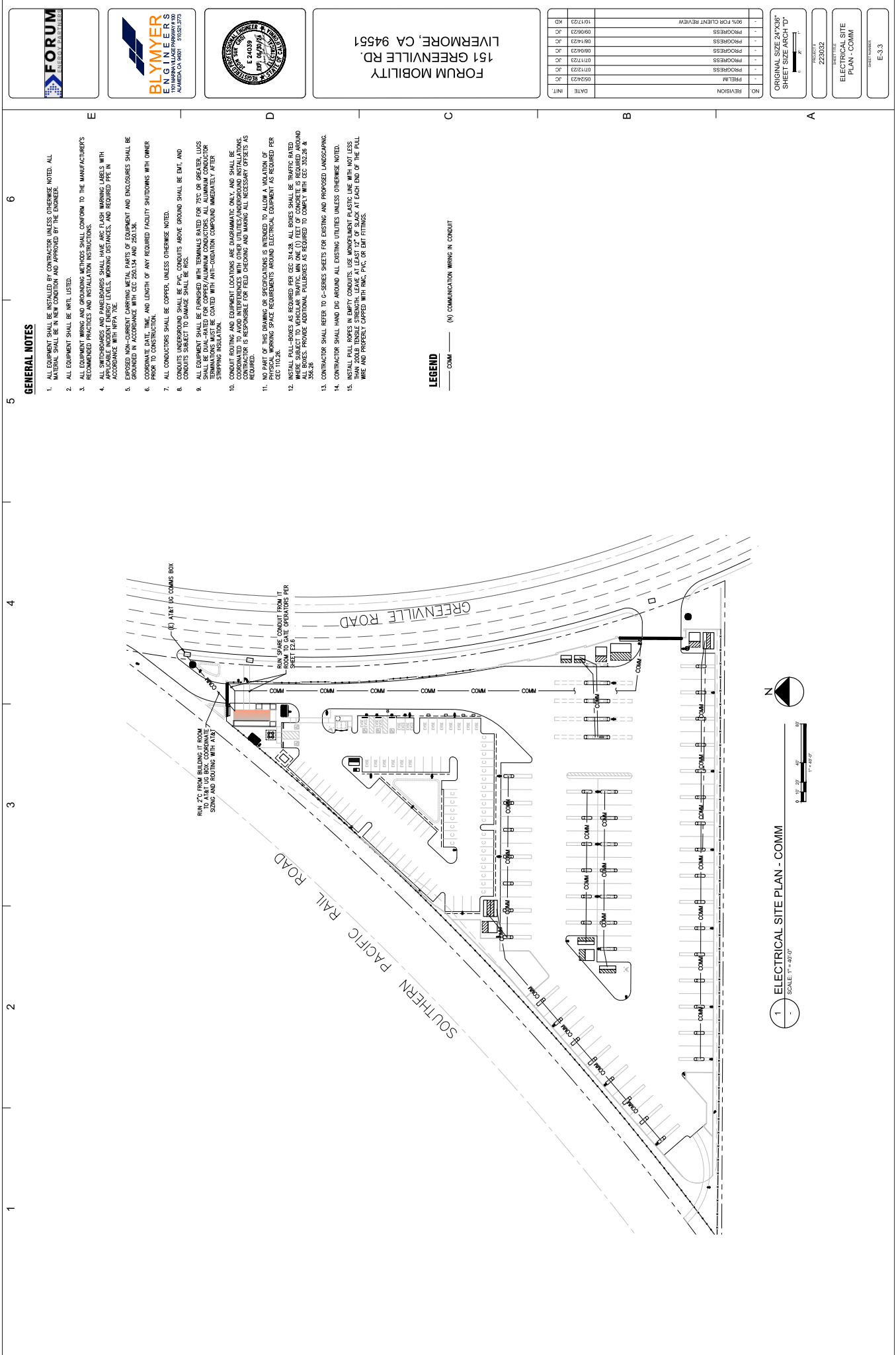
NO.	REVISION	DATE	INT.
05/24/23	JC		
07/17/23	JC		
07/17/23	JC		
08/04/23	JC		
08/14/23	JC		
09/06/23	JC		
10/17/23	JC		

ORIGINAL SIZE 24" X 36"  
SHEET SIZE ARCH D

PROJECT: 2233022

ELECTRICAL SITE PLAN - EV POWER MV

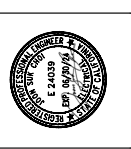
SHEET NUMBER: E-3.2



### GENERAL NOTES

1. ALL EQUIPMENT SHALL BE INSTALLED BY CONTRACTOR UNLESS OTHERWISE NOTED. ALL MATERIALS SHALL BE IN ACCORDANCE WITH THE APPROVALS AND APPROVED BY THE ENGINEER.
2. ALL EQUIPMENT SHALL BE METL LISTED.
3. ALL EQUIPMENT WIRING AND GROUNDING METHODS SHALL CONFORM TO THE MANUFACTURER'S RECOMMENDED PRACTICES AND INSTALLATION INSTRUCTIONS.
4. ALL CONDUITS AND WIRING SHALL HAVE A MINIMUM 18" CLEARANCE FROM ALL STRUCTURES AND ENCLOSURES SHALL HAVE A MINIMUM 18" CLEARANCE FROM ALL STRUCTURES AND ENCLOSURES SHALL BE IN ACCORDANCE WITH NFPA 70E.
5. EXPOSED NON-CURRENT CARRYING METAL PARTS OF EQUIPMENT AND ENCLOSURES SHALL BE GROUNDED IN ACCORDANCE WITH NEC 250.134 AND 250.136.
6. COORDINATE DATE, TIME, AND LENGTH OF ANY REQUIRED FACILITY SHUTDOWNS WITH OWNER PRIOR TO CONSTRUCTION.
7. ALL CONDUCTORS SHALL BE COPPER, UNLESS OTHERWISE NOTED.
8. CONDUITS UNDERGROUND SHALL BE PVC, CONDUITS ABOVE GROUND SHALL BE EMT, AND CONDUITS SUBJECT TO DAMAGE SHALL BE RIS.
9. ALL EQUIPMENT SHALL BE FURNISHED WITH TERMINALS RATED FOR 75°C OR GREATER, UNLESS OTHERWISE NOTED. ALL TERMINALS MUST BE COVERED WITH ANTI-OXIDATION COMPOUND IMMEDIATELY AFTER STRIPPING INSULATION.
10. CONDUIT ROUTING AND EQUIPMENT LOCATIONS ARE DIAGRAMMATIC ONLY, AND SHALL BE FIELD VERIFIED BY THE CONTRACTOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR FIELD VERIFICATION AND MAKING ALL NECESSARY ADJUSTS AS REQUIRED.
11. NO PART OF THIS DRAWING OR SPECIFICATIONS IS INTENDED TO ALLOW A VIOLATION OF ANY LOCAL, STATE, FEDERAL, OR FEDERAL REGULATORY AGENCIES REGULATIONS. THE CONTRACTOR IS RESPONSIBLE FOR FIELD VERIFICATION AND MAKING ALL NECESSARY ADJUSTS AS REQUIRED.
12. INSTALL PULL-BOXES AS SHOWN FOR USE PER NEC 314.28. ALL BOXES SHALL BE TRAFFIC RATED, WHERE SUBJECT TO VEHICULAR TRAFFIC. MIN ONE (1) FEET OF CONCRETE IS REQUIRED AROUND ALL BOXES. PROVIDE ADDITIONAL PULLBOXES AS REQUIRED TO COMPLY WITH NEC 352.28 & 352.6.
13. CONTRACTOR SHALL REFER TO C-SERIES SHEETS FOR EXISTING AND PROPOSED LANDSCAPING.
14. CONTRACTOR SHALL HAND DIG AROUND ALL EXISTING UTILITIES UNLESS OTHERWISE NOTED.
15. INSTALL PULL ROPES IN EMPTY CONDUITS. USE MONUMENTAL PLASTIC LINE WITH NOT LESS THAN 200LB TENSILE STRENGTH. LEAVE AT LEAST 12" OF SLACK AT EACH END OF THE PULL WIRE, AND PROTECT CAPPED WITH 1/2" PVC OR TBT FITTINGS.

**LEGEND**  
 COMM (N) COMMUNICATION WIRING IN CONDUIT



FORUM MOBILITY  
 151 GREENVILLE RD.  
 LIVERMORE, CA 94551

NO.	REVISION	DATE	INT.
05/24/23	JC		
07/17/23	JC		
07/17/23	JC		
08/04/23	JC		
08/14/23	JC		
08/08/23	JC		
09/06/23	JC		
10/17/23	JC		

ORIGINAL SIZE 24"X36"  
 SHEET SIZE ARCH 'D'

PROJECT: 223002

SHEET TITLE: ELECTRICAL SITE PLAN - COMM

SHEET NUMBER: E-3.3




1 ELECTRICAL SITE PLAN - COMM

SCALE: 1" = 40'-0"

0' 10' 20' 30' 40'

1" = 40'-0"

N

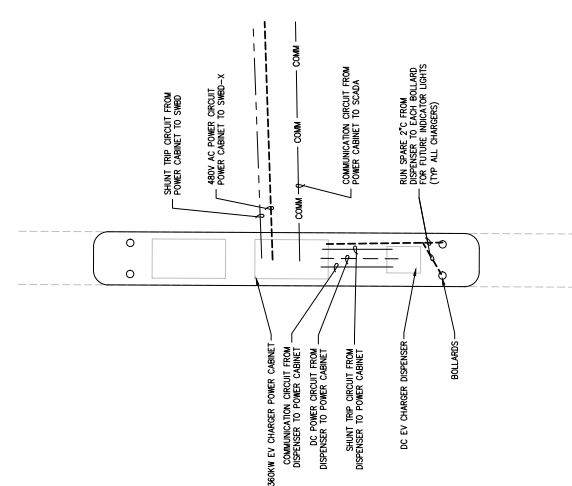




**FORUM MOBILITY**  
151 GREENVILLE RD.  
LIVERMORE, CA 94551

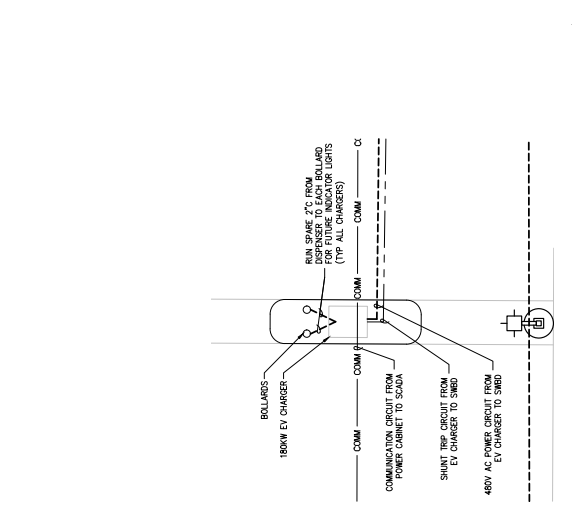
NO.	REVISION	DATE	INT.
05/24/23	JC	07/17/23	JC
07/17/23	JC	07/17/23	JC
08/04/23	JC	07/17/23	JC
08/14/23	JC	07/17/23	JC
09/06/23	JC	07/17/23	JC
10/17/23	JC	07/17/23	JC

**GENERAL NOTES**

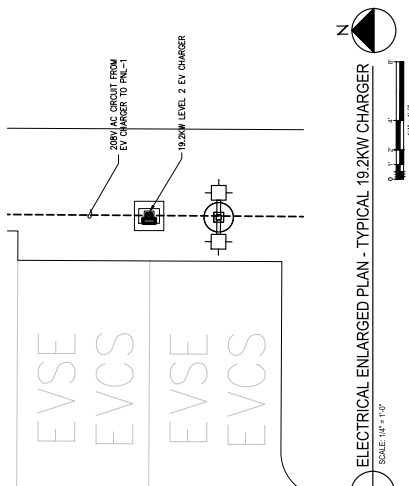
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- ALL EQUIPMENT SHALL BE METL LISTED.
- ALL EQUIPMENT WIRING AND GROUNDING METHODS SHALL CONFORM TO THE MANUFACTURER'S RECOMMENDED PRACTICES AND INSTALLATION INSTRUCTIONS.
- ALL CONDUITS AND WIRING SHALL BE INSTALLED IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE (NEC) AND ALL APPLICABLE LOCAL ORDINANCES. ALL WIRING SHALL BE INSTALLED IN ACCORDANCE WITH NFPA 70E.
- EXPOSED NON-CURRENT CARRYING METAL PARTS OF EQUIPMENT AND ENCLOSURES SHALL BE GROUNDED IN ACCORDANCE WITH NEC 250.134 AND 250.136.
- COORDINATE DATE, TIME, AND LENGTH OF ANY REQUIRED FACILITY SHUTDOWNS WITH OWNER PRIOR TO CONSTRUCTION.
- ALL CONDUCTORS SHALL BE COPPER, UNLESS OTHERWISE NOTED.
- CONDUITS UNDERGROUND SHALL BE PVC, CONDUITS ABOVE GROUND SHALL BE EMT, AND CONDUITS SUBJECT TO DAMAGE SHALL BE RIS.
- ALL EQUIPMENT SHALL BE FURNISHED WITH TERMINALS RATED FOR 75°C OR GREATER, UNLESS OTHERWISE NOTED. ALL TERMINALS SHALL BE PROTECTED WITH ANTI-OXIDATION COMPOUND IMMEDIATELY AFTER STRIPPING INSULATION.
- CONDUIT ROUTING AND EQUIPMENT LOCATIONS ARE DIAGRAMMATIC ONLY, AND SHALL BE VERIFIED BY THE CONTRACTOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR FIELD MEASUREMENTS AND MAKING ALL NECESSARY ADJUSTS AS REQUIRED.
- NO PART OF THIS DRAWING OR SPECIFICATIONS IS INTENDED TO ALLOW A VIOLATION OF ANY FEDERAL, STATE, OR LOCAL LAWS, RULES, ORDINANCES, REGULATIONS, AND ORDERS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AS REQUIRED.
- INSTALL PULL-BOXES AS REQUIRED PER NEC 314.28. ALL BOXES SHALL BE TRAFFIC RATED, WHERE SUBJECT TO VEHICULAR TRAFFIC. MIN ONE (1) FEET OF CONCRETE IS REQUIRED AROUND ALL BOXES. PROVIDE ADDITIONAL PULLBOXES AS REQUIRED TO COMPLY WITH NEC 352.28 & 352.29.
- CONTRACTOR SHALL REFER TO C-SERIES SHEETS FOR EXISTING AND PROPOSED LANDSCAPING.
- CONTRACTOR SHALL HAND DIG AROUND ALL EXISTING UTILITIES UNLESS OTHERWISE NOTED.
- INSTALL PULL ROPES IN EMPTY CONDUITS. USE MONUMENTAL PLASTIC LINE WITH NOT LESS THAN 700LB TENSILE STRENGTH. LEAVE AT LEAST 12" OF SLACK AT EACH END OF THE PULL WIRE, AND PROTECT CAPPED WITH IMC, PVC, OR EMT FITTINGS.



**1 ELECTRICAL ENLARGED PLAN - TYPICAL 360KW CHARGER**  
SCALE: 1/4" = 1'-0"



**2 ELECTRICAL ENLARGED PLAN - TYPICAL 180KW CHARGER**  
SCALE: 1/4" = 1'-0"



**3 ELECTRICAL ENLARGED PLAN - TYPICAL 19.2KW CHARGER**  
SCALE: 1/4" = 1'-0"

51

TYPE	STYLE	QUANTITY	LAMP	VOLTAGE	POWER	DESCRIPTION	GLASS SHIELDS
V	LED	54	LL-SL1	277V	200W	UNIMORE LED LIGHTING: LL-SL1-IND-2000W-40K-T5-1W- G2-xxx-xx-ENUCP POLE: 18'-0" HIGHER THAN FINISH GRADE LENS: CLEAR POLYCARBONATE, ALUMINUM FINISH UL LISTING: NET LOCATION COLOR TEMPERATURE: 4000K WATTAGE: 200W TRUCK CHARGING AREA, 18'-0" IN DIAMETER PHOTOCELL AND MOTION SENSORS	CLEAR SHIELD: LL-SL1-SM-OSB BACK SHIELD: LL-SL1-SM-OSB

**LEGEND**



**Linmore LED Site Lighter (SL1)**  
EXTERIOR LED FIXTURE

**KEY FEATURES**

- Up to 174 LPW
- 6,500 to 62,000 lumens
- Up to 85°C
- 200,000+ high-voltage drive (optional)
- Dimmable 0-10V
- Calculated L70 > 100,000 hours
- Patented Heat Mount Backlit (optional)
- Triple frequency lighting controls available

**Guaranteed Performance**  
Performance of the light fixture is guaranteed for 10 years, including lumens output (L70), color temperature, and LED driver.

**Superior Heat Dissipation**  
Extruded aluminum body is exceptional at moving thermal energy. Plus, the aesthetics are modern and timeless.

**Controls and Sensors**  
Linmore LED drive with 0-10V dimming. Plus, optional dimming sensors, photo-cell and time-of-day controls available.

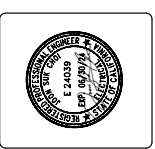
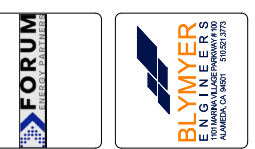
**ORDERING**

OPTION	DESCRIPTION	UNIT PRICE
0	Standard	\$1,200.00
1	Patented Heat Mount Backlit (optional)	\$1,500.00
2	Dimmable 0-10V	\$1,300.00
3	Photo-cell sensor	\$1,400.00
4	Time-of-day sensor	\$1,400.00
5	Patented Heat Mount Backlit (optional) + Dimmable 0-10V	\$1,800.00
6	Patented Heat Mount Backlit (optional) + Photo-cell sensor	\$1,700.00
7	Patented Heat Mount Backlit (optional) + Time-of-day sensor	\$1,700.00
8	Patented Heat Mount Backlit (optional) + Dimmable 0-10V + Photo-cell sensor	\$2,100.00
9	Patented Heat Mount Backlit (optional) + Dimmable 0-10V + Time-of-day sensor	\$2,100.00

**ORDERING EXAMPLES**

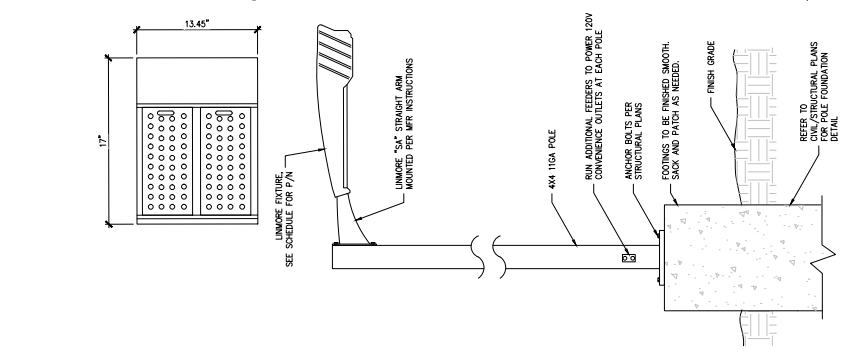
Example 1: LL-SL1-IND-2000W-40K-T5-1W-G2-xxx-xx-ENUCP-0-1-2-3-4-5-6-7-8-9

- GENERAL NOTES**
- 1 FOOT-CANDLE MINIMUM FOR ALL AREAS WITHIN PROPERTY LINE.
  - 2 4100K COLOR TEMPERATURE OF LIGHTING SHALL NOT BE GREATER THAN 4100K.
  - 3 LIGHTING FIXTURES TO BE MOUNTED LESS THAN 24FT ABOVE THE GROUND AND TO BE CONTROLLED BY PHOTOCELL-OFF MOTION SENSING POWER BY 50-60% IF AREA WILL BE VACATED BY OCCUPANTS, NO LONGER THAN 15 MINUTES AFTER THE AREA HAS VACATED.
  - 4 TYPICAL LIGHTING SYSTEM SHALL CONTAIN PROGRAMMABLE CIRCUITS, PHOTOCELL AND MOTION SENSORS. PHOTOCELL SHALL BE CALIBRATED TO ASTRONOMICAL TIME CLOCK WITH MANUAL OVERTRIDE. MINIMUM LIGHTING SYSTEM SHALL NOT EXCEED 80% OF RATING EQUIPMENT TERMINAL.
- KEYED NOTES:**
- 1 PROVIDE J-BOX IN VARIOUS LOCATIONS AS REQUIRED TO SERVICE LIGHTING SYSTEMS. PHOTOCELL AND MOTION SENSORS SHALL BE MOUNTED ON THE EXTERIOR WALLS OF BUILDINGS AND APPROX 6" ABOVE FINISH GRADE. PHOTOCELL AND MOTION SENSORS SHALL BE INSTALLED IN METAL RACKS LISTED FOR THE LOCATION. TYPE AND W. CABLE LISTED FOR NET LOCATION IS 350, 332 AND PROTECTED AGAINST PHYSICAL DAMAGE. BRIDS IN THE CABLE SHALL BE MADE SO THAT THE CABLE WILL NOT BE DAMAGED.
  - 2 RIM SPACE 2" FROM DISPENSERS TO EACH BALLARD FOR FUTURE INDICATOR LIGHTS
  - 3 RIM 2" TO EACH LIGHT POLE FOR FUTURE SECURITY CAMERA POWER FEEDERS

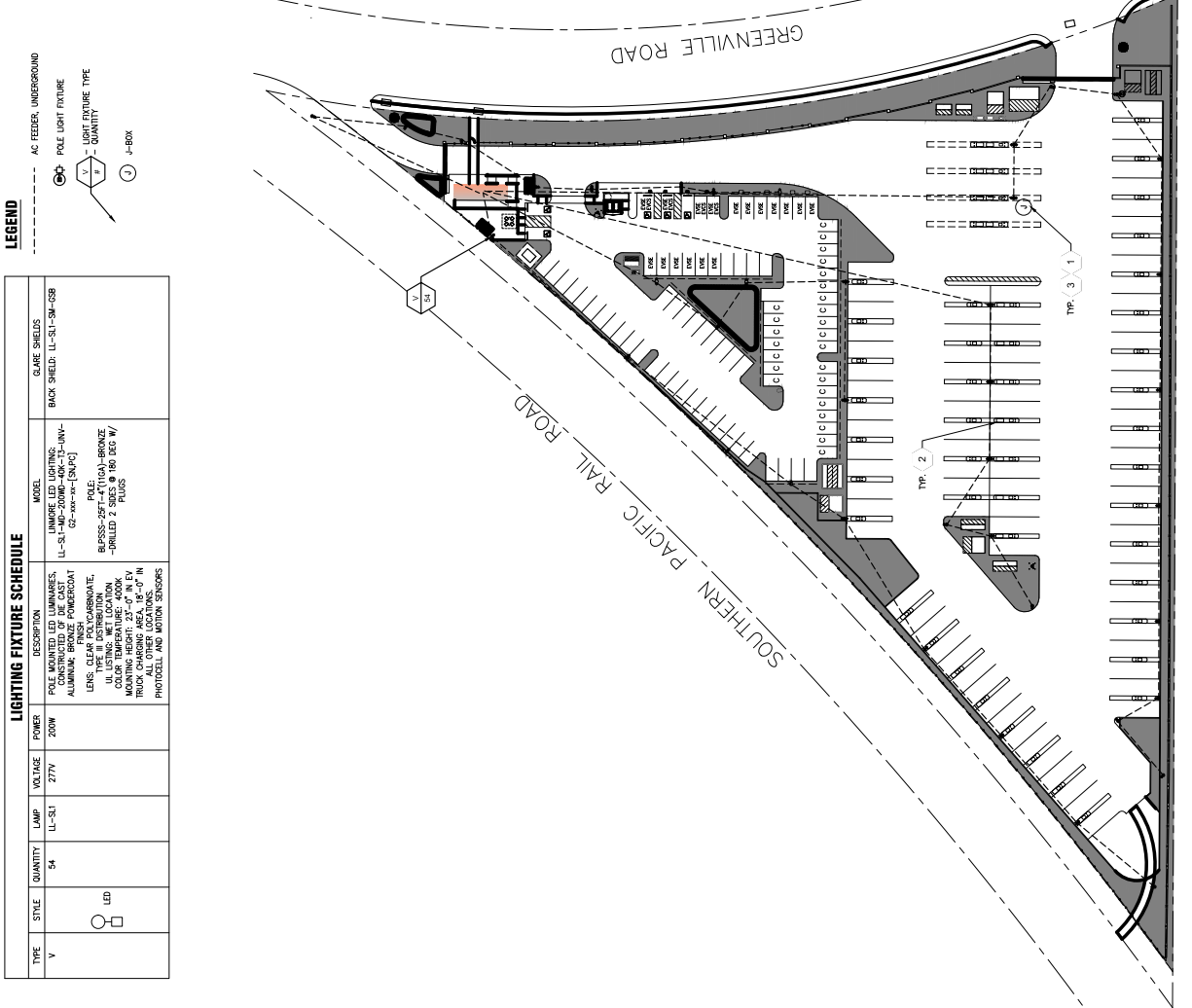


FORUM MOBILITY  
151 GREENVILLE RD.  
LIVERMORE, CA 94551

NO.	REVISION	DATE	INT.
01	PRELIM	05/24/23	JC
02	PROGRESS	07/12/23	JC
03	PROGRESS	07/12/23	JC
04	PROGRESS	08/04/23	JC
05	PROGRESS	08/14/23	JC
06	PROGRESS	09/06/23	JC
07	PROGRESS	10/17/23	JC



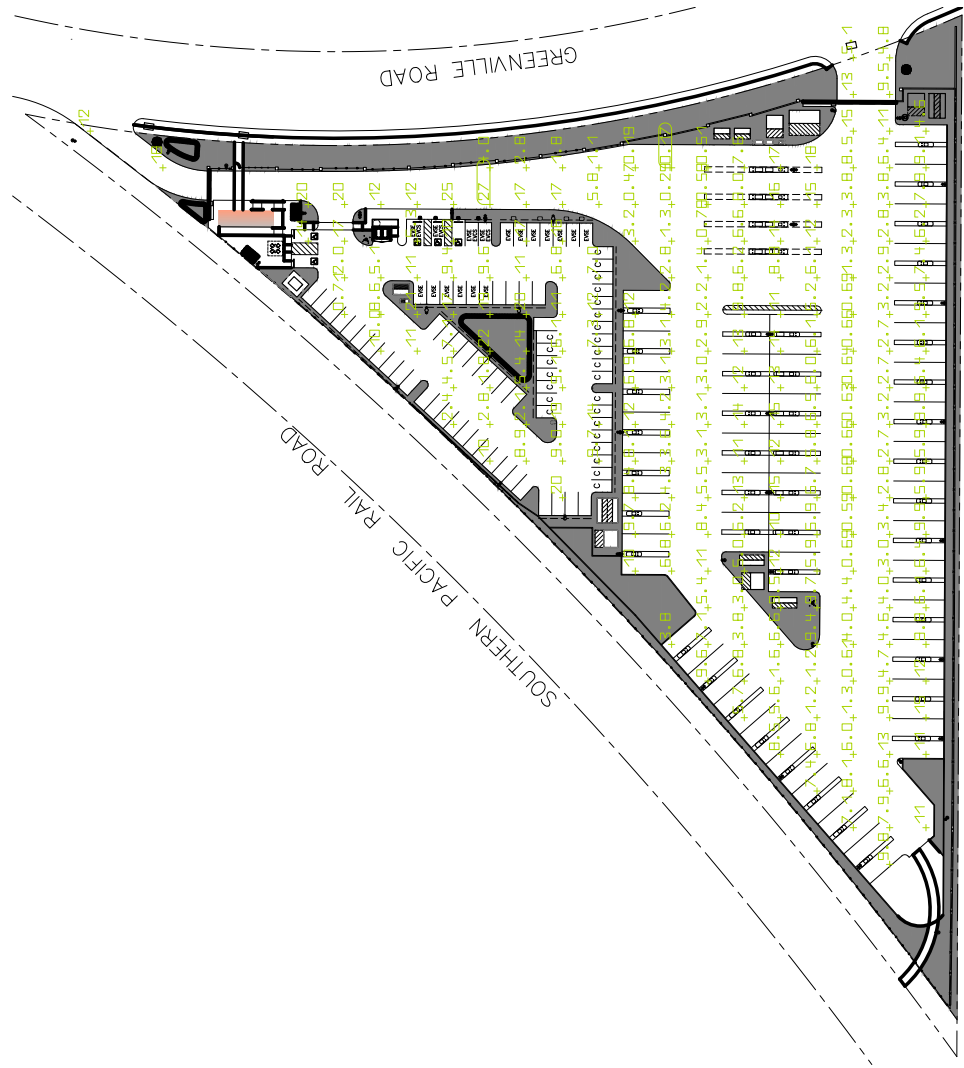
2 LINMORE LED SL1 FIXTURE DETAIL  
SCALE: NTS



1 LIGHTING AND SECURITY SITE PLAN  
SCALE: 1" = 40'



#	Min	Max	Average
V	0.17 fc	26.6 fc	7.80 fc



1 PHOTOMETRICS PLAN  
SCALE 1" = 40'0"

1 2 3 4 5 6

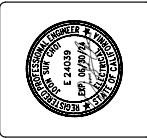
E

D

C

B

A



FORUM MOBILITY  
151 GREENVILLE RD.  
LIVERMORE, CA 94551

NO.	REVISION	DATE	INT.
05/24/23	JC	07/17/23	JC
07/17/23	JC	07/17/23	JC
08/04/23	JC	08/04/23	JC
08/14/23	JC	08/14/23	JC
09/06/23	JC	09/06/23	JC
10/17/23	NO	10/17/23	NO

ORIGINAL SIZE 9"X12"  
SHEET SIZE ARCH "D"

PROJECT # 223002

SHEET TITLE  
PHOTOMETRICS PLAN

SHEET NUMBER  
E-51

## Chapter 15.38 ELECTRIC VEHICLE CHARGING STATIONS EXPEDITED PERMITTING

### Sections:

- [15.38.010](#) Purpose and intent.
- [15.38.020](#) Definitions.
- [15.38.030](#) Expedited permitting process.
- [15.38.040](#) Permit application processing.
- [15.38.050](#) Technical review.
- [15.38.060](#) Electric vehicle charging station installation requirements.

### **15.38.010 Purpose and intent.**

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The purpose of this chapter is to promote and encourage the use of electric vehicles by creating an expedited, streamlined permitting process for electric vehicle charging stations while promoting public health and safety and preventing specific adverse impacts in the installation and use of such charging stations. This chapter is adopted in compliance with the requirements of California Government Code Section [65850.7](#). (Ord. 2060 § 1 (Exh. A), 2017)

### **15.38.020 Definitions.**

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A. “Electric vehicle charging station” or “charging station” means any level of electric vehicle supply equipment station that is designed and built in compliance with Article 625 of the California Electrical Code, as it reads on the effective date of this chapter, and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.

B. “Specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

C. “Electronic submittal” means the utilization of one or more of the following:

1. Electronic mail or email.
2. The Internet.
3. Facsimile. (Ord. 2060 § 1 (Exh. A), 2017)

### **15.38.030 Expedited permitting process.**

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Consistent with Government Code Section [65850.7](#), the building official shall implement an expedited, streamlined permitting process for electric vehicle charging stations, and adopt a checklist of all requirements with which electric vehicle charging stations shall comply in order to be eligible for expedited review. The expedited, streamlined permitting process and checklist may refer to the recommendations contained in the most current version of the “Plug-In Electric Vehicle Infrastructure Permitting Checklist” of the “Zero-Emission Vehicles in California: Community Readiness Guidebook” as published by the Governor’s Office of Planning and Research. The City’s adopted checklist shall be published on the City’s website. (Ord. 2065 § 1(A), 2018; Ord. 2060 § 1 (Exh. A), 2017)

### **15.38.040 Permit application processing.**

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A. Prior to submitting an application for processing, the applicant shall verify that the installation of an electric vehicle charging station will not have a specific, adverse impact to public health and safety and building

occupants. Verification by the applicant includes but is not limited to: electrical system capacity and loads; electrical system wiring, bonding and overcurrent protection; building infrastructure affected by charging station equipment and associated conduits; areas of charging station equipment and vehicle parking.

B. A permit application that satisfies the information requirements in the City's adopted checklist shall be deemed complete and be promptly processed. Upon confirmation by the building official that the permit application and supporting documents meet the requirements of the City's adopted checklist, and are consistent with all applicable laws and health and safety standards, the building official shall, consistent with Government Code Section [65850.7](#), approve the application and issue all necessary permits. Such approval does not authorize an applicant to energize or utilize the electric vehicle charging station until approval is granted by the City. If the building official determines that the permit application is incomplete, he or she shall issue a written correction notice to the applicant, detailing all deficiencies in the application and any additional information required to be eligible for expedited permit issuance.

C. Consistent with Government Code Section [65850.7](#), the building official shall allow for electronic submittal of permit applications covered by this chapter and associated supporting documentation. In accepting such permit applications, the building official shall also accept electronic signatures on all forms, applications, and other documentation in lieu of a wet signature by any applicant. (Ord. 2065 § 1(A), 2018; Ord. 2060 § 1 (Exh. A), 2017)

#### **15.38.050 Technical review.**

A. It is the intent of this chapter to encourage the installation of electric vehicle charging stations by removing obstacles to permitting for charging stations so long as the action does not supersede the building official's authority to address higher priority life-safety situations. If the building official makes a finding based on substantial evidence that the electric vehicle charging station could have a specific adverse impact upon the public health or safety, as defined in this chapter, the City may require the applicant to apply for a use permit.

B. In the technical review of a charging station, consistent with Government Code Section [65850.7](#), the building official shall not condition the approval for any electric vehicle charging station permit on the approval of such a system by an association, as that term is defined by Civil Code Section [4080](#). (Ord. 2065 § 1(A), 2018; Ord. 2060 § 1 (Exh. A), 2017)

#### **15.38.060 Electric vehicle charging station installation requirements.**

A. Electric vehicle charging station equipment shall meet the requirements of the California Electrical Code, the Society of Automotive Engineers, the National Electrical Manufacturers Association, and accredited testing laboratories such as Underwriters Laboratories, and rules of the Public Utilities Commission or a municipal electric utility company regarding safety and reliability.

B. Installation of electric vehicle charging stations and associated wiring, bonding, disconnecting means and overcurrent protective devices shall meet the requirements of Article 625 and all applicable provisions of the California Electrical Code.

C. Installation of electric vehicle charging stations shall be incorporated into the load calculations of all new or existing electrical services and shall meet the requirements of the California Electrical Code. Electric vehicle charging equipment shall be considered a continuous load.

D. Anchorage of either floor-mounted or wall-mounted electric vehicle charging stations shall meet the requirements of the California Building or Residential Code as applicable per occupancy, and the provisions of the manufacturer's installation instructions. Mounting of charging stations shall not adversely affect building elements. (Ord. 2060 § 1 (Exh. A), 2017)

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**The Livermore Municipal Code is current through Ordinance 2152, passed December 11, 2023.**

Disclaimer: The City Clerk's Office has the official version of the Livermore Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

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**RESIDENTIAL AND NON-RESIDENTIAL  
CHECKLIST FOR PERMITTING ELECTRIC VEHICLES  
AND ELECTRIC VEHICLE SERVICE EQUIPMENT (EVSE)**

Please complete the following information related to permitting and installation of Electric Vehicle Service Equipment (EVSE) as a supplement to the application for a building permit. This checklist contains the technical aspects of EVSE installations and is intended to help expedite permitting and use for electric vehicle charging.

Upon this checklist being deemed complete, a permit shall be issued to the applicant. ***However, if it is determined that the installation might have a specific adverse impact on public health or safety, additional verification will be required before a permit can be issued.***

This checklist substantially follows the “Plug-In Electric Vehicle Infrastructure Permitting Checklist” contained in the Governor’s Office of Planning and Research “Zero Emission Vehicles in California: Community Readiness Guidebook” and is purposed to augment the guidebook’s checklist.

Job Address:	Permit No.
<input type="checkbox"/> Single-Family <input type="checkbox"/> Multi-Family (Apartment) <input type="checkbox"/> Multi-Family (Condominium) <input type="checkbox"/> Commercial (Single Business) <input type="checkbox"/> Commercial (Multi-Businesses) <input type="checkbox"/> Mixed-Use <input type="checkbox"/> Public Right-of-Way	
Location and Number of EVSE to be Installed:	
Garage _____ Parking Level(s) _____ Parking Lot _____ Street Curb _____	
Description of Work:	

Applicant Name:	
Applicant Phone & email:	
Contractor Name:	License Number & Type:

Contractor Phone & email:
Owner Name:
Owner Phone & Email:

EVSE Charging Level: <input type="checkbox"/> Level 1 (120V) <input type="checkbox"/> Level 2 (240V) <input type="checkbox"/> Level 3 (480V)	
Maximum Rating (Nameplate) of EV Service Equipment = _____ kW	
Voltage EVSE = _____ V	Manufacturer of EVSE: _____
Mounting of EVSE: <input type="checkbox"/> Wall Mount <input type="checkbox"/> Pole Pedestal Mount <input type="checkbox"/> Other _____	

System Voltage: <input type="checkbox"/> 120/240V, 1 $\phi$ , 3W <input type="checkbox"/> 120/208V, 3 $\phi$ , 4W <input type="checkbox"/> 120/240V, 3 $\phi$ , 4W <input type="checkbox"/> 277/480V, 3 $\phi$ , 4W <input type="checkbox"/> Other _____
Rating of Existing Main Electrical Service Equipment = _____ Amperes
Rating of Panel Supplying EVSE (if not directly from Main Service) = _____ Amps
Rating of Circuit for EVSE: _____ Amps / _____ Poles
AIC Rating of EVSE Circuit Breaker (if not Single Family, 400A) = _____ A.I.C. (or verify with Inspector in field)

Specify Either Connected, Calculated or Documented Demand Load of Existing Panel:
<ul style="list-style-type: none"> <li>• Connected Load of Existing Panel Supplying EVSE = _____ Amps</li> </ul>
<ul style="list-style-type: none"> <li>• Calculated Load of Existing Panel Supplying EVSE = _____ Amps</li> </ul>
<ul style="list-style-type: none"> <li>• Demand Load of Existing Panel or Service Supplying EVSE = _____ Amps (Provide Demand Load Reading from Electric Utility)</li> </ul>



Total Load (Existing plus EVSE Load) = \_\_\_\_\_ Amps

*For Single Family Dwellings, if Existing Load is not known by any of the above methods, then the Calculated Load may be estimated using the “Single-Family Residential Permitting Application Example” in the Governor’s Office of Planning and Research “Zero Emission Vehicles in California: Community Readiness Guidebook”*  
<https://www.opr.ca.gov>

EVSE Rating \_\_\_\_\_ Amps x 1.25 = \_\_\_\_\_ Amps = Minimum Ampacity of EVSE Conductor = # \_\_\_\_\_ AWG

For Single-Family: Size of Existing Service Conductors = # \_\_\_\_\_ AWG or kcmil  
 - or - : Size of Existing Feeder Conductor  
 Supplying EVSE Panel = # \_\_\_\_\_ AWG or kcmil  
*(or Verify with Inspector in field)*

I hereby acknowledge that the information presented is a true, correct representation of existing conditions at the job site, and that any causes for concern as to life-safety verifications may require further substantiation of information.

Signature of Permit Applicant: \_\_\_\_\_ Date: \_\_\_\_\_



# Electric Vehicle Charging Stations

## Purpose

This handout summarizes the requirements for both residential and nonresidential Electric Vehicle Charging Stations (EVCS).

## Permits Required

### Residential/Duplex

- A Building Permit is required

### MultiFamily/Commercial/Industrial

- A Site Plan Design Review is required
- A Building Permit is required

## Plan Submittal Requirements

### Residential/Duplex

- An electrical plan is required (8.5"x 11"), include the following: See sample Plan (A) below
- Specify panel rating and location of the existing electrical service (example: 200 amp service panel)
- Indicate EV charging system load and circuit size†
  - Provide disconnect within sight if EVCS is rated more than 60 Amps
- Specify level of EV charging (Level 1\* or Level 2\*\*)
- Provide Load calculations when the service panel rating is less than 200 Amps
- Provide manufacturers cut sheets/ installation instructions
- Indicate installation height is min 18" indoors and min 24" outdoors above floor/grade level

- Indicate if a second electric meter for EV charging will be installed

### MultiFamily/Commercial/Industrial

#### Site Plan Design Review

- Provide existing and proposed site plan including:
  - Location of proposed EVCS
  - Show parking and landscaping
- Provide manufacturers cut sheets
- Provide elevation plan or photo with dimensions

#### Building Permit

- Provide building and electrical plans
- Building footprints and landscaped areas
- Locations of existing and proposed EVCS, panelboard, and service equipment
- Provide accessibility features associated with proposed EVCS/2022 CBC 11B-812
- Provide single line diagram showing existing and added electrical loads with calculations‡
- Indicate levels of EV charging; three levels are allowed in commercial/industrial/ multi-family properties (\*, \*\*, †)

## Review Time

Included review time for the entitlement portion and the permit portion

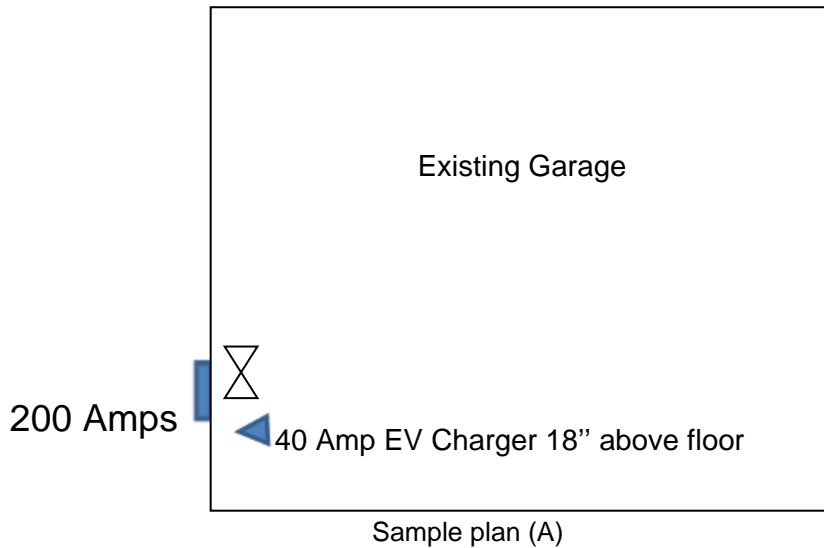


**Additional Resources**

\*Level 1 - 120 VAC - This is regular household voltage. It can fully charge a depleted battery in six to 10 hours, depending on the vehicle model.  
 \*\*Level 2 - 240 VAC - This voltage is the type that supports clothes dryers. It can fully charge a depleted battery in three to eight hours, depending on the vehicle model.

†Level 3 - 480 VAC or 208V three-phase - This is high voltage DC charging equipment that requires three-phase electric service. It can charge a depleted battery to roughly 80 percent of capacity in 30 minutes, depending on the vehicle model.  
 ‡Calculated load of chargers are considered continuous loads. Overcurrent protection device shall have a rating of not less than 125% of the maximum load.

**Residential Plan Sample**





**INTEROFFICE MEMORANDUM**

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Date: March 15, 2024

To: Steve Riley, Acting Planning Manager

From: Kimberly D. Cilley, Senior Assistant City Attorney

Subject: Greenville Community Charging Depot – Site Plan Design Review 23-004

**Issues Presented:**

1. What are the State permitting requirements for the Greenville Community Charging Depot?
2. Is the City's administrative approval of Site Plan Design Review 23-004 for the Greenville Community Charging Depot subject to environmental review under the California Environmental Quality Act?

**Short Answer:**

1. The Greenville Community Charging Depot's application for Site Plan Design Review 23-004 is subject to the State Permit Streamlining Laws (AB 1236 and AB 970) set forth in Government Code Sections 65850.7 and 65850.71, which limit the City's review to health and safety requirements set forth in local, state, and federal law.
2. The City conducted an administrative, nondiscretionary approval of Site Plan Design Review 23-004 for the Greenville Community Charging Station consistent with the State Permit Streamlining Laws (AB 1236 and AB 970). Because the City's decision involved the use of fixed standards limited to public health and safety, it was a ministerial decision and therefore statutorily exempt under the California Environmental Quality Act Guidelines Section 15268.

**Background:**

Greenville Community Charging Depot submitted an application for Site Plan and Design Review (SPDR) 23-004 to develop a medium- and heavy-duty electric vehicle

March 15, 2024

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charging depot (“the Project”). The Project includes charging spaces for 95 trucks, auto parking, an approximate 400-square foot guard station, and site improvements such as landscaping, stormwater infrastructure, fencing and lighting. The Project will dedicate right-of-way and construct roadway widening improvements along the Greenville Road frontage. The Project also includes a 15-foot easement along the northern property for a future segment of the Iron Horse Trail.

**Legal Analysis:**

Permit Streamlining Laws - Electric Vehicle Charging Stations

The transportation sector remains the largest contributor of greenhouse gas and criteria pollutant emissions in the State of California<sup>1</sup> (hereinafter “the State”.) The State is a national and international leader in the deployment of zero-emission vehicles (ZEVs) and is prioritizing the development of infrastructure to support these vehicles through policy, targeted investment and continued coordination. Infrastructure in the form of electric vehicle charging stations and hydrogen fueling stations enables the deployment of ZEVs. As a result, statewide permit streamlining requirements were enacted for electric vehicle charging stations (AB 1236, 2015, and AB 970, 2021).

In January 2023, the California Governor’s Office of Business and Economic Development released the Electric Vehicle Charging Station Permitting Guidebook, Second Edition, (the “Guidebook”), to assist station developers and local jurisdictions in navigating the infrastructure development process from selecting sites for electric vehicle charging through the permitting and construction processes.

AB 1236 and AB 970, codified in California Government Code Sections 65850.7 and 65850.71, provide the framework for local jurisdictions to process electric vehicle charging station permits. Section 65870.7 states, in relevant part, as follows:

(b) “A city,... shall administratively approve an application to install electric vehicle charging stations through the issuance of a building permit or similar nondiscretionary permit. Review of the application to install an electric vehicle charging station shall be limited to the building official’s review of whether it meets all health and safety requirements of local, state and federal law. The requirements of local law shall be limited to those standards and regulations necessary to ensure that the electric vehicle charging station will not have a

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<sup>1</sup> California Greenhouse Gas Emissions for 2000 to 2020, Trends of Emissions and Other Indicators



March 15, 2024

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specific, adverse impact upon the public health or safety. However, if the building official of the city...makes a finding, based on substantial evidence, that the electric vehicle charging station could have a specific, adverse impact upon the public health or safety, the city...may require the applicant to apply for a use permit. (Emphasis added.)

(c) A city... may not deny an application for a use permit to install an electric vehicle charging station unless it makes written findings based upon substantial evidence in the record that the proposed installation would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

...

(e) Any conditions imposed on an application to install an electric vehicle charging station shall be designed to mitigate the specific, adverse impact upon the public health or safety at the lowest cost possible.

(f)(1) An electric vehicle charging station shall meet all applicable safety and performance standards established by the California Electric Code, the Society of Automotive Engineers, the National Electrical Manufacturers Association, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.

(g)(1) [O]n or before September 30, 2017, every city... with a population of less than 200,000 residents, shall, in consultation with the local fire department...adopt an ordinance, consistent with the goals and intent of this section, that created an expedited, streamlined permitting process for electric vehicle charging stations. In developing an expedited permitting process, the city...shall adopt a checklist of all requirements with which electric vehicle charging stations shall comply to be eligible for expedited review. An application that satisfies the information requirements in the checklist, as determined by the city...shall be deemed complete. Upon confirmation by the city... of the application and supporting documents being complete and meeting the requirements of the checklist, and consistent with the ordinance, a city shall, consistent with subdivision (b), approve the application and issue all required permits or authorizations. (Emphasis added.)

Importantly, 65850.7(a)(4) states “It is the intent of the Legislature that local agencies comply not only with the language of this section, but also the legislative intent to encourage the installation of electric vehicle charging stations by removing obstacles to, and minimizing costs of, permitting for charging stations so

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long as the action does not supersede the building official's authority to identify and address higher priority life-safety situations.”

It should also be mentioned that *the Guidebook*, p. 34, states electric vehicle charging station (“EVCS”) permit applications are required to be approved through a truncated and streamlined permitting process. EVCS permit applications will usually be administratively reviewed for compliance with building, electrical, accessibility and fire safety regulations.” The permit applications may also receive public safety, structural, and engineering review based on the processes and organizational structure of the City.

AB 1236 requires permit streamlining for all charger installation projects, including primary use projects. A primary use charger installation project may require more consideration of health and safety than accessory use project, and it is reasonable to implement a different, streamlined process for primary use projects. However, a complete conditional use permit process should not be used. (*Guidebook*, p. 42.)

With respect to “aesthetics” *the Guidebook*, p. 46, specifically states “[w]hile design guidelines that implicate health and safety, such as safety related lighting, clearance, and signage are permissible under AB 1236, aesthetic changes without a specific impact on health and safety—such as landscaping and other screening requirements—are not in accordance with state permitting requirements under AB 1236.”

Government Code Sections 65850.7 and 65850.71 provide detailed requirements with which local jurisdictions must comply when issuing permits for an electric vehicle charging station, such as the Greenville Community Charging Depot. In accordance with State law, the City has enacted an ordinance creating an expedited, streamlined permitting process for electric vehicle charging stations and adopted a checklist of all requirements with which electric vehicle charging stations shall comply to be eligible for expedited review. Importantly, the State has identified the City as being in compliance with the State's electric vehicle charging requirements.

The Project met all relevant standards for health and safety, including but not limited to, stormwater requirements, vehicle circulation, traffic safety sight lines and emergency vehicle access. The Project also complies with aesthetic standards, to the extent permissible under Government Code Section 65850.7, such as landscape setbacks providing adequate clearance to and from the site, and safety-related lighting and signage. The City's administrative approval of SPDR 23-004 for the Greenville Community Charging Depot was consistent with the City's approved ordinance and checklist procedures, and therefore in compliance with State law.

March 15, 2024

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The California Environmental Quality Act

The California Environmental Quality Act (CEQA) applies only to discretionary projects proposed to be carried out or approved by public agencies. (California Public Resources Code Section 21080(a).) A decision is discretionary when it requires the exercise of judgment or deliberation. (CEQA Guidelines Section 15357.) CEQA does not apply to ministerial decisions, or decisions requiring little or no personal judgment by a public official on the wisdom or manner of carrying out a project. (CEQA Guidelines Section 15369).

Whether a project approval is discretionary or ministerial depends on the scope of the agency's authority under the law regulating the approval. If an agency has no discretion in making any decision regarding an activity, the activity is ministerial and therefore exempt from CEQA whether or not significant environmental impacts will result. (See *Protecting Our Water and Environmental Resources vs. County of Stanislaus* (2020) 10 Cal.5<sup>th</sup> 479, 489; *Leach vs City of San Diego* (1990) 220 Cal.App 3d 389, 394.) An agency's ability to exercise some discretion in acting on a project is irrelevant unless that discretion would allow the agency to require that the activity's environmental impacts be mitigated. (See *Sierra Club v. County of Sonoma* (2017) 11 Cal.App. 5<sup>th</sup> 11, 22; *McCorkle Eastside Neighborhood Group v. City of St. Helena* (2018) 31 Cal. App. 5<sup>th</sup> 80.)

The City's administrative approval of SPDR 23-004 for the Greenville Community Charging Depot was ministerial in that it was based on specific criteria set forth in Government Code Section 65850.7; that is whether the application met all health and safety requirements of local, state and federal law. Livermore Development Code Section 9.07.050 sets forth the discretionary review process for typical Site Plan Design Review applications and states that the review authority may approve a Site Plan and Design Review application, only after first making all of the findings set forth in subdivision (C). Subdivision (C) includes findings such as architectural design requirements, compatible and appropriate scale to neighboring properties; and harmonious relationship with existing and proposed developments based on good standards of design.

In the context of electric vehicle charging stations applications, the State has removed the discretionary review process described above and replaced it with a nondiscretionary permit process which is subject only to public health and safety standards. Pursuant to the requirements set forth in Government Code Sections 65850.7 and 65850.71, the City's administrative, nondiscretionary approval of SPDR 23-004 for the Greenville Community Charging Depot was based on standards and regulations necessary to ensure that it will not have a specific, adverse impact upon public health or safety. Accordingly, the City's approval of SPDR 23-004 was a ministerial decision and therefore statutorily exempt under CEQA Guidelines Section 15268.

cc: Paul Spence, Assistant City Manager  
Jason Alcalá, City Attorney



APPEAL APPLICATION

**ALL sections of this form must be completed and delivered to the Planning Division at City Hall within fifteen (15) days after the action in order for this Appeal to be accepted.**

I, California State Association of Electrical Workers c/o Tara Rengifo, hereby appeal the decision of the  
 City of Livermore \_\_\_\_\_ taken on (date) December 21, 2023  
 regarding: Site Plan Design Review (SPDR) 23-004

Project Application No: SPDR 23-004
Applicant: FM Greenville, LLC
Location/or Address: 151 Greenville Road, Livermore, CA 94551

**Specific Statement of the Relief Requested.** (i.e., approve/deny the application, modify the project to require..., modify Planning and/or Engineering Division Conditions to read..., etc.)  
 Attach additional sheets as needed.

See attached Appeal Letter.  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Basis for the Appeal.** Chapter 9.15 requires an application for Appeal to be accompanied by a written statement of the basis upon which the Appeal is filed. Attach additional sheets as needed.

See attached Appeal Letter.  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Signature: <i>Tara C. Rengifo</i>
Print Name: <u>Tara Rengifo</u> Telephone: <u>650-589-1660</u>
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Appeal Application No.:	Receipt No. :
Intake Planner:	Date:

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January 4, 2024

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**Re: Appeal of Site Plan and Design Review and CEQA Exemption  
Determination for the FM Greenville Electric Vehicle Charging  
Depot in the City of Livermore (SPDR 23-004)**

Dear Chair Leary, Commissioner Anderson, Commissioner Kronzak, Commissioner Fintschenko, Commissioner Dunbar, Ms. Weber, Mr. Spence, Mr. Stewart, Ms. Ludwig, and Ms. Pontau:



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We are writing on behalf of California State Association of Electrical Workers (“CSAEW”) to appeal the City of Livermore’s (“City”) December 21, 2023 approval of the Site Plan and Design Review (SPDR 23-004) for the FM Greenville Electric Vehicle Charging Depot (“Project”), proposed by FM Greenville, LLC (“Applicant”), and the City’s California Environmental Quality Act (“CEQA”)<sup>1</sup> exemption determination described in the December 21, 2023 Notice of Exemption (“NOE”).<sup>2</sup> This appeal letter is accompanied by the required appeal form and payment of the required appeal fee of \$4,166.00 in accordance with the City’s Planning Applications - Fee Schedule and the Master Fee Schedule.<sup>3</sup>

The Project proposes to develop a medium-duty (“MD”) and heavy-duty (“HD”) electric vehicle (“EV”) charging depot for 95 trucks, auto parking, an approximately 400 square foot guard station, and site improvements, such as landscaping, stormwater infrastructure, fencing, and lighting.<sup>4</sup> The Project will dedicate a right-of-way and construct roadway widening improvements along the Greenville Road frontage.<sup>5</sup> Additionally, the Project includes a 15-foot easement along the northern property line for a future segment of the Iron Horse Trail.<sup>6</sup>

This appeal letter, and CSAEW’s written comments dated November 30, 2023 attached hereto as Exhibit B,<sup>7</sup> demonstrate that the decision to approve the Site Plan and Design Review 23-004 and exempt the Project from CEQA violated CEQA, land use laws, and the City’s Development Code, and was not supported by substantial evidence in the record, for several reasons.

First, approval of the Project’s Site Plan and Design Review was a discretionary act subject to CEQA and the City’s determination that the Project falls under CEQA’s exemption for ministerial projects was a prejudicial abuse of discretion.

Second, CSAEW’s prior comments, and the comments of air quality, public health, greenhouse gas (“GHG”) emissions, and hazards experts Matt Hagemann P.G., C.Hg. and Paul E. Rosenfeld, Ph.D., of Soil Water Air Protection Enterprises

<sup>1</sup> Pub. Res. Code § 21080(b)(1); 14 C.C.R. § 15268.

<sup>2</sup> **Exhibit A**, City of Livermore, *Notice of Exemption* (Filed December 21, 2023).

<sup>3</sup> City of Livermore, *Planning Applications - Fee Schedule* (Effective July 1, 2023); City of Livermore, *MASTER FEE SCHEDULE* (Effective July 1, 2023).

<sup>4</sup> Exhibit A at 1.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> **Exhibit B**, Letter from California State Association of Electrical Workers to Paul Spence, Community Development Department Director, and Tricia Pontau, Sustainability Program Manager for the Community Development Department (November 30, 2023).

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(“SWAPE”), provide substantial evidence demonstrating that the Project may result in significant and unmitigated impacts from hazards and to air quality such that the City must prepare an Initial Study.<sup>8</sup>

Third, the City filed the NOE on December 21, 2023, which is prior to final Project approval given the pending appeal period for the Site Plan and Design Review. The City’s Development Code provides that project approvals are not final and effective until 5:00 p.m. on the 15th day following the date the decision is rendered, when no appeal to the decision has been filed.<sup>9</sup> In this case, the 15th day following approval is January 5, 2023. The December NOE therefore predated the Project’s approval date and was premature and invalid. A NOE filed before project approval does not comply with CEQA’s requirements and fails to trigger the 35-day limitations period. The City prematurely filed the NOE and must withdraw the NOE to comply with CEQA’s requirements.<sup>10</sup>

Finally, the City lacks substantial evidence to support a finding that the Project is consistent with the General Plan and therefore the Planning Commission must grant this appeal and vacate the approval of the Site Plan and Design Review 23-004.

This appeal “state[s] the pertinent facts and the basis for the appeal,” which “include[s], at a minimum, the specific grounds for the appeal, where there was an error or abuse of discretion by the previous review authority (e.g., Commission, Historic Preservation Commission, Director, or other City official) in the consideration and action on the matter being appealed, and/or where the decision was not supported by the evidence on the record.”<sup>11</sup> This appeal also “state[s] clearly why the exemption does not apply to the specific project.”<sup>12</sup> This appeal is “limited to ... information that was not known at the time of the decision that is being appealed.”<sup>13</sup> This appeal is also based on the issues raised in CSAEW’s November

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<sup>8</sup> *Id.*

<sup>9</sup> City of Livermore, *Livermore Development Code*, § 9.15.030(F)(1) (emphasis added) (hereinafter “Livermore Development Code”).

<sup>10</sup> Any previously filed NOE is also rendered moot by the filing of this appeal. *See Sea and Sage Audubon Society, Inc. v. Planning Commission of City of Anaheim* (1983) 34 Cal.3d 412 (NOE may be posted only “after approval of the project,” which cannot occur until all administrative appeals have been exhausted).

<sup>11</sup> Livermore Development Code § 9.15.030(B)(1).

<sup>12</sup> **Exhibit C**, City of Livermore, *Procedures for Implementing the California Environmental Quality Act (CEQA)* (Adopted September 11, 1989, Amended April 9, 1990, Amended August 11, 1997).

<sup>13</sup> Livermore Development Code § 9.15.030(C).

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30, 2023 comments,<sup>14</sup> which were not addressed prior to Project approval, and the issues discussed herein.<sup>15</sup>

CSAEW urges the Planning Commission to grant this appeal, withdraw the NOE, vacate the approval of the Site Plan and Design Review 23-004, and remand the Project to City Staff to prepare an Initial Study and Environmental Impact Report (“EIR”) to fully analyze and mitigate the Project’s potentially significant impacts. CSAEW reserves the right to submit supplemental comments and evidence at any later hearings and proceedings related to the Project, in accordance with State law.<sup>16</sup>

## I. STATEMENT OF INTEREST

CSAEW represents thousands of electrical workers in all International Brotherhood of Electrical Workers (“IBEW”) Local Unions in California and Nevada, including IBEW Local Union 595 and its members who live, work, recreate and raise their families in the City of Livermore and the surrounding areas in Alameda County. Accordingly, they would be directly affected by the Project’s environmental and health and safety impacts. Individual members may also work on the Project itself. They will be first in line to be exposed to any health and safety hazards that exist on site. In addition, CSAEW has an interest in enforcing environmental laws that encourage sustainable development and ensure a safe working environment for its local unions and their members.

## II. LEGAL BACKGROUND

“CEQA and the regulations implementing it ‘embody California’s strong public policy of protecting the environment.’”<sup>17</sup> CEQA is designed to inform decision-makers and the public about the potential, significant environmental effects of a project.<sup>18</sup> “CEQA’s fundamental goal [is] fostering informed decision-making.”<sup>19</sup> “The purpose of CEQA is not to generate paper, but to compel government at all levels to make decisions with environmental consequences in mind.”<sup>20</sup>

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<sup>14</sup> See Exhibit B.

<sup>15</sup> See Exhibit B.

<sup>16</sup> Gov. Code § 65009(b); Pub. Res. Code § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.

<sup>17</sup> *Save the Agoura Cornell Knoll*, 46 Cal. App. 5th at 673.

<sup>18</sup> 14 C.C.R. § 15002(a)(1).

<sup>19</sup> *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 402.

<sup>20</sup> *Bozung v. LAFCO* (1975) 13 Cal.3d 263, 283.

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The implementation of CEQA is a multistep process that begins with whether the proposed activity is subject to CEQA at all.<sup>21</sup> CEQA applies to “discretionary projects proposed to be carried out or approved by public agencies.”<sup>22</sup> A ministerial project, as opposed to a discretionary project, is exempt from CEQA.<sup>23</sup> Whether a project approval is discretionary or ministerial depends on the scope of the agency's authority under the law regulating the approval.<sup>24</sup> A project may only be considered ministerial and exempt from CEQA if an agency has *no discretion* in making decisions regarding an activity.<sup>25</sup> Where a project involves an approval that contains elements of both a ministerial action and a discretionary action, the project will be deemed to be discretionary and will be subject to the requirements of CEQA.<sup>26</sup>

CEQA exemptions are to be narrowly construed and “[e]xemption categories are not to be expanded beyond the reasonable scope of their statutory language.”<sup>27</sup> An agency's categorization of a project as ministerial is not conclusive. Public agencies must act in accord with the Guidelines and the objectives of CEQA. If the law authorizing the action requires the agency to make any discretionary determinations, the agency's characterization of the activity as ministerial is not dispositive.<sup>28</sup> Erroneous reliance by a lead agency on an exemption constitutes a prejudicial abuse of discretion and a violation of CEQA.<sup>29</sup>

Next, assuming CEQA applies, the agency must determine whether the activity qualifies for an exemption for discretionary projects or whether an initial study and CEQA document are required.<sup>30</sup> If no exemptions are applicable, the agency must undertake environmental review of the activity, which begins with an initial study to determine whether the project may have a significant effect on the environment.<sup>31</sup> A negative declaration may be prepared “if there is no substantial evidence that the project or any of its aspects may cause a significant effect on the environment.”<sup>32</sup> A mitigated negative declaration is required if the initial study

<sup>21</sup> See Pub. Res. Code § 21065.

<sup>22</sup> Pub. Res. Code §21080(a).

<sup>23</sup> *Id.* at §21080(b)(1).

<sup>24</sup> 14 C.C.R. § 15002(i)(2).

<sup>25</sup> See *Leach v City of San Diego* (1990) 220 Cal. App.3d 389,394.

<sup>26</sup> 14 C.C.R. § 15268(d).

<sup>27</sup> *Mountain Lion Found. v. Fish & Game Com.* (1997) 16 Cal.4th 105, 125.

<sup>28</sup> See *Friends of Westwood, Inc. v City of Los Angeles* (1987) 191 Cal. App. 3d 259,270; *Day v City of Glendale* (1975) 51 Cal. App. 3d 817,823.

<sup>29</sup> *Azusa Land Reclamation Co. v. Main San Gabriel Basin Watermaster* (1997) 52 Cal.App.4th 1165, 1192.

<sup>30</sup> 14 C.C.R. § 15061.

<sup>31</sup> *Id.* at § 15063.

<sup>32</sup> *Id.* at § 15063(b)(2).

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identifies potentially significant environmental effects but (1) those effects can be fully mitigated by changes in the project and (2) the project applicant agrees to incorporate those changes.<sup>33</sup> Because “[t]he adoption of a negative declaration...has a terminal effect on the environmental review process” by allowing the agency to dispense with the duty to prepare an EIR, negative declarations, as well as mitigated negative declarations, are allowed only in cases where there is not even a “fair argument” that the project will have a significant environmental effect.<sup>34</sup>

An EIR is necessary for any discretionary project that may have a significant adverse effect on the environment.<sup>35</sup> “At the heart of CEQA is the requirement that public agencies prepare an EIR for any project that may have a significant effect on the environment.”<sup>36</sup> A negative declaration is improper, and an EIR must be prepared, whenever it can be fairly argued on the basis of substantial evidence that the project may have a significant environmental impact.<sup>37</sup> A “significant effect on the environment” is defined as “a substantial, or potentially substantial, adverse change in the environment.”<sup>38</sup> Substantial evidence, for purposes of the fair argument standard, includes “fact, a reasonable assumption predicated upon fact, or *expert opinion* supported by fact.”<sup>39</sup>

### **III. APPROVAL OF THE PROJECT’S SITE PLAN AND DESIGN REVIEW WAS A DISCRETIONARY ACT SUBJECT TO CEQA AND THE CITY’S DETERMINATION THAT THE PROJECT FALLS UNDER THE MINISTERIAL EXEMPTION WAS A PREJUDICIAL ABUSE OF DISCRETION**

The City incorrectly determined that the Project’s land use permits were ministerial and exempt from CEQA because the City’s Development Code clearly describes approval of site plan and design review applications as discretionary actions subject to the imposition of conditions and mitigation to reduce environmental and public health impacts.

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<sup>33</sup> *Id.* at § 15070(b)(1)-(2).

<sup>34</sup> *Citizens of Lake Murray v. San Diego* (1989) 129 Cal.App.3d 436, 440; Pub. Res. Code §§ 21064, 21100.

<sup>35</sup> Pub. Res. Code § 21151(a).

<sup>36</sup> *Friends of College of San Mateo Gardens v. San Mateo County Community College Dist.* (2016) 1 Cal.5th 937, 944 (internal citations and quotations omitted).

<sup>37</sup> *Id.* at 957.

<sup>38</sup> Pub. Res. Code § 21068; 14 C.C.R. § 15382; *County Sanitation Dist. No. 2 v. County of Kern* (2005) 127 Cal.App.4th 1544, 1581.

<sup>39</sup> Pub. Res. Code § 21080(e)(1) (emphasis added); *Citizens for Responsible Equitable Environmental Development v. City of Chula Vista* (2011) 197 Cal.App.4th 327, 331.

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The NOE states that the Project is exempt from CEQA pursuant to Public Resources Code Section 21080(b)(1) and CEQA Guidelines Sections 15268 and 15369 because the Project's site plan and design review, Site Plan and Design Review 23-004, is subject to ministerial approval.<sup>40</sup> In support of its determination, the City cites to Government Code section 65850.7, which requires local agencies to “administratively approve an application to install electric vehicle charging stations through the **issuance of a building permit or similar nondiscretionary permit,**” unless local officials make a finding that the project could have a specific, adverse impact on public health or safety.<sup>41</sup> The City reasons that “[t]he Project **as conditioned** will meet all health and safety requirements of local, state, and federal law,” and “[a]s such, the City finds the project to be subject to ministerial approval and therefore exempt from the provisions of CEQA.”<sup>42</sup> The City's reasoning, however, is fatally flawed because, rather than issue a building permit or other non-discretionary permit for the Project, the City approved the Site Plan and Design Review 23-004 for the Project, which is a discretionary approval under the City's Development Code which is subject to CEQA. Therefore, the City's determination that the Project falls under CEQA's ministerial exemption was in error and a prejudicial abuse of discretion.

CEQA applies to “discretionary projects proposed to be carried out or approved by public agencies,” and exempts “[m]inisterial projects...”<sup>43</sup> CEQA does not define “discretionary project” or “ministerial project,” but both are defined in the CEQA Guidelines. Under CEQA Guidelines section 15357, a discretionary project “means a project which requires the exercise of judgment or deliberation when the public agency or body decides to approve or disapprove a particular activity, as distinguished from situations where the public agency or body merely has to determine whether there has been conformity with applicable statutes, ordinances, regulations, or other fixed standards. The key question is whether the public agency can use its subjective judgment to decide whether and how to carry out or approve a project.”<sup>44</sup>

Under section 15369 of the CEQA Guidelines, a ministerial decision is “a governmental decision involving little or no personal judgment by the public official as to the wisdom or manner of carrying out the project. The public official merely applies the law to the facts as presented but uses no special discretion or judgment in reaching a decision. A ministerial decision involves only the use of fixed

<sup>40</sup> Exhibit A; see Pub. Res. Code § 21080(b)(1); 14 C.C.R. § 15268.

<sup>41</sup> Gov't Code § 65850.7(b) (emphasis added).

<sup>42</sup> Exhibit A (emphasis added).

<sup>43</sup> Pub. Res. Code § 21080(a)-(b)(1).

<sup>44</sup> 14 C.C.R. § 15357.



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standards or objective measurements, and the public official cannot use personal, subjective judgment in deciding whether or how the project should be carried out.”<sup>45</sup> CEQA Guidelines establish that “[t]he determination of what is ‘ministerial’ can most appropriately be made by the particular public agency involved based upon its analysis of its own laws, and each public agency should make such determination either as a part of its implementing regulations or on a case-by-case basis.”<sup>46</sup>

CEQA Guidelines Section 15268, which the City relied on to purportedly exempt the Project from CEQA review, clearly states that “[w]here a project involves an approval that contains elements of both a ministerial action and a discretionary action, the project will be deemed to be discretionary and will be subject to the requirements of CEQA.”<sup>47</sup>

The California Supreme Court explained the legislative rationale behind CEQA’s exclusion of ministerial actions: “The statutory distinction between discretionary and purely ministerial projects implicitly recognizes that unless a public agency can shape the project in a way that would respond to concerns raised in an EIR, or its functional equivalent, environmental review would be a meaningless exercise.”<sup>48</sup> “Prior judicial decisions [] have adopted a restrictive definition of ‘ministerial projects’ considered exempt from environmental review. The California Supreme Court has held CEQA ‘must be interpreted in such manner as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language.’ [internal citations omitted] Following this mandate, other courts have established the principle that CEQA applies even where the process is largely ministerial.”<sup>49</sup>

The court in *Friends of Westwood, Inc. v. City of Los Angeles* evaluated the functional distinction between “ministerial” and “discretionary” projects under CEQA.<sup>50</sup> The court established that “[t]he question is whether [the agency] exercised any substantial degree of discretion and whether it conceivably could have been guided in the exercise of this discretion by an environmental assessment. If it exercised such discretion—or even if it had the power to exercise discretion but failed to do so—this is a ‘discretionary project’ within the meaning of CEQA.”<sup>51</sup> There, the court held that the approval process for a building permit for a tower was a discretionary project within the meaning of CEQA given the substantial discretion

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<sup>45</sup> *Id.* at § 15369.

<sup>46</sup> *Id.* at § 15268(a).

<sup>47</sup> *Id.* at § 15268(d).

<sup>48</sup> *Mountain Lion Foundation v. Fish & Game Com.* (1997) 16 Cal.4th 105, 117.

<sup>49</sup> *Friends of Westwood, Inc. v. City of Los Angeles* (1987) 191 Cal. App. 3d 259, 271.

<sup>50</sup> *Id.* at 272-73.

<sup>51</sup> *Id.* at 273.

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of city employees as to the standards the building was required to meet and with respect to matters which conceivably could mitigate environmental effects of project.<sup>52</sup>

The court “extract[ed] certain principles from [its] survey of legislative purpose, legislative history, administrative guidelines, and prior judicial interpretations,” to determine “why it makes sense to exempt the ministerial ones from the EIR requirement,” concluding “that for truly ministerial permits an EIR is irrelevant.”<sup>53</sup> The court explained that,

No matter what the EIR might reveal about the terrible environmental consequences of going ahead with a given project the government agency would lack the power (that is, the discretion) to stop or modify it in any relevant way. The agency could not lawfully deny the permit nor condition it in any way which would mitigate the environmental damage in any significant way. The applicant would be able to legally compel issuance of the permit without change. Thus, to require the preparation of an EIR would constitute a useless—and indeed wasteful—gesture. Conversely, where the agency possesses enough authority (that is, discretion) to deny or modify the proposed project on the basis of environment consequences the EIR might conceivably uncover, the permit process is ‘discretionary’ within the meaning of CEQA. Indeed one court held it sufficient when the only ‘discretion’ an agency possessed was to delay a project even though it could not reject or modify the project. [internal citations omitted] Accordingly, the question [] is whether the [agency has] the power to deny or condition [the permit] or otherwise modify [the] project in ways which would have mitigated environmental problems an EIR might conceivably have identified. If not, the [] process indeed is ‘ministerial’ within the meaning of CEQA. If it could, the process is ‘discretionary.’<sup>54</sup>

Here, the City’s CEQA Guidelines adopt the definitions of “discretionary” and “ministerial” under CEQA Guidelines sections 15357 and 15369, respectively.<sup>55</sup> The City’s CEQA Guidelines also provide the following examples of ministerial projects exempt from CEQA review:

- Approval of projects where little or no discretionary judgment or deliberation is involved;

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<sup>52</sup> *Id.* at 277-78.

<sup>53</sup> *Id.* at 272.

<sup>54</sup> *Id.* at 272-73.

<sup>55</sup> Exhibit C at 6-7.

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- Issuance of building, construction and related permits;
- Issuance of Business Licenses;
- Approval of Final Tract Maps and parcel Maps in substantial conformance with approved Tentative Maps;
- Approval of Zoning Use Permits pursuant to the Zoning Ordinance;
- Approval of Home Occupation Permits pursuant to the Zoning Ordinance;
- Approval of individual utility service connections and disconnections;
- Issuance of Bicycle Licenses.<sup>56</sup>

Notably, Site Plan and Design Review is not included in the list of ministerial projects enumerated in the City’s CEQA Guidelines. To the contrary, the approval process for a Site Plan and Design Review is a “discretionary project” within the meaning of CEQA because the City’s Development Code clearly describes approval of site plan and design review applications as discretionary actions subject to the imposition of conditions and mitigation to reduce environmental and public health impacts.

The purpose of the City’s Site Plan and Design Review “is to provide a process for the appropriate review of construction and development projects,” to “[p]romote[] the orderly development of the City in compliance with the goals, objectives, and policies of the General Plan, any applicable Specific Plan, and the standards specified in [the City’s] Development Code,” and to “[r]espect[] the physical and environmental characteristics of the site;...”<sup>57</sup> To that end, the provisions in the City’s Development Code confer discretionary power on the review authority to approve, conditionally approve, or deny a Site Plan and Design Review.

Pursuant to the requirements in the City’s Development Code, “[e]ach application for a Site Plan and Design Review shall be reviewed to ensure that the application is consistent with the purpose of [the Site Plan and Design Review] Chapter; applicable development standards and regulations of [the City’s] Development Code; and the City’s Design Standards and Guidelines.”<sup>58</sup> The City’s

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<sup>56</sup> *Id.* at 9.

<sup>57</sup> Livermore Development Code §§ 9.07.010(A), 9.07.010(B)(1)-(2), 15.38.020(A).

<sup>58</sup> *Id.* at § 9.07.040(C).

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Development Code requires “the applicable review authority [to] review the design, location, site plan configuration, and the effect of the proposed development on adjacent properties by comparing the project plans to established development standards, regulations, and applicable design guidelines/policies.”<sup>59</sup> “During the course of the review process, the review authority may require the submittal of additional information or revised plans,” and “[a]n application [] may require that the Director perform an on-site inspection of the subject parcel before confirming that the request complies with all of the applicable criteria and provisions specified in [the City’s Site Plan and Design Review] Chapter.”<sup>60</sup> “After the Site Plan and Design Review application has been deemed complete [], the review authority shall either approve or deny the Site Plan and Design Review application and, if approved, ***may impose conditions deemed reasonable and necessary to protect the public health, safety and general welfare and ensure compliance with [the City’s Site Plan and Design Review] Chapter and various regulations of the City.***”<sup>61</sup>

Thus, the City’s Development Code requires the review authority to exercise its discretion and personal judgment in evaluating “the design, location, site plan configuration, and the effect of the proposed development on adjacent properties....”<sup>62</sup> “To be ministerial, a decision must be one the administrative agency itself is forced to follow,” which is not the case here.<sup>63</sup> Additionally, the Development Code allows the review authority to “impose conditions [] to protect the public health, safety and general welfare....”<sup>64</sup> The imposition of such conditions constitutes discretionary decisions that may mitigate any environmental damage from a project.

Furthermore, pursuant to section 9.07.050 in the City’s Development Code, “[t]he review authority may approve a Site Plan and Design Review application, only after first making all of the following findings. The proposed development will:

1. Be allowed within the subject zone;
2. Be designed such that:: [sic]

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<sup>59</sup> *Id.* at § 9.07.040(C)(2).

<sup>60</sup> *Id.* at § 9.07.040(C)(3), (D).

<sup>61</sup> *Id.* at § 9.07.040(C)(4) (emphasis added).

<sup>62</sup> *Id.* at § 9.07.040(C)(2).

<sup>63</sup> *Friends of Westwood, Inc. v. City of Los Angeles* (1987) 191 Cal. App. 3d 259, 278.

<sup>64</sup> Livermore Development Code § 9.07.040(C)(4).

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- a. The project will not be detrimental to the public health, safety, or general welfare, and not detrimental to adjacent property;
  - b. Architectural design and functional plan of the structure(s) and related improvements are of reasonable aesthetic quality and compatible with adjacent developments;
  - c. Structure(s) and related improvements are suitable for the proposed use of the property and provide adequate consideration of the existing and contemplated uses of land and orderly development in the general area of the subject site; and
  - d. The project's site plan and design is consistent with the City's Design Standards and Guidelines.
3. Be designed to include [*sic*] the following criteria, as applicable:
- a. Compliant with this Chapter, this Development Code, Municipal Code Title 15 (Buildings and Construction), and all other applicable City regulations and policies;
  - b. Efficient site layout and design;
  - c. Compatible and appropriate scale to neighboring properties and developments;
  - d. Efficient and safe public access (both pedestrian and vehicular) and parking;
  - e. Appropriate and harmonious arrangement and relationship of proposed structures and signs to one another and to other development in the vicinity, based on good standards of design;
  - f. Appropriate relationship to land use and development of adjacent properties, including topographic and other physical characteristics of the land;
  - g. Proper site utilization and the establishment of a physical and architectural relationship to existing and proposed structures on the site;

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- h. Compatible architectural style with the character of the surrounding area, both to avoid repetition of identical design where not desired, and to ensure compatibility in design where desired;
- i. Harmonious relationship with existing and proposed developments and the avoidance of both excessive variety and monotonous repetition;
- j. Compatible in color, material, and composition of the exterior elevations to neighboring visible structures;
- k. Appropriate exterior lighting which provides for public safety and is not of a nature that will constitute a hazard or nuisance to adjacent properties;
- l. Compatible in scale and aesthetic treatment of proposed structures with public areas;
- m. Appropriate open space and use of water efficient landscaping; and
- n. Consistent with the General Plan and any applicable Specific Plan.”<sup>65</sup>

The City’s decision to approve the Project’s Site Plan and Design Review permit necessarily involved consideration of each of these discretionary elements of the Development Code,<sup>66</sup> rendering the City’s Project approval a discretionary decision.<sup>67</sup> To make the requisite findings to approve the Site Plan and Design Review, discretion is conferred to the review authority. For example, evaluating whether the project will be detrimental to the public health, safety, or general welfare, and detrimental to adjacent property requires the exercise of judgment and deliberation consistent with a discretionary project. The review authority must utilize its subjective judgment to determine whether the particular design, location, site plan configuration, and other factors may significantly impact adjacent properties and/or public health, safety, or general welfare. The review authority must also analyze a project’s consistency with the General Plan, any applicable Specific Plan, and the zoning, which may allow the review authority to modify the project to address environmental concerns that might otherwise be identified

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<sup>65</sup> Livermore Development Code § 9.07.050(C)(1)-(3).

<sup>66</sup> *Topanga Assn. for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506, 515 (approval findings must be supported by substantial evidence and disclose the analytic route travelled by the agency from evidence to action).

<sup>67</sup> 14 C.C.R. § 15268(d).



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through environmental review consistent with a discretionary project. Moreover, as explained above, the review authority has the authority to condition an approval of a Site Plan and Design Review, which confers the ability to mitigate any potential environmental impacts.

For the foregoing reasons, the City's determination that the Project falls under CEQA's ministerial exemption is a prejudicial abuse of discretion because the City's approval of the Site Plan and Design Review 23-004 is a discretionary approval subject to CEQA. Therefore, the Planning Commission must grant this appeal and remand the Project to City Staff to conduct an Initial Study to determine if the Project may have a significant effect on the environment.

#### **IV. THE CITY MUST PREPARE AN INITIAL STUDY AND EIR BECAUSE THE PROJECT MAY HAVE SIGNIFICANT ENVIRONMENTAL IMPACTS**

CEQA requires analysis of the environmental effects of a project at the earliest possible stage in the planning process.<sup>68</sup> A "Lead Agency shall conduct an Initial Study to determine if the project may have a significant effect on the environment."<sup>69</sup> As detailed in the comments submitted by CSAEW on November 30, 2023 to the City and attached hereto as Exhibit B, this Project may result in significant and unmitigated impacts from hazards and to air quality that, at minimum, must be assessed in an Initial Study and EIR.

First, as supported by expert comments prepared by SWAPE, the Project may result in significant risks of fires. SWAPE "concludes that the Project may have significant impacts from hazards and hazardous materials," and "[a] CEQA document should be prepared to disclose potentially significant fire risks associated with charging lithium-ion batteries at a charging facility of this scale and include mitigation measures to prevent and effectively fight fires."<sup>70</sup>

According to SWAPE, fires resulting from lithium-ion batteries overheating are well-documented and include, but are not limited to, "a 2021 fire involving a 2013 Tesla Model S and five fires involving Chevrolet Bolts."<sup>71</sup> With regards to EV charging stations, like the present Project, SWAPE comments that a fire at these charging depots "presents additional concerns because electric vehicles are often

<sup>68</sup> *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal. 3d 376, 396; *City of Redlands v. San Bernardino County* (2002) 96 Cal.App.4th 398, 410.

<sup>69</sup> 14 C.C.R. § 15063(a).

<sup>70</sup> Exhibit B, SWAPE Comments at 1-2.

<sup>71</sup> *Id.* at 1.

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parked close to one another and drivers may remain in the trucks during ‘Dwell Charging’ and/or ‘Opportunity Charging.’”<sup>72</sup> Forum Mobility’s own “Safety Guidelines” recognize the dangers when using its charging services, explaining that the “[f]ailure to take proper precautions can result in serious injury, property damage or even death.”<sup>73</sup>

SWAPE’s comments also provide substantial evidence demonstrating that “[w]hen the Project is operational, a battery fire involving one truck may soon spread to involve many trucks, presenting a specific, adverse impact to public health and safety particularly if drivers remain in the trucks during charging.”<sup>74</sup> For example, SWAPE’s comments discuss an incident in 2023 where “a fire initiated at one truck spread rapidly throughout a facility used for storage of Ford F-150 pickup trucks.”<sup>75</sup> SWAPE explains that “[b]attery fires spread quickly and become too large to extinguish by portable fire extinguishers. If the spread of a battery fire is to be avoided, some believe fire suppression is necessary prior to the fire department’s arrival. Automated systems are being developed for the purposes of early fire suppression.”<sup>76</sup>

SWAPE states in its comment letter that environmental review is necessary to disclose, analyze, and mitigate to the extent feasible the potentially significant risks of fire during Project operations.<sup>77</sup> According to SWAPE, the following analysis must be set forth in an Environmental Impact Report (“EIR”) for the Project:

1. An estimate of the amount of water, the source of the water, and the water supply network (including hydrants) that would be necessary to fight a reasonable worst-case fire scenario;
2. A list of all chemical components in the batteries and a list of chemicals that would be released during a fire;
3. Plans to show that secondary containment would be adequate to handle the volume of chemicals and any water required to fight a worst-case scenario fire; and

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<sup>72</sup> *Id.* at 2.

<sup>73</sup> Forum Mobility, *Safety Guidelines*, available at: <https://forummobility.com/safety/>.

<sup>74</sup> Exhibit A, SWAPE Comments at 2.

<sup>75</sup> *Id.*

<sup>76</sup> *Id.*

<sup>77</sup> *Id.*

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4. Emergency notification and evacuation measures for neighboring residents and businesses.<sup>78</sup>

Additionally, SWAPE explains that the EIR needs to provide mitigation measures to prevent the start and spread of fires, including, but not limited to, automated early fire suppression systems.<sup>79</sup> As supported by SWAPE's comments, an EIR must be required to fully analyze and mitigate the potentially significant impacts from the Project's risks of hazards.

Second, the Project may have significant impacts on air quality. The Pacific Gas and Electric Company ("PG&E") submitted a letter dated June 26, 2023 to the City regarding the Project's proposal to vacate "an existing ten foot (10') wide PG&E easement for the operation and maintenance of an overhead line of poles."<sup>80</sup> PG&E explained in its letter that the Applicant may apply for the relocation of the overhead lines and the vacation of the easement.<sup>81</sup> The construction activities associated with the removal and relocation of these overhead lines may result in significant air quality impacts, as well as potentially significant impacts on public utilities depending on where the overhead lines will be relocated, which is undisclosed and not analyzed.

For the foregoing reasons, the City must prepare an Initial Study and EIR for the Project to analyze the Project's potentially significant impacts due to hazards and hazardous materials as well as on air quality.

## **V. THE CITY PREMATURELY FILED THE NOE PRIOR TO PROJECT APPROVAL**

It is well-established that CEQA requires notices of exemption to be filed after a project has been approved.<sup>82</sup> CEQA Guidelines section 15062 "unambiguously indicates [] the mandatory nature of the requirement that notices of exemption be filed after the approval of the project."<sup>83</sup> "It follows that filing a

<sup>78</sup> *Id.*

<sup>79</sup> *Id.*

<sup>80</sup> Letter from Justin Newell, Pacific Gas and Electric Company ("PG&E"), to Tricia Pontau, City of Livermore (June 26, 2023).

<sup>81</sup> *Id.*

<sup>82</sup> *Coal. for Clean Air v. City of Visalia* (2012) 209 Cal. App. 4th 408, 423, *as modified on denial of reh'g* (Oct. 4, 2012); *see also County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 962-65.

<sup>83</sup> 14 C.C.R. § 15062(a)-(b); *see also Coal. for Clean Air v. City of Visalia* (2012) 209 Cal. App. 4th 408, 423, *as modified on denial of reh'g* (Oct. 4, 2012).

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notice of exemption before project approval does not begin the running of the 35-day limitations period set forth in section 21167, subdivision (d).”<sup>84</sup>

Here, the City’s Development Code states that “[o]nce an appeal is filed, any action on the associated project is suspended until the appeal is processed and a **final decision** is rendered by the applicable review authority.”<sup>85</sup> “A decision of the Commission is **final and effective** after 5:00 p.m. on the 15th day following the actual date the decision is rendered, when no appeal to the decision has been filed in compliance with [Chapter 9.15 governing Appeals in the City’s Development Code].”<sup>86</sup> Thus, the City’s decision on the Project is not final until all administrative appeals have been exhausted. The Site Plan and Design Review 23-004 was approved on December 21, 2023, and the 15-day deadline to file an appeal of the decision to the Planning Commission is Friday, January 5, 2024.<sup>87</sup> The City nevertheless filed the NOE on December 21, 2023, which is prior to Project approval and thus entirely premature to trigger the 35-day limitations period. The City’s NOE is noncompliant with CEQA’s express requirements and must be withdrawn.

**VI. THE PLANNING COMMISSION MUST GRANT THIS APPEAL BECAUSE THE CITY LACKS SUBSTANTIAL EVIDENCE TO APPROVE THE PROJECT’S SITE PLAN AND DESIGN REVIEW**

The City lacks substantial evidence to approve the Project’s Site Plan and Design Review 23-004 because the requisite finding that the Project is consistent with the General Plan is not supported by substantial evidence.<sup>88</sup> Specifically, the Project fails to demonstrate consistency with the Economic Development and Fiscal Element of the City’s General Plan because the Project does not include local hire requirements that would employ a skilled and trained workforce to construct the Project.

The Economic Development and Fiscal Element explains that “just over 22 percent of local jobs were held by Livermore residents,” “mean[ing] that Livermore’s economy has mismatches between jobs and residents, and the City likely continues to ‘import’ workers living elsewhere, while many residents of Livermore continue to commute out to other employment centers offering higher wage jobs.”<sup>89</sup>

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<sup>84</sup> *Id.*

<sup>85</sup> Livermore Development Code § 9.15.030(B)(4) (emphasis added).

<sup>86</sup> *Id.* at § 9.15.030(F)(1) (emphasis added).

<sup>87</sup> Exhibit A.

<sup>88</sup> Livermore Development Code § 9.07.050(C)(3)(n).

<sup>89</sup> City of Livermore, General Plan, Economic Development and Fiscal Element at 11-5, available at: <https://www.livermoreca.gov/home/showpublisheddocument/1369/637643624644930000>.

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To address “the import/export mismatch between local jobs and local residents,” Goal ED-2 seeks to “[b]alance the supply of job and housing opportunities in Livermore, and match jobs and wages to housing prices.”<sup>90</sup> The objective for this goal is to “[i]nitiate strategies to attract additional higher wage jobs, leading to decreased out-commuting and a better jobs/housing match.”<sup>91</sup> The General Plan sets forth the following policies to achieve Goal ED-2: (1) “The City shall work toward achieving a more ‘balanced’ economy by attracting greater diversification of employment opportunities, ***particularly those which can use the local labor force***,” and (2) “Support and encourage businesses that provide jobs that would have a positive effect on Livermore’s job/housing match.”<sup>92</sup>

Local hire requirements would provide direct and immediate public benefits by expanding job and career opportunities for workers in the City. Yet, the Project fails to include such requirements, which is inconsistent with Goal ED-2, Objective ED-2.1, and related policies in the General Plan. The City therefore lacks substantial evidence to support a finding that the Project’s Site Plan and Design Review 23-004 is consistent with the General Plan. The Planning Commission must grant this appeal, vacate the approvals, and require the Applicant to demonstrate consistency with General Plan workforce standards as part of any subsequent approval.

## VII. CONCLUSION

For the reasons stated herein and in the attached comments in Exhibit B, CSAEW urges the Planning Commission to grant this appeal, withdraw the NOE, vacate the City’s approval of the Project’s Site Plan and Design Review 23-004, and remand the Project to City Staff to prepare an Initial Study and EIR for the Project as required by CEQA.

Sincerely,  
*Tara C. Rengifo*  
Tara C. Rengifo

Attachments  
TCR:acp

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<sup>90</sup> *Id.* at 11-10.

<sup>91</sup> *Id.*

<sup>92</sup> *Id.* (emphasis added).

**EXHIBIT A**



**\*ENVIRONMENTAL DECLARATION**

(CALIFORNIA FISH AND GAME CODE SECTION 711.4)

**LEAD AGENCY NAME AND ADDRESS**

**FOR COUNTY CLERK USE ONLY**

City of Livermore  
Planning Division  
1052 South Livermore Avenue  
Livermore, CA 94550

**ENDORSED  
FILED  
ALAMEDA COUNTY**

**DEC 21 2023**

FILE NO: 23-388 **MELISSA WILK, County Clerk**  
By [Signature] Deputy

**CLASSIFICATION OF ENVIRONMENTAL DOCUMENT:**  
(PLEASE MARK ONLY ONE CLASSIFICATION)

**1. NOTICE OF EXEMPTION / STATEMENT OF EXEMPTION**

A - STATUTORILY OR CATEGORICALLY EXEMPT

\$ 50.00 - COUNTY CLERK HANDLING FEE

**2. NOTICE OF DETERMINATION (NOD)**

A - NEGATIVE DECLARATION (OR MITIGATED NEG. DEC.)

\$ 2,764.00 - STATE FILING FEE

\$ 50.00 - COUNTY CLERK HANDLING FEE

B - ENVIRONMENTAL IMPACT REPORT (EIR)

\$ 3,839.25 - STATE FILING FEE

\$ 50.00 - COUNTY CLERK HANDLING FEE

**3. OTHER:** \_\_\_\_\_

**\*\*\* A COPY OF THIS FORM MUST BE COMPLETED AND SUBMITTED WITH EACH COPY OF AN ENVIRONMENTAL DECLARATION BEING FILED WITH THE ALAMEDA COUNTY CLERK.\*\*\***

**BY MAIL FILINGS:**

PLEASE INCLUDE FIVE (5) COPIES OF ALL NECESSARY DOCUMENTS AND TWO (2) SELF-ADDRESSED ENVELOPES.

**IN PERSON FILINGS:**

PLEASE INCLUDE FIVE (5) COPIES OF ALL NECESSARY DOCUMENTS AND ONE (1) SELF-ADDRESSED ENVELOPE.

**ALL APPLICABLE FEES MUST BE PAID AT THE TIME OF FILING.**

FEES ARE EFFECTIVE JANUARY 1, 2023

MAKE CHECKS PAYABLE TO: ALAMEDA COUNTY CLERK

1. [Illegible text]

2. [Illegible text]

## NOTICE OF EXEMPTION

DEC 21 2023

MELISSA WILK, County Clerk  
Deputy

**TO:** County Clerk  
County of Alameda  
1106 Madison St. – First Floor  
Oakland, CA 94607

**FROM:** City of Livermore  
1052 South Livermore  
Livermore, CA 94550

**SUBJECT:** NOTICE OF EXEMPTION in compliance with the California Environmental Quality Act.

### PROJECT

**Title:** Site Plan Design Review (SPDR) 23-004  
**Location:** 151 Greenville Rd  
**Description:** Authorization to develop a medium- and heavy-duty electric vehicle charging depot. The project includes charging spaces for 95 trucks, auto parking, an approximately 400 square foot guard station, and site improvements such as landscaping, stormwater infrastructure, fencing, and lighting. The project will dedicate right-of-way and construct roadway widening improvements along the Greenville Road frontage. Additionally, the project includes a 15-foot easement along the northern property line for a future segment of the Iron Horse Trail.

**Applicant:** City of Livermore  
**City's Contact:** Tricia Pontau, Sustainability Program Manager  
**Telephone:** (925) 960-4450  
**Public Agency Approving Project:** City of Livermore

### EXEMPT STATUS:

- Categorical Exemption (Sec. 15301)
- Declared Emergency (Sec. 15269(a); 21080(b)(3))
- Emergency Project (Sec. 15269(b)(c); 21080(b)(4))
- Ministerial (Sec. 15268; 21080(b)(1))
- Statutory Exemption
- "Common Sense" Exemption (Sec. 15061(b)(3)) The possible environmental impacts of the project have been considered in making this determination, as explained below.

### Reasons why project is exempt:

The California Environmental Quality Act (CEQA) only applies to discretionary decisions by public agencies (Public Resources Code, § 21080(a)). Projects that are determined by the public agency to be ministerial are exempt from CEQA (Public Resources Code, Section § 15268). Where the law requires a public agency to act on a project using fixed standards and the agency does not have authority to use its own judgment, the project is considered ministerial and CEQA does not apply (CEQA Guidelines, § 15268(a), § 15369).

Government Code § 65850.7 requires local agencies to approve the installation of electric vehicle charging stations through non-discretionary permits, unless local officials make a finding that the project could have a specific, adverse impact on public health or safety. Review of the application to install an electric vehicle charging station shall be limited to the agency's review of whether it meets all health and safety requirements of local, state, and federal law. The requirements of local law shall be limited to those standards and regulations necessary to ensure that the electric vehicle charging station will not have a specific, adverse impact upon the public health or safety.

The Project as conditioned will meet all health and safety requirements of local, state, and federal law. As such, the City finds the project to be subject to ministerial approval and therefore exempt from the provisions of CEQA.

Signature:   
Name & Title: Tricia Pontau, Sustainability Program Manager  
Project Approval Date: December 21, 2023

**NOTE TO APPLICANTS:**

The environmental determination finding of Categorical Exempt is subject to appeal within 180 days from project approval. If you wish to shorten this period to 35 days, you must file this document with the Alameda County Clerk at the address listed above. A \$50 filing fee is required.

**EXHIBIT B**

ADAMS BROADWELL JOSEPH & CARDOZO

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

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SACRAMENTO, CA 95814-4721

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THOMAS A. ENSLOW  
KELILAH D. FEDERMAN  
RICHARD M. FRANCO  
ANDREW J. GRAF  
TANYA A. GULESSERIAN  
DARION N. JOHNSTON  
RACHAEL E. KOSS  
AIDAN P. MARSHALL  
TARA C. RENGIFO

*Of Counsel*  
MARC D. JOSEPH  
DANIEL L. CARDOZO

November 30, 2023

**VIA EMAIL AND U.S. MAIL**

Paul Spence, Director  
Community Development Department  
1052 S. Livermore Avenue  
Livermore, CA 94550  
**Email:** [prspence@cityoflivermore.net](mailto:prspence@cityoflivermore.net);  
[Planning@cityoflivermore.net](mailto:Planning@cityoflivermore.net)

Tricia Pontau, Sustainability Program  
Manager  
Community Development Department  
1052 S. Livermore Avenue  
Livermore, CA 94550  
**Email:** [pepontau@LivermoreCA.gov](mailto:pepontau@LivermoreCA.gov)

**Re: Comments on the FM Greenville Electric Vehicle Charging  
Depot located at 151 Greenville Road, Livermore, California (SPDR  
23-004)**

Dear Director Spence and Ms. Pontau:

We are writing on behalf of the California State Association of Electrical Workers (“CSAEW”) regarding the FM Greenville EV Charging Depot Project (SPDR 23-004) (“Project”) proposed by FM Greenville, LLC (“Applicant”) and located at 151 Greenville Road, Livermore, California (Assessor Parcel Number (“APN”) 099B-5700-002-07). The Applicant is seeking approval of a Site Plan and Design Review (SPDR 23-004) from the City of Livermore (“City”).<sup>1</sup>

The Project proposes to develop electric vehicle (“EV”) charging infrastructure for medium-duty (“MD”) and class-8 heavy-duty (“HD”) trucks.<sup>2</sup> The planned operational life for the Project is a minimum of twenty (20) years.<sup>3</sup> Once online, the Project will be capable of charging approximately ninety-six (96) MD and HD battery EVs at a time.<sup>4</sup> The charging infrastructure will serve the drayage fleets that operate from the Port of Oakland to the San Joaquin Valley as the site is

<sup>1</sup> Exhibit A, Email from Tricia Pontau, Sustainability Program Manager for the Community Development Department, to Alex Stukan, Adams Broadwell Joseph & Cardozo (“ABJC”) (October 9, 2023).

<sup>2</sup> Exhibit B, FM Greenville, LLC (“Applicant”), *Planning General Application; FM-Greenville CCD Project Summary* at 1 (May 31, 2023).

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*



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located less than half a mile from the I-580 shipping corridor that connects the Port of Oakland with the San Joaquin Valley.<sup>5</sup> The depot will host approximately thirty-nine (39) 180 kilowatt (“kW”) and 11 (eleven) 360kW dual-port Direct-Current Fast-Chargers (“DCFC”) and associated infrastructure.<sup>6</sup> The site consists of a 4.39-acre lot within a 1,400-acre commercial and industrial zoned area along the southeast border of the incorporated City of Livermore.<sup>7</sup>

We prepared these comments with the assistance of air quality, public health, greenhouse gas (“GHG”) emissions, and hazards experts Matt Hagemann P.G., C.Hg. and Paul E. Rosenfeld, Ph.D., of Soil Water Air Protection Enterprises (“SWAPE”). SWAPE’s technical comments and curriculum vitae are attached hereto as Exhibit C.<sup>8</sup> CSAEW reserves the right to supplement these comments at later hearings and proceedings on the Project.<sup>9</sup>

The City stated in an email dated November 9, 2023, that it “anticipate[s] applying [a] CEQA exemption to the project. There will be no public hearings.”<sup>10</sup> The City lacks substantial evidence to support the finding of an exemption pursuant to the California Environmental Quality Act (“CEQA”). As supported by the expert comments prepared by SWAPE and the comments set forth herein, this Project may result in significant and unmitigated impacts from hazards and to air quality. The City therefore cannot rely on a CEQA exemption. The City must prepare an Initial Study and Environmental Impact Report (“EIR”) for the Project to fully analyze and mitigate the Project’s potentially significant impacts.

An exception to application of a CEQA exemption also applies to the Project because there is a reasonable possibility that the Project will have a significant effect on the environment due to unusual circumstances. Finally, the City lacks substantial evidence to approve the Project’s Site Plan and Design Review because approval of the Project may result in significant effects relating to fire risks and air quality. The City therefore cannot support a finding that the Project “will not be

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<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> Exhibit C, *SWAPE Comments on the Greenville Community Charging Depot Project* (November 20, 2023) and curriculum vitae for Matt Hagemann P.G., C.Hg. and Paul E. Rosenfeld, Ph.D. (hereinafter “SWAPE Comments”).

<sup>9</sup> Gov’t Code § 65009(b); Pub. Res. Code § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal. App. 4th 1184, 1199-1203; *See Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.

<sup>10</sup> *Id.*

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detrimental to the public health, safety, or general welfare, and not detrimental to adjacent property,” as required by the City’s Development Code.<sup>11</sup>

The City must therefore prepare an Initial Study and an EIR for this Project to fully analyze and mitigate the Project’s potentially significant impacts.

## **I. STATEMENT OF INTEREST**

CSAEW represents thousands of electrical workers in all International Brotherhood of Electrical Workers (IBEW) Local Unions in California and Nevada, including IBEW Local Union 595 and its members who live, work, recreate and raise their families in the City of Livermore and the surrounding areas in Alameda County. Accordingly, they would be directly affected by the Project’s environmental and health and safety impacts. Individual members may also work on the Project itself. They will be first in line to be exposed to any health and safety hazards that exist on site. In addition, CSAEW has an interest in enforcing environmental laws that encourage sustainable development and ensure a safe working environment for its local unions and their members.

## **II. LEGAL BACKGROUND**

“CEQA and the regulations implementing it ‘embody California’s strong public policy of protecting the environment.’”<sup>12</sup> CEQA is designed to inform decision-makers and the public about the potential, significant environmental effects of a project.<sup>13</sup> “CEQA’s fundamental goal [is] fostering informed decision-making.”<sup>14</sup> “The purpose of CEQA is not to generate paper, but to compel government at all levels to make decisions with environmental consequences in mind.”<sup>15</sup>

The implementation of CEQA is a multistep process that begins with whether the proposed activity is subject to CEQA at all.<sup>16</sup> Next, assuming CEQA applies, the agency must determine whether the activity qualifies for a categorical exemption.<sup>17</sup>

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<sup>11</sup> City of Livermore, Development Code, Part 9, Permits and Approvals, Chapter 9.07, Site Plan and Design Review, § 9.07.050(C)(2)(a), available at: <https://www.codepublishing.com/CA/Livermore/> (hereinafter “Development Code”).

<sup>12</sup> *Save the Agoura Cornell Knoll*, 46 Cal. App. 5th at 673.

<sup>13</sup> 14 C.C.R. § 15002(a)(1).

<sup>14</sup> *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 402.

<sup>15</sup> *Bozung v. LAFCO* (1975) 13 Cal.3d 263, 283.

<sup>16</sup> See Pub. Res. Code § 21065.

<sup>17</sup> 14 C.C.R. § 15061.

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If the project is exempt, the agency need not proceed with environmental review.<sup>18</sup> CEQA identifies certain classes of projects which are exempt from the provisions of CEQA.<sup>19</sup> These classes of activities generally do not have a significant effect on the environment.<sup>20</sup> “Where the specific issue is whether the lead agency correctly determined a project fell within a categorical exemption, [a court] must first determine as a matter of law the scope of the exemption and then determine if substantial evidence supports the agency’s factual finding that the project fell within the exemption.”<sup>21</sup> CEQA exemptions are to be narrowly construed and “[e]xemption categories are not to be expanded beyond the reasonable scope of their statutory language.”<sup>22</sup> Erroneous reliance by a lead agency on a categorical exemption constitutes a prejudicial abuse of discretion and a violation of CEQA.<sup>23</sup>

To qualify for a categorical exemption, a lead agency must provide “substantial evidence to support [its] finding that the Project will not have a significant effect.”<sup>24</sup> “Substantial evidence” means enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Whether a fair argument can be made that the project may have a significant effect on the environment is to be determined by examining the whole record before the lead agency.<sup>25</sup> If a court locates substantial evidence in the record to support the agency’s conclusion, the agency’s decision will be upheld.<sup>26</sup> If, however, the record lacks substantial evidence, as here, a reviewing court will not uphold an exemption determination.

If an agency meets its burden to demonstrate that the project is within a categorically exempt class, the burden shifts to the party challenging the categorical exemption to show that the project is not exempt due to an exception pursuant to CEQA Guidelines Section 15300.2.<sup>27</sup> One such exception is that a categorical

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<sup>18</sup> *Id.*

<sup>19</sup> Pub. Res. Code § 21084(a); 14 C.C.R. §§ 15300, 15354.

<sup>20</sup> *Id.*

<sup>21</sup> *California Farm Bureau Fed’n v. California Wildlife Conservation Bd.* (2006) 143 Cal. App. 4th 173, 185.

<sup>22</sup> *Mountain Lion Found. v. Fish & Game Com.* (1997) 16 Cal.4th 105, 125.

<sup>23</sup> *Azusa Land Reclamation Co. v. Main San Gabriel Basin Watermaster* (1997) 52 Cal.App.4th 1165, 1192.

<sup>24</sup> *Banker’s Hill, Hillcrest, Park West Community Preservation Group v. City of San Diego* (2006) 139 Cal.App.4th 249, 269.

<sup>25</sup> 14 C.C.R. § 15384.

<sup>26</sup> *Bankers Hill Hillcrest*, 139 Cal.App.4th at 269.

<sup>27</sup> *California Farm Bureau Fed’n*, 143 Cal. App. 4th at 186.

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exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to “unusual circumstances.”<sup>28</sup> A categorical exemption is also inapplicable to an activity if “the cumulative impact of successive projects of the same type in the same place, over time is significant.”<sup>29</sup>

Alternatively, if no exemptions are applicable, the agency must undertake environmental review of the activity, which begins with an initial study to determine whether the project may have a significant effect on the environment.<sup>30</sup> A negative declaration may be prepared “if there is no substantial evidence that the project or any of its aspects may cause a significant effect on the environment.”<sup>31</sup> A mitigated negative declaration is required if the initial study identifies potentially significant environmental effects but (1) those effects can be fully mitigated by changes in the project and (2) the project applicant agrees to incorporate those changes.<sup>32</sup> Because “[t]he adoption of a negative declaration...has a terminal effect on the environmental review process” by allowing the agency to dispense with the duty to prepare an EIR, negative declarations, as well as mitigated negative declarations, are allowed only in cases where there is not even a “fair argument” that the project will have a significant environmental effect.<sup>33</sup>

An EIR is necessary for any discretionary project that may have a significant adverse effect on the environment.<sup>34</sup> “At the heart of CEQA is the requirement that public agencies prepare an EIR for any project that may have a significant effect on the environment.”<sup>35</sup> A negative declaration is improper, and an EIR must be prepared, whenever it can be fairly argued on the basis of substantial evidence that the project may have a significant environmental impact.<sup>36</sup> A “significant effect on the environment” is defined as “a substantial, or potentially substantial, adverse change in the environment.”<sup>37</sup> Substantial evidence, for purposes of the fair

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<sup>28</sup> 14 C.C.R. § 15300.2(c).

<sup>29</sup> *Id.* at § 15300.2(b).

<sup>30</sup> *Id.* at § 15063.

<sup>31</sup> *Id.* at § 15063(b)(2).

<sup>32</sup> *Id.* at § 15070(b)(1)-(2).

<sup>33</sup> *Citizens of Lake Murray v. San Diego* (1989) 129 Cal.App.3d 436, 440; Pub. Res. Code §§ 21064, 21100.

<sup>34</sup> Pub. Res. Code § 21151(a).

<sup>35</sup> *Friends of College of San Mateo Gardens v. San Mateo County Community College Dist.* (2016) 1 Cal.5th 937, 944 (internal citations and quotations omitted).

<sup>36</sup> *Id.* at 957.

<sup>37</sup> Pub. Res. Code § 21068; 14 C.C.R. § 15382; *County Sanitation Dist. No. 2 v. County of Kern* (2005) 127 Cal.App.4th 1544, 1581.

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argument standard, includes “fact, a reasonable assumption predicated upon fact, or *expert opinion* supported by fact.”<sup>38</sup>

### **III. THE CITY LACKS SUBSTANTIAL EVIDENCE TO SUPPORT A CEQA EXEMPTION**

CEQA requires analysis of the environmental effects of a project at the earliest possible stage in the planning process.<sup>39</sup> This Project may result in significant and unmitigated impacts from hazards and to air quality that, at minimum, must be assessed in an EIR.

First, as supported by expert comments prepared by SWAPE, the City lacks substantial evidence that the Project qualifies for an exemption from environmental review under CEQA due to potentially significant risks of fires. SWAPE “concludes that the Project may have significant impacts from hazards and hazardous materials,” and “[a] CEQA document should be prepared to disclose potentially significant fire risks associated with charging lithium-ion batteries at a charging facility of this scale and include mitigation measures to prevent and effectively fight fires.”<sup>40</sup>

According to SWAPE, fires resulting from lithium-ion batteries overheating are well-documented and include, but are not limited to, “a 2021 fire involving a 2013 Tesla Model S and five fires involving Chevrolet Bolts.”<sup>41</sup> With regards to EV charging stations, like the present Project, SWAPE comments that a fire at these charging depots “presents additional concerns because electric vehicles are often parked close to one another and drivers may remain in the trucks during ‘Dwell Charging’ and/or ‘Opportunity Charging.’”<sup>42</sup> Forum Mobility’s own “Safety Guidelines” recognize the dangers when using its charging services, explaining that the “[f]ailure to take proper precautions can result in serious injury, property damage or even death.”<sup>43</sup>

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<sup>38</sup> Pub. Res. Code § 21080(e)(1) (emphasis added); *Citizens for Responsible Equitable Environmental Development v. City of Chula Vista* (2011) 197 Cal.App.4th 327, 331.

<sup>39</sup> *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal. 3d 376, 396; *City of Redlands v. San Bernardino County* (2002) 96 Cal.App.4th 398, 410.

<sup>40</sup> SWAPE Comments at 1-2.

<sup>41</sup> *Id.* at 1.

<sup>42</sup> *Id.* at 2.

<sup>43</sup> Forum Mobility, *Safety Guidelines*, available at: <https://forummobility.com/safety/>.

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SWAPE's comments also provide substantial evidence demonstrating that "[w]hen the Project is operational, a battery fire involving one truck may soon spread to involve many trucks, presenting a specific, adverse impact to public health and safety particularly if drivers remain in the trucks during charging."<sup>44</sup> For example, SWAPE's comments discuss an incident in 2023 where "a fire initiated at one truck spread rapidly throughout a facility used for storage of Ford F-150 pickup trucks."<sup>45</sup> SWAPE explains that "[b]attery fires spread quickly and become too large to extinguish by portable fire extinguishers. If the spread of a battery fire is to be avoided, some believe fire suppression is necessary prior to the fire department's arrival. Automated systems are being developed for the purposes of early fire suppression."<sup>46</sup>

SWAPE states in the attached comment letter that environmental review is necessary to disclose, analyze, and mitigate to the extent feasible the potentially significant risks of fire during Project operations.<sup>47</sup> The following analysis must be set forth in an EIR for the Project:

1. An estimate of the amount of water, the source of the water, and the water supply network (including hydrants) that would be necessary to fight a reasonable worst-case fire scenario;
2. A list of all chemical components in the batteries and a list of chemicals that would be released during a fire;
3. Plans to show that secondary containment would be adequate to handle the volume of chemicals and any water required to fight a worst-case scenario fire; and
4. Emergency notification and evacuation measures for neighboring residents and businesses.<sup>48</sup>

Additionally, SWAPE explains that the EIR needs to provide mitigation measures to prevent the start and spread of fires, including, but not limited to,

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<sup>44</sup> SWAPE Comments at 2.

<sup>45</sup> *Id.*

<sup>46</sup> *Id.*

<sup>47</sup> *Id.*

<sup>48</sup> *Id.*

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automated early fire suppression systems.<sup>49</sup> As supported by SWAPE’s comments, an EIR must be required to fully analyze and mitigate the potentially significant impacts from the Project’s risks of hazards.

Second, the City lacks substantial evidence that the Project qualifies for an exemption from environmental review under CEQA due to potentially significant impacts on air quality. The Pacific Gas and Electric Company (“PG&E”) submitted a letter dated June 26, 2023 to the City regarding the Project’s proposal to vacate “an existing ten foot (10’) wide PG&E easement for the operation and maintenance of an overhead line of poles.”<sup>50</sup> PG&E explained in its letter that the Applicant may apply for the relocation of the overhead lines and the vacation of the easement.<sup>51</sup> The construction activities associated with the removal and relocation of these overhead lines may result in significant air quality impacts, as well as potentially significant impacts on public utilities depending on where the overhead lines will be relocated, which is undisclosed. As a result of these potentially significant impacts, the Project does not qualify for a CEQA exemption.

For the foregoing reasons, the City cannot support a CEQA exemption with substantial evidence. The City must prepare an Initial Study and EIR for the Project to fully analyze and mitigate the Project’s potentially significant impacts due to hazards and hazardous materials.

#### **IV. THE PROJECT FALLS WITHIN AN EXCEPTION TO THE APPLICATION OF CATEGORICAL EXEMPTIONS**

Categorical exemptions are inapplicable “where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.”<sup>52</sup> The Supreme Court in *Berkeley Hillside Preservation v. City of Berkeley* clarified the meaning of the unusual circumstances exception and the applicable standards of review, and set forth two tests to determine whether the unusual circumstances exception applies.<sup>53</sup> “One may identify ‘evidence that the project will have a significant effect on the environment.’ Alternatively, one may show evidence (1) the project is unusual because it ‘has some feature that

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<sup>49</sup> *Id.*

<sup>50</sup> Exhibit D, Letter from Justin Newell, Pacific Gas and Electric Company (“PG&E”), to Tricia Pontau, City of Livermore (June 26, 2023).

<sup>51</sup> *Id.*

<sup>52</sup> 14 C.F.R. § 15003.2(c).

<sup>53</sup> *Berkeley Hillside Pres. v. City of Berkeley* (2015) 60 Cal.4th 1086, 1105.



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distinguishes it from others in the exempt class, such as its size or location;’ and (2) there is ‘a reasonable possibility of a significant effect due to that unusual circumstance.’”<sup>54</sup>

To demonstrate circumstances that are unusual for projects in the exempt classes, the Supreme Court in *Berkeley Hillside Pres.* established that “[a] party invoking the exception may establish an unusual circumstance without evidence of an environmental effect, by showing that the project has some feature that distinguishes it from others in the exempt class, such as its size or location.”<sup>55</sup> Here, substantial evidence supports the finding that the Project presents unusual circumstances. The Project is described by the Applicant as the “first of their kind [Community Charging Depots]....”<sup>56</sup> Additionally, the Applicant recognizes that these types of charging depots have not yet been “widely deployed.”<sup>57</sup> The Project is therefore unusual.

The Project’s components will also present new and unique environmental impacts and hazards, particularly from fires, that are unlike the other developments in the area. As supported by SWAPE’s comments, there is ample evidence of fires at charging depots and these hazards may be significant at the Project’s charging depot for MD and HD trucks.<sup>58</sup> Trucks at the Project’s charging depot will be parked close together and, as a result, “a fire initiated at one truck may spread rapidly throughout a facility and may be too large to suppress by portable fire extinguishers,” according to SWAPE.<sup>59</sup> SWAPE also comments that “a battery fire involving one truck may soon spread to involve many trucks, presenting a specific, adverse impact to public health and safety particularly if drivers remain in the trucks during charging.”<sup>60</sup> For the foregoing reasons, the Project is unusual for the purpose of CEQA Guidelines Section 15300.2.

Given an adequate demonstration of unusual circumstances, the next question identified in *Berkeley Hillside Pres.* is whether there is a fair argument of a reasonable possibility of a significant environmental effect.<sup>61</sup> As demonstrated

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<sup>54</sup> *Protect Tustin Ranch v. City of Tustin* (2021) 2021 WL 4962754, at \*5.

<sup>55</sup> *Berkeley Hillside Pres.*, 60 Cal. 4th at 1105.

<sup>56</sup> Exhibit B, FM Greenville, LLC (“Applicant”), *Planning General Application; FM-Greenville CCD Project Summary* at 1 (May 31, 2023).

<sup>57</sup> *Id.*

<sup>58</sup> *Id.*

<sup>59</sup> *Id.*

<sup>60</sup> *Id.*

<sup>61</sup> *Berkeley Hillside Pres.*, 60 Cal. 4th at 1105.

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herein and in SWAPE's attached comments, there is substantial evidence supporting a fair argument that the Project may result in significant and unmitigated impacts from hazards.<sup>62</sup> For the foregoing reasons, there is a reasonable possibility that the Project will have a significant effect on the environment due to unusual circumstances such that an exception to the CEQA exemption applies. An EIR must be prepared to thoroughly disclose and analyze these risks to the public, especially nearby and on-site receptors, and impose mitigation measures.

**V. THE CITY LACKS SUBSTANTIAL EVIDENCE TO APPROVE THE PROJECT'S REQUESTED SITE PLAN AND DESIGN REVIEW**

The City lacks substantial evidence to approve the Project's Site Plan and Design Review (SPDR 23-004) because the requisite finding to approve this requested entitlement is not supported by substantial evidence. Site Plan and Design Review is governed by Chapter 9.07 in the City's Development Code.<sup>63</sup> The purpose of Site Plan and Design Review, in relevant part, is to "[p]romote[] the orderly development of the City in compliance with the goals, objectives, and policies of the General Plan, any applicable Specific Plan, and the standards specified in this Development Code;" and "[r]espect[] the physical and environmental characteristics of the site;..."<sup>64</sup> "Each application for a Site Plan and Design Review shall be reviewed to ensure that the application is consistent with the purpose of this Chapter; applicable development standards and regulations of this Development Code; and the City's Design Standards and Guidelines."<sup>65</sup>

Pursuant to section 9.07.050 in the City's Development Code, "[t]he review authority may approve a Site Plan and Design Review application, only after first making all of the following findings. The proposed development will:

1. Be allowed within the subject zone;
2. Be designed such that:: [sic]

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<sup>62</sup> See SWAPE Comments.

<sup>63</sup> Development Code, Chapter 9.07.

<sup>64</sup> *Id.* at § 9.07.010(B)(1)-(2); see also City of Livermore, Municipal Code, Title 15, Buildings and Construction, § 15.38.020(A), available at: <https://www.codepublishing.com/CA/Livermore/>.

<sup>65</sup> *Id.* at § 9.07.040(C).

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**a. The project will not be detrimental to the public health, safety, or general welfare, and not detrimental to adjacent property;**

b. Architectural design and functional plan of the structure(s) and related improvements are of reasonable aesthetic quality and compatible with adjacent developments;

c. Structure(s) and related improvements are suitable for the proposed use of the property and provide adequate consideration of the existing and contemplated uses of land and orderly development in the general area of the subject site; and

d. The project's site plan and design is consistent with the City's Design Standards and Guidelines.

3. Be designed to include [*sic*] the following criteria, as applicable:

a. Compliant with this Chapter, this Development Code, Municipal Code Title 15 (Buildings and Construction), and all other applicable City regulations and policies;

b. Efficient site layout and design;

c. Compatible and appropriate scale to neighboring properties and developments;

d. Efficient and safe public access (both pedestrian and vehicular) and parking;

e. Appropriate and harmonious arrangement and relationship of proposed structures and signs to one another and to other development in the vicinity, based on good standards of design;

f. Appropriate relationship to land use and development of adjacent properties, including topographic and other physical characteristics of the land;

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- g. Proper site utilization and the establishment of a physical and architectural relationship to existing and proposed structures on the site;
- h. Compatible architectural style with the character of the surrounding area, both to avoid repetition of identical design where not desired, and to ensure compatibility in design where desired;
- i. Harmonious relationship with existing and proposed developments and the avoidance of both excessive variety and monotonous repetition;
- j. Compatible in color, material, and composition of the exterior elevations to neighboring visible structures;
- k. Appropriate exterior lighting which provides for public safety and is not of a nature that will constitute a hazard or nuisance to adjacent properties;
- l. Compatible in scale and aesthetic treatment of proposed structures with public areas;
- m. Appropriate open space and use of water efficient landscaping; and
- n. Consistent with the General Plan and any applicable Specific Plan.”<sup>66</sup>

For the reasons set forth herein and in the attached expert comments, approval of the Project may result in significant effects relating to fire risks and air quality. The City therefore cannot support a finding that the Project “will not be detrimental to the public health, safety, or general welfare, and not detrimental to adjacent property;...”<sup>67</sup> Thus, approval of the Site Plan and Design Review for the Project would be an abuse of discretion by the City because it cannot make the required findings. The City therefore cannot approve the Project’s Site Plan and Design Review (SPDR 23-004).

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<sup>66</sup> *Id.* at § 9.07.050(C)(1)-(3)(emphasis added).

<sup>67</sup> *Id.* at § 9.07.050(C)(2)(a).

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**VI. CONCLUSION**

For the reasons set forth above, the City must prepare an Initial Study and an EIR to fully analyze and mitigate this Project's potentially significant impacts. The City must also evaluate that analysis and mitigation in determining whether the Site Plan and Design Review are consistent with the City's Code. Thank you for your attention to these comments.

Sincerely,  
*Tara C. Rengifo*  
Tara C. Rengifo

Attachments  
TCR:acp

**EXHIBIT A**

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**From:** Tricia Pontau <[pepontau@LivermoreCA.gov](mailto:pepontau@LivermoreCA.gov)>  
**Sent:** Monday, October 9, 2023 10:30 AM  
**To:** Alexandra E. Stukan <[astukan@adamsbroadwell.com](mailto:astukan@adamsbroadwell.com)>  
**Cc:** Planning Web Email <[planning@livermoreca.gov](mailto:planning@livermoreca.gov)>  
**Subject:** Re: Status Update on Greenville Community Charging Depot

Hi Alex - Forum Mobility withdrew their application for a Development Agreement. We are only processing the Site Plan Design Review. We anticipate applying CEQA exemption to the project. There will be no public hearings.

Thanks,

**Tricia Pontau**  
Sustainability Program Manager | Community Development Department  
(925) 960-4471  
City of Livermore | [www.LivermoreCA.gov](http://www.LivermoreCA.gov)



**EXHIBIT B**



**PLANNING GENERAL APPLICATION**

Project Address/Location <b>151 Greenville Road</b>		APN: 099B-5700-002-07	
Project Name <b>FM Greenville EV Charging Depot</b>		General Plan Designation	Zoning District
Applicant Name <b>Carter Reiff</b>		Phone <b>925-245-8788</b>	
Applicant Address <b>2850 Collier Canyon Rd</b>	City <b>Livermore</b>	State <b>CA</b>	Zip <b>94551</b>
Applicant E-Mail <b>hpatel@kierwright.com, creiff@kierwright.com</b>			
Property Owner Name <b>JDB Properties, LLC</b>		Phone	
Property Owner Address <b>550 Greenville Rd</b>	City <b>Livermore</b>	State <b>CA</b>	Zip <b>94550</b>
Property Owner E-Mail <b>dsposeto@vc-inc.net</b>			
Representative Name <input checked="" type="checkbox"/> Engineer <input type="checkbox"/> Architect <input type="checkbox"/> Other <b>Kier &amp; Wright</b>		Phone <b>925-245-8788</b>	
Representative Address <b>2850 Collier Canyon Rd</b>	City <b>Livermore</b>	State <b>CA</b>	Zip <b>94551</b>
Representative E-Mail <b>hpatel@kierwright.com, creiff@kierwright.com</b>			
<b>PROJECT INFORMATION</b>			
Existing Use: <input type="checkbox"/> Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Office <input checked="" type="checkbox"/> Vacant			
Proposed Use: <input type="checkbox"/> Residential <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Industrial <input type="checkbox"/> Office <input type="checkbox"/> Vacant			
Parcel size	Existing Floor Area	Existing Footprint Area	Landscape Sq. Ft.
# of Buildings	Proposed Floor Area	Proposed Footprint Area	# of Parking Spaces
Detailed Project Description ( <i>Attach additional pages if necessary</i> ): <b>An electric charging depot for up to 96 heavy and medium duty trucks. By building the infrastructure of the future, the zero emission trucks that will recharge at this depot will be a significant step towards the goal of improving the quality of life and air quality for those who will suffer the ill effects of diesel emissions. Please see attached for a details project description and renderings.</b>			
<b>OWNER/AGENT STATEMENT</b>			
Property Owner Consent – I am the legal owner of record of the land specified in this application or am authorized and empowered to act as an agent on behalf of the owner of record on all matters relating to this application. I declare that the foregoing is true and correct and accept that false or inaccurate owner authorization may invalidate or delay action on this application. The project applicant agrees to defend, indemnify and hold harmless the City, its City Council, its officers, boards, commissions, employees and agents from and against any claim, action, or proceeding brought by a third party to attack, set aside, or void the project approval or any permit authorized for the project, including reimbursing the City its attorneys fees and costs incurred in defense of the project.			
Property owner signature:		Date: <b>5/31/23</b>	
The Livermore Development Code allows up to 30 days for the assigned planner to deem an application complete. An application must be deemed complete before proceeding to a hearing or staff-level decision.			
<b>APPLICATION REFERRAL – STAFF USE ONLY</b>			
The attached project plans and application materials are hereby forwarded to you department for review and comment. Your suggestions and applicable requirements/regulations are needed by the date shown below. Please do not return plan sets.			
Staff Planner:		Primary Application No:	
Date Sent:	Please Return By:	Project Review Date:	
<input type="checkbox"/> Building Division	<input type="checkbox"/> Economic Development – Arts	<input type="checkbox"/> Livermore School District	
<input type="checkbox"/> Engineering Division – Development	<input type="checkbox"/> Housing & Human Services – Housing	<input type="checkbox"/> Livermore Parks District:	
<input type="checkbox"/> Engineering Division – Transportation	<input type="checkbox"/> Public Services – Maintenance	<input type="checkbox"/> Livermore Sanitation	
<input type="checkbox"/> Fire Prevention	<input type="checkbox"/> Historic Preservation	<input type="checkbox"/> Alameda County Zone 7	
<input type="checkbox"/> Water Resources Division	<input type="checkbox"/> Airport	<input type="checkbox"/> Other:	
<input type="checkbox"/> Police Department	<input type="checkbox"/> Outside agencies (see attached)		
Referral Response:	<input type="checkbox"/> Comments attached in Accela		<input type="checkbox"/> No Comments
Name/Department:	Date:		

City Hall  
Permit Center

Community Development Department  
1052 South Livermore Avenue  
Livermore, CA 94550

phone: (925) 960-4450  
fax: (925) 960-4459  
TDD: (925) 960-4104

www.cityoflivermore.net

Rev: 5-10-2019

<b>APPLICATION TYPE – STAFF USE ONLY</b>			
Accessory Dwelling Unit	ADU _____	Annexation/Pre-Zoning	ZMA _____
Certificate of Appropriateness	COA _____	Development Agreement	DA _____
*See COA Application		Amendment to DA	DAA _____
Conditional Use Permit	CUP _____	Development Code Amend.	DCA _____
CUP Modification	CUPM _____	Housing Implementation	HIP _____
Downtown Design Review	DDR _____	<input type="checkbox"/> HIP Amendment	HIPA _____
DDR Modification	DDRM _____	Lot Line Adjustment	LLA _____
Site Plan Design Review	SPDR _____	Move Permit	MOVE _____
SPDR Modification	SPDRM _____	Out of Area Service Agmt.	OASA _____
Tree Removal Permit	TREE _____	Planned Development	PD _____
Variance	VAR _____	<input type="checkbox"/> PD Amendment	
Variance - Minor	VARM _____	Other _____	
			Subdivision SUB _____
			<input type="checkbox"/> TPM <input type="checkbox"/> VTPM <input type="checkbox"/> PMW
			<input type="checkbox"/> TTM <input type="checkbox"/> VTTM
			Map Number: _____
			SUB Amendment SUBA _____
			Temporary Use Permit TUP _____
			<input type="checkbox"/> Model Home Complex, including sales office/trailer, construction trailer, and home.
			<input type="checkbox"/> Seasonal Sales Lot
			<input type="checkbox"/> Non-profit organization
			Zoning Clearance ZC _____
			Zoning Use Permit ZUP _____
			*See Large Family Daycare application

<b>APPLICATION FEES – STAFF USE ONLY</b>		
	Base Fee:	\$
Date Received:	Multiple Applications (Less 10% of Base Fee):	\$
Received By:	Environmental Filing Fee:	\$ +50.00 =
Receipt Number:	Total Fees Due:	\$
CEQA:	Total Fees Paid:	\$
	Balance Owed:	\$

<b>SUBMITTAL CHECKLIST – STAFF USE ONLY</b>			
Item	Received	Item	Received
Application		Reductions (8½" x 11")	
Development Plans		Electronic copy of Development Plans	
Tentative Tract/Parcel Map		Legal Description	
Plot Plan		Title Report	
Landscape Plans		Geotechnical Report for TTM/PM	
Project Description/Proposal		Scenic Corridor/School Mitigation Info.	
Site Photographs		SLVSP Project Information	
Colors/Materials Board		Environmental Assessment Form	
Project Justification Letter			
Impervious Service Worksheet (for projects with any amount of new or replaced impervious surface)			

<b>INTAKE NOTES – STAFF USE ONLY</b>	
Planner:	Date:
Notes:	

## FM-Greenville CCD Project Summary

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FM Greenville, LLC (“Forum”) is incredibly pleased to be developing electric vehicle charging infrastructure for medium and class-8 heavy-duty trucks. The charging infrastructure is being purpose-built to serve the drayage fleets that operate from the Port of Oakland to the San Joaquin Valley. The depot can host approximately thirty-nine (39) 180 kilowatt (“kW”) and 11 (eleven) 360kW dual-port Direct-Current Fast-Chargers (“DCFC”) and associated infrastructure for Forum’s proposed Community Charging Depot (“CCD”) in Livermore, CA (“Greenville CCD”).

Forum is developing the Greenville CCD in response to state mandates driving zero-emission transportation adoption. Most notably, on April 28, 2023, the California Air Resources Board (“CARB”) adopted the Advanced Clean Fleets Regulation (“ACF”) which will impact thousands of drayage trucks operating at California maritime gateways. The regulation requires that after January 1, 2024, all new trucks entered into a port Drayage Truck Registry must be equipped with zero emissions drivetrains. By January 1, 2035, all trucks in a port Drayage Truck Registry will need to be equipped with Zero Emissions drivetrains. To service port trucks and other medium and heavy-duty vehicle zero-emission mandates, the State of California estimates that 157,000 medium and heavy-duty chargers are needed across the state by 2030<sup>1</sup>. This equates to 450 chargers needing to be installed and brought online each week to meet this target. Therefore, charging facilities like the Greenville CCD cannot be brought online soon enough.

The Greenville CCD is located at 151 Greenville Road Livermore, CA 94551 and consists of a 4.39-acre lot within a 1,400-acre commercial and industrial zoned area along the southeast border of the incorporated City of Livermore. The site is less than a half mile from the heavily trafficked I-580 shipping corridor that connects the Port of Oakland with the San Joaquin Valley. The Greenville CCD is forecasted to be in operation by November 2024. The planned operational life for the Greenville CCD is a minimum of twenty (20) years. Once online, the Greenville CCD will be capable of charging approximately ninety-six (96) medium-duty and heavy-duty (“MHD”) battery electric-vehicles (“BEV’s”) at one time.

These first of their kind CCDs are imperative for the wide-scale adoption of heavy-duty BEVs. The vast majority of trucking companies such as independent owner/operators (“OOs”), Licensed Motor Carriers (“LMC’s”), third-party logistics providers (“3PLs”), beneficial cargo owners (“BCOs”), and other entities involved in trucking goods are not sited in feasible locations along the electric grid. Nor do these entities have the technical expertise or access to capital to integrate large-scale electric vehicles into their existing on-site operations. To address this barrier, Forum’s unique business model for CCDs is akin to community solar whereby users (i.e., trucking entities) subscribe for access to shared charging and take advantage of the economies of scale of the larger facility. Until sufficient charging infrastructure, like Forum’s CCDs, can be widely deployed, installation costs will remain high, and charging will remain uneconomic.

The Greenville CCD will provide trucking entities with two primary types of BEV charging services. First, the Greenville CCD will serve as the “home-base” or “Dwell Charging” location for MHD BEVs that are subscribed to the Forum network. These BEVs will be operated by OOs, LMCs, 3PLs, and

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<sup>1</sup> [Electric Vehicle Charging Infrastructure Assessment - AB 2127 | California Energy Commission](#)



BCOs. Dwell Charging is equivalent to “trickle charging” and is the predominant way to charge the entirety of the BEV, usually over the course of the evening. Additionally, the Greenville CCD will also provide “Opportunity Charging” for trucking entities during shift hours or in-between freight trips. The Opportunity Charging can last for approximately thirty minutes to two and a half hours at a higher power level. For reference, Forum intends to utilize the East Bay Clean Energy (EBCE) community choice energy RE100 product for zero-greenhouse gas retail electricity service at the Greenville CCD to power the chargers.

The location of the Greenville CCD is ideal to support MHD BEV trucking entities with charging services for two primary reasons. First, the Greenville CCD is less than half a mile from I-580. I-580 is a major shipping corridor for MHD trucks that transport cargo between the Port of Oakland and distribution warehouses in San Joaquin Valley. The Greenville CCD is optimal for Dwell charging because it’s surrounded by a swath of warehouses used for commercial and industrial uses as well as logistics companies. The convenient location of the Greenville CCD allows truckers to pick up their truck and then pick up their cargo from the nearby distribution centers and get on the road all within a few miles of one another. The Greenville CCD is also in a prime location for Opportunity Charging for the same reasons. Furthermore, the Greenville CCD helps remove MHD trucks from parking in residential communities by offering a safe and secure facility to domicile vehicles.

### **Site Renderings and Layouts**

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The following conceptual renderings offer a glimpse into the future, showcasing the envisioned design, layout, and aesthetics of the Greenville CCD located at 151 Greenville Road, Livermore, CA 94551.



*Figure 1: FM Greenville Conceptual Rendering*



Figure 2: FM Greenville Conceptual Rendering

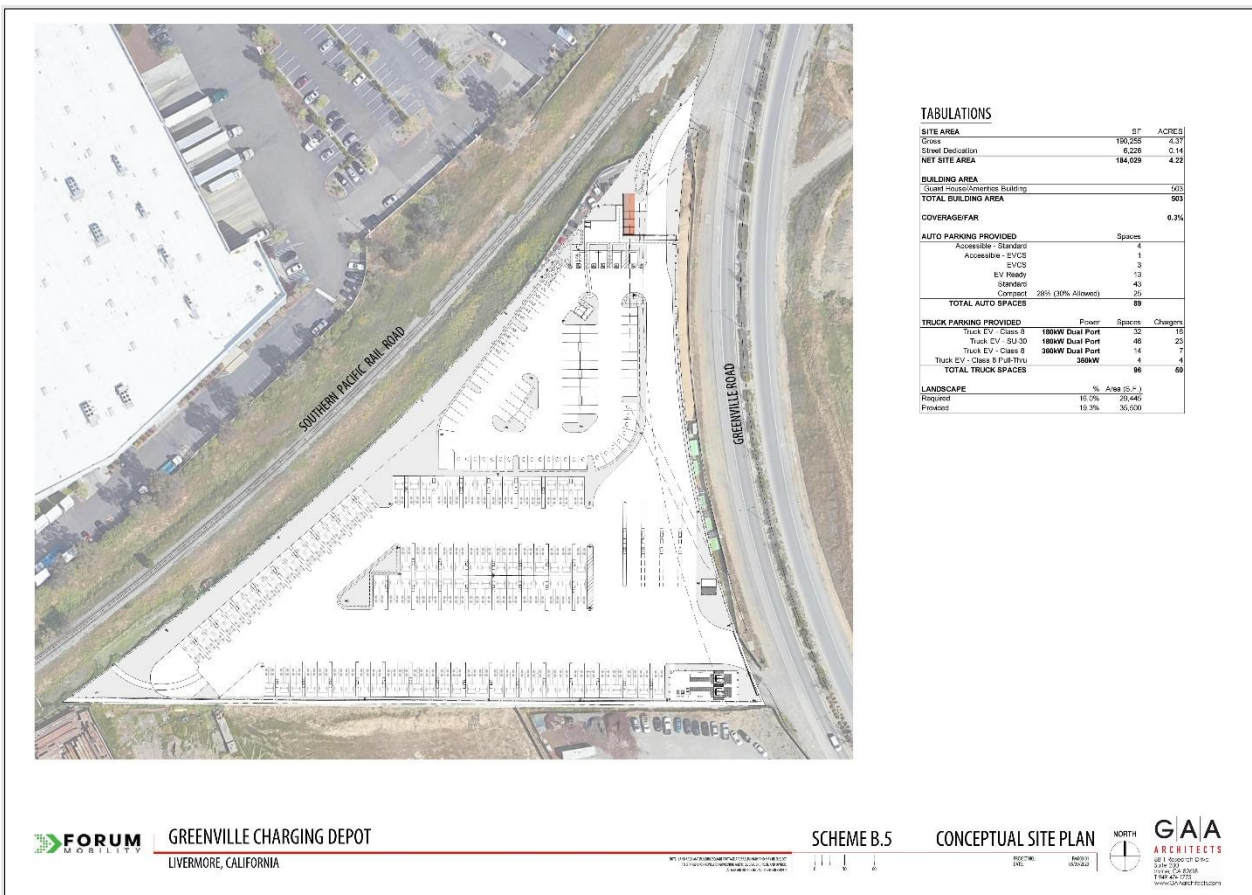


Figure 3: FM Greenville Conceptual Site Layout



By transforming an underutilized site into a MHD truck charging depot, the Greenville CCD helps facilitate the electrification of transportation, maximizes the use of existing infrastructure, and minimizes the need for additional land conversion. The following pictures provide an aerial view of the land as of May 2023 as well as a regional view of the commercial ecosystem that the Greenville CCD would support.

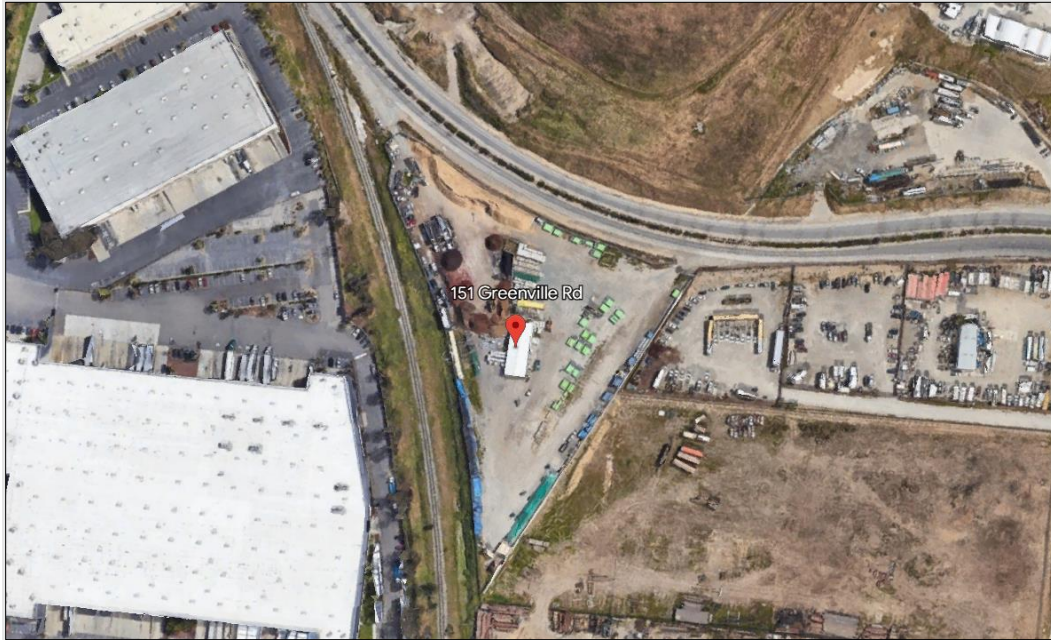


Figure 4: Aerial View of Livermore Site

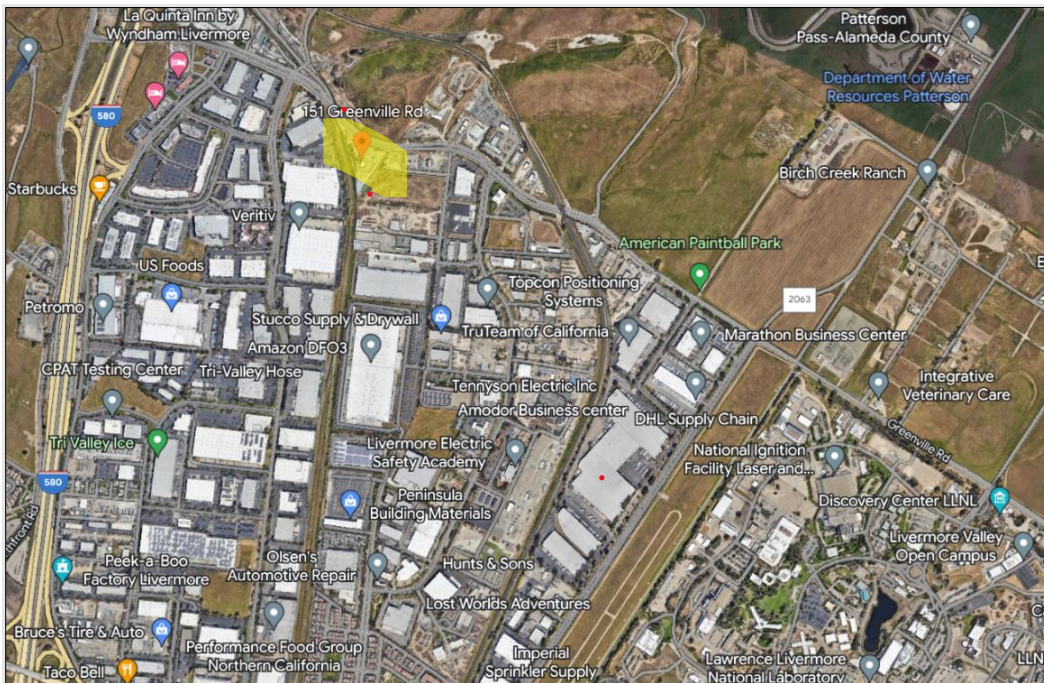


Figure 5: Regional View of Livermore Site



**EXHIBIT C**



Technical Consultation, Data Analysis and  
Litigation Support for the Environment

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November 20, 2023

Tara Rengifo  
Adams Broadwell Joseph & Cardozo  
601 Gateway Blvd #1000  
South San Francisco, CA 94080

**Subject: Comments on the Greenville Community Charging Depot Project**

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Dear Ms. Rengifo,

We have reviewed a Planning General Application (“Application”) for the Greenville Community Charging Depot Project (“Project”) located in Livermore, California. The Project proposes to construct an electric charging depot for up to 96 class-8 heavy- and medium-duty trucks. The Project will involve the construction of 39 180 kilowatt (“kW”) and 11 360kW dual-port Direct-Current Fast-Chargers on a 4.39-acre site. When operational, the Project will be capable of charging approximately 96 medium-duty and heavy-duty battery electric-vehicles at one time.

Our review concludes that the Project may have significant impacts from hazards and hazardous materials. As a result, a CEQA document should be prepared to adequately assess, disclose, and mitigate the potential impacts associated with hazards and hazardous materials.

### **Impacts from Hazards and Hazardous Materials During Operations May Be Significant and Unmitigated**

A CEQA document should be prepared to disclose potentially significant fire risks associated with charging lithium-ion batteries at a charging facility of this scale and include mitigation measures to prevent and effectively fight fires.

Lithium-ion battery fires are the subject of frequent news reports. There have been a number of high-profile cases of electric cars catching fire while charging, including a 2021 fire involving a 2013 Tesla

Model S<sup>1</sup> and five fires involving Chevrolet Bolts.<sup>2</sup> In these cases, the fires were caused by the batteries overheating.

A battery fire at a charging station presents additional concerns because electric vehicles are often parked close to one another and drivers may remain in the trucks during “Dwell Charging” and/or “Opportunity Charging.”<sup>3</sup> When the Project is operational, a battery fire involving one truck may soon spread to involve many trucks, presenting a specific, adverse impact to public health and safety particularly if drivers remain in the trucks during charging. In 2023, a fire initiated at one truck spread rapidly throughout a facility used for storage of Ford F-150 pickup trucks.<sup>4</sup>

Battery fires spread quickly and become too large to extinguish by portable fire extinguishers. If the spread of a battery fire is to be avoided, some believe fire suppression is necessary prior to the fire department’s arrival.<sup>5</sup> Automated systems are being developed for the purposes of early fire suppression.<sup>6,7</sup>

The Application fails to disclose and analyze the impacts from a lithium-ion battery fire, which may quickly spread from truck to truck and cause significant impacts on the environment and to public health and safety as supported by the discussion above. A CEQA document needs to be prepared to disclose the potentially significant risk of fire associated with the operation of the Project. To address concerns for potentially significant fire impacts at the Project, the CEQA document should include:

1. An estimate of the amount of water, the source of the water, and the water supply network (including hydrants) that would be necessary to fight a reasonable worst-case fire scenario;
2. A list of all chemical components in the batteries and a list of chemicals that would be released during a fire;
3. Plans to show that secondary containment would be adequate to handle the volume of chemicals and any water required to fight a worst-case scenario fire; and
4. Emergency notification and evacuation measures for neighboring residents and businesses.

The CEQA document also needs to identify mitigation measures to prevent the start and the spread of fires. Mitigation measures to consider include the automated early fire suppression systems cited above.

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<sup>1</sup> <https://www.businessinsider.com/couples-tesla-caught-fire-charging-overnight-caused-a-house-fire-2021-8>

<sup>2</sup> <https://www.motortrend.com/news/2016-2019-chevrolet-bolt-ev-recall-fire-risk-details/>

<sup>3</sup> “Dwell Charging” is usually over the course of the evening and “Opportunity Charging” is usually thirty minutes to two and a half hours at a higher power level during shift hours or in-between freight trips. Planning General Application for the Greenville Community Charging Depot Project; FM-Greenville CCD Project Summary, p. 2 (May 31, 2023).

<sup>4</sup> <https://www.cNBC.com/2023/04/20/f-150-lightning-fire-footage-growing-ev-risk.html>

<sup>5</sup> <https://www.statx.com/application/fire-suppression-electric-vehicle-charging-stations/>

<sup>6</sup> <https://www.statx.com/application/fire-suppression-electric-vehicle-charging-stations/>

<sup>7</sup> <https://fireisolator.com/how-to-control-and-isolate-an-ev-charging-station-fire/#How%20An%20Ev%20Charging%20Station%20Fire%20Occurs>

**Disclaimer**

SWAPE has received limited discovery regarding this project. Additional information may become available in the future; thus, we retain the right to revise or amend this report when additional information becomes available. Our professional services have been performed using that degree of care and skill ordinarily exercised, under similar circumstances, by reputable environmental consultants practicing in this or similar localities at the time of service. No other warranty, expressed or implied, is made as to the scope of work, work methodologies and protocols, site conditions, analytical testing results, and findings presented. This report reflects efforts which were limited to information that was reasonably accessible at the time of the work, and may contain informational gaps, inconsistencies, or otherwise be incomplete due to the unavailability or uncertainty of information obtained or provided by third parties.

Sincerely,



Matt Hagemann, P.G., C.Hg.



Paul E. Rosenfeld, Ph.D.



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## **Matthew F. Hagemann, P.G., C.Hg., QSD, QSP**

**Geologic and Hydrogeologic Characterization**  
**Industrial Stormwater Compliance**  
**Investigation and Remediation Strategies**  
**Litigation Support and Testifying Expert**  
**CEQA Review**

### **Education:**

M.S. Degree, Geology, California State University Los Angeles, Los Angeles, CA, 1984.

B.A. Degree, Geology, Humboldt State University, Arcata, CA, 1982.

### **Professional Certifications:**

California Professional Geologist

California Certified Hydrogeologist

Qualified SWPPP Developer and Practitioner

### **Professional Experience:**

Matt has 25 years of experience in environmental policy, assessment and remediation. He spent nine years with the U.S. EPA in the RCRA and Superfund programs and served as EPA's Senior Science Policy Advisor in the Western Regional Office where he identified emerging threats to groundwater from perchlorate and MTBE. While with EPA, Matt also served as a Senior Hydrogeologist in the oversight of the assessment of seven major military facilities undergoing base closure. He led numerous enforcement actions under provisions of the Resource Conservation and Recovery Act (RCRA) while also working with permit holders to improve hydrogeologic characterization and water quality monitoring.

Matt has worked closely with U.S. EPA legal counsel and the technical staff of several states in the application and enforcement of RCRA, Safe Drinking Water Act and Clean Water Act regulations. Matt has trained the technical staff in the States of California, Hawaii, Nevada, Arizona and the Territory of Guam in the conduct of investigations, groundwater fundamentals, and sampling techniques.

Positions Matt has held include:

- Founding Partner, Soil/Water/Air Protection Enterprise (SWAPE) (2003 – present);
- Geology Instructor, Golden West College, 2010 – 2014;
- Senior Environmental Analyst, Komex H2O Science, Inc. (2000 -- 2003);

- Executive Director, Orange Coast Watch (2001 – 2004);
- Senior Science Policy Advisor and Hydrogeologist, U.S. Environmental Protection Agency (1989–1998);
- Hydrogeologist, National Park Service, Water Resources Division (1998 – 2000);
- Adjunct Faculty Member, San Francisco State University, Department of Geosciences (1993 – 1998);
- Instructor, College of Marin, Department of Science (1990 – 1995);
- Geologist, U.S. Forest Service (1986 – 1998); and
- Geologist, Dames & Moore (1984 – 1986).

### **Senior Regulatory and Litigation Support Analyst:**

With SWAPE, Matt’s responsibilities have included:

- Lead analyst and testifying expert in the review of over 100 environmental impact reports since 2003 under CEQA that identify significant issues with regard to hazardous waste, water resources, water quality, air quality, Valley Fever, greenhouse gas emissions, and geologic hazards. Make recommendations for additional mitigation measures to lead agencies at the local and county level to include additional characterization of health risks and implementation of protective measures to reduce worker exposure to hazards from toxins and Valley Fever.
- Stormwater analysis, sampling and best management practice evaluation at industrial facilities.
- Manager of a project to provide technical assistance to a community adjacent to a former Naval shipyard under a grant from the U.S. EPA.
- Technical assistance and litigation support for vapor intrusion concerns.
- Lead analyst and testifying expert in the review of environmental issues in license applications for large solar power plants before the California Energy Commission.
- Manager of a project to evaluate numerous formerly used military sites in the western U.S.
- Manager of a comprehensive evaluation of potential sources of perchlorate contamination in Southern California drinking water wells.
- Manager and designated expert for litigation support under provisions of Proposition 65 in the review of releases of gasoline to sources drinking water at major refineries and hundreds of gas stations throughout California.
- Expert witness on two cases involving MTBE litigation.
- Expert witness and litigation support on the impact of air toxins and hazards at a school.
- Expert witness in litigation at a former plywood plant.

With Komex H2O Science Inc., Matt’s duties included the following:

- Senior author of a report on the extent of perchlorate contamination that was used in testimony by the former U.S. EPA Administrator and General Counsel.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of MTBE use, research, and regulation.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of perchlorate use, research, and regulation.
- Senior researcher in a study that estimates nationwide costs for MTBE remediation and drinking water treatment, results of which were published in newspapers nationwide and in testimony against provisions of an energy bill that would limit liability for oil companies.
- Research to support litigation to restore drinking water supplies that have been contaminated by MTBE in California and New York.

- Expert witness testimony in a case of oil production-related contamination in Mississippi.
- Lead author for a multi-volume remedial investigation report for an operating school in Los Angeles that met strict regulatory requirements and rigorous deadlines.
- Development of strategic approaches for cleanup of contaminated sites in consultation with clients and regulators.

### **Executive Director:**

As Executive Director with Orange Coast Watch, Matt led efforts to restore water quality at Orange County beaches from multiple sources of contamination including urban runoff and the discharge of wastewater. In reporting to a Board of Directors that included representatives from leading Orange County universities and businesses, Matt prepared issue papers in the areas of treatment and disinfection of wastewater and control of the discharge of grease to sewer systems. Matt actively participated in the development of countywide water quality permits for the control of urban runoff and permits for the discharge of wastewater. Matt worked with other nonprofits to protect and restore water quality, including Surfrider, Natural Resources Defense Council and Orange County CoastKeeper as well as with business institutions including the Orange County Business Council.

### **Hydrogeology:**

As a Senior Hydrogeologist with the U.S. Environmental Protection Agency, Matt led investigations to characterize and cleanup closing military bases, including Mare Island Naval Shipyard, Hunters Point Naval Shipyard, Treasure Island Naval Station, Alameda Naval Station, Moffett Field, Mather Army Airfield, and Sacramento Army Depot. Specific activities were as follows:

- Led efforts to model groundwater flow and contaminant transport, ensured adequacy of monitoring networks, and assessed cleanup alternatives for contaminated sediment, soil, and groundwater.
- Initiated a regional program for evaluation of groundwater sampling practices and laboratory analysis at military bases.
- Identified emerging issues, wrote technical guidance, and assisted in policy and regulation development through work on four national U.S. EPA workgroups, including the Superfund Groundwater Technical Forum and the Federal Facilities Forum.

At the request of the State of Hawaii, Matt developed a methodology to determine the vulnerability of groundwater to contamination on the islands of Maui and Oahu. He used analytical models and a GIS to show zones of vulnerability, and the results were adopted and published by the State of Hawaii and County of Maui.

As a hydrogeologist with the EPA Groundwater Protection Section, Matt worked with provisions of the Safe Drinking Water Act and NEPA to prevent drinking water contamination. Specific activities included the following:

- Received an EPA Bronze Medal for his contribution to the development of national guidance for the protection of drinking water.
- Managed the Sole Source Aquifer Program and protected the drinking water of two communities through designation under the Safe Drinking Water Act. He prepared geologic reports,



conducted public hearings, and responded to public comments from residents who were very concerned about the impact of designation.

- Reviewed a number of Environmental Impact Statements for planned major developments, including large hazardous and solid waste disposal facilities, mine reclamation, and water transfer.

Matt served as a hydrogeologist with the RCRA Hazardous Waste program. Duties were as follows:

- Supervised the hydrogeologic investigation of hazardous waste sites to determine compliance with Subtitle C requirements.
- Reviewed and wrote "part B" permits for the disposal of hazardous waste.
- Conducted RCRA Corrective Action investigations of waste sites and led inspections that formed the basis for significant enforcement actions that were developed in close coordination with U.S. EPA legal counsel.
- Wrote contract specifications and supervised contractor's investigations of waste sites.

With the National Park Service, Matt directed service-wide investigations of contaminant sources to prevent degradation of water quality, including the following tasks:

- Applied pertinent laws and regulations including CERCLA, RCRA, NEPA, NRDA, and the Clean Water Act to control military, mining, and landfill contaminants.
- Conducted watershed-scale investigations of contaminants at parks, including Yellowstone and Olympic National Park.
- Identified high-levels of perchlorate in soil adjacent to a national park in New Mexico and advised park superintendent on appropriate response actions under CERCLA.
- Served as a Park Service representative on the Interagency Perchlorate Steering Committee, a national workgroup.
- Developed a program to conduct environmental compliance audits of all National Parks while serving on a national workgroup.
- Co-authored two papers on the potential for water contamination from the operation of personal watercraft and snowmobiles, these papers serving as the basis for the development of nation-wide policy on the use of these vehicles in National Parks.
- Contributed to the Federal Multi-Agency Source Water Agreement under the Clean Water Action Plan.

### **Policy:**

Served senior management as the Senior Science Policy Advisor with the U.S. Environmental Protection Agency, Region 9. Activities included the following:

- Advised the Regional Administrator and senior management on emerging issues such as the potential for the gasoline additive MTBE and ammonium perchlorate to contaminate drinking water supplies.
- Shaped EPA's national response to these threats by serving on workgroups and by contributing to guidance, including the Office of Research and Development publication, *Oxygenates in Water: Critical Information and Research Needs*.
- Improved the technical training of EPA's scientific and engineering staff.
- Earned an EPA Bronze Medal for representing the region's 300 scientists and engineers in negotiations with the Administrator and senior management to better integrate scientific principles into the policy-making process.
- Established national protocol for the peer review of scientific documents.

### Geology:

With the U.S. Forest Service, Matt led investigations to determine hillslope stability of areas proposed for timber harvest in the central Oregon Coast Range. Specific activities were as follows:

- Mapped geology in the field, and used aerial photographic interpretation and mathematical models to determine slope stability.
- Coordinated his research with community members who were concerned with natural resource protection.
- Characterized the geology of an aquifer that serves as the sole source of drinking water for the city of Medford, Oregon.

As a consultant with Dames and Moore, Matt led geologic investigations of two contaminated sites (later listed on the Superfund NPL) in the Portland, Oregon, area and a large hazardous waste site in eastern Oregon. Duties included the following:

- Supervised year-long effort for soil and groundwater sampling.
- Conducted aquifer tests.
- Investigated active faults beneath sites proposed for hazardous waste disposal.

### Teaching:

From 1990 to 1998, Matt taught at least one course per semester at the community college and university levels:

- At San Francisco State University, held an adjunct faculty position and taught courses in environmental geology, oceanography (lab and lecture), hydrogeology, and groundwater contamination.
- Served as a committee member for graduate and undergraduate students.
- Taught courses in environmental geology and oceanography at the College of Marin.

Matt taught physical geology (lecture and lab and introductory geology at Golden West College in Huntington Beach, California from 2010 to 2014.

### Invited Testimony, Reports, Papers and Presentations:

**Hagemann, M.F.**, 2008. Disclosure of Hazardous Waste Issues under CEQA. Presentation to the Public Environmental Law Conference, Eugene, Oregon.

**Hagemann, M.F.**, 2008. Disclosure of Hazardous Waste Issues under CEQA. Invited presentation to U.S. EPA Region 9, San Francisco, California.

**Hagemann, M.F.**, 2005. Use of Electronic Databases in Environmental Regulation, Policy Making and Public Participation. Brownfields 2005, Denver, Colorado.

**Hagemann, M.F.**, 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Nevada and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Las Vegas, NV (served on conference organizing committee).

**Hagemann, M.F.**, 2004. Invited testimony to a California Senate committee hearing on air toxins at schools in Southern California, Los Angeles.

Brown, A., Farrow, J., Gray, A. and **Hagemann, M.**, 2004. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to the Ground Water and Environmental Law Conference, National Groundwater Association.

**Hagemann, M.F.**, 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Arizona and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Phoenix, AZ (served on conference organizing committee).

**Hagemann, M.F.**, 2003. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in the Southwestern U.S. Invited presentation to a special committee meeting of the National Academy of Sciences, Irvine, CA.

**Hagemann, M.F.**, 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a tribal EPA meeting, Pechanga, CA.

**Hagemann, M.F.**, 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a meeting of tribal representatives, Parker, AZ.

**Hagemann, M.F.**, 2003. Impact of Perchlorate on the Colorado River and Associated Drinking Water Supplies. Invited presentation to the Inter-Tribal Meeting, Torres Martinez Tribe.

**Hagemann, M.F.**, 2003. The Emergence of Perchlorate as a Widespread Drinking Water Contaminant. Invited presentation to the U.S. EPA Region 9.

**Hagemann, M.F.**, 2003. A Deductive Approach to the Assessment of Perchlorate Contamination. Invited presentation to the California Assembly Natural Resources Committee.

**Hagemann, M.F.**, 2003. Perchlorate: A Cold War Legacy in Drinking Water. Presentation to a meeting of the National Groundwater Association.

**Hagemann, M.F.**, 2002. From Tank to Tap: A Chronology of MTBE in Groundwater. Presentation to a meeting of the National Groundwater Association.

**Hagemann, M.F.**, 2002. A Chronology of MTBE in Groundwater and an Estimate of Costs to Address Impacts to Groundwater. Presentation to the annual meeting of the Society of Environmental Journalists.

**Hagemann, M.F.**, 2002. An Estimate of the Cost to Address MTBE Contamination in Groundwater (and Who Will Pay). Presentation to a meeting of the National Groundwater Association.

**Hagemann, M.F.**, 2002. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to a meeting of the U.S. EPA and State Underground Storage Tank Program managers.

**Hagemann, M.F.**, 2001. From Tank to Tap: A Chronology of MTBE in Groundwater. Unpublished report.

**Hagemann, M.F.**, 2001. Estimated Cleanup Cost for MTBE in Groundwater Used as Drinking Water. Unpublished report.

**Hagemann, M.F.**, 2001. Estimated Costs to Address MTBE Releases from Leaking Underground Storage Tanks. Unpublished report.

**Hagemann, M.F.**, and VanMouwerik, M., 1999. Potential Water Quality Concerns Related to Snowmobile Usage. Water Resources Division, National Park Service, Technical Report.

VanMouwerik, M. and **Hagemann, M.F.** 1999, Water Quality Concerns Related to Personal Watercraft Usage. Water Resources Division, National Park Service, Technical Report.

**Hagemann, M.F.**, 1999, Is Dilution the Solution to Pollution in National Parks? The George Wright Society Biannual Meeting, Asheville, North Carolina.

**Hagemann, M.F.**, 1997, The Potential for MTBE to Contaminate Groundwater. U.S. EPA Superfund Groundwater Technical Forum Annual Meeting, Las Vegas, Nevada.

**Hagemann, M.F.**, and Gill, M., 1996, Impediments to Intrinsic Remediation, Moffett Field Naval Air Station, Conference on Intrinsic Remediation of Chlorinated Hydrocarbons, Salt Lake City.

**Hagemann, M.F.**, Fukunaga, G.L., 1996, The Vulnerability of Groundwater to Anthropogenic Contaminants on the Island of Maui, Hawaii. Hawaii Water Works Association Annual Meeting, Maui, October 1996.

**Hagemann, M. F.**, Fukanaga, G. L., 1996, Ranking Groundwater Vulnerability in Central Oahu, Hawaii. Proceedings, Geographic Information Systems in Environmental Resources Management, Air and Waste Management Association Publication VIP-61.

**Hagemann, M.F.**, 1994. Groundwater Characterization and Cleanup at Closing Military Bases in California. Proceedings, California Groundwater Resources Association Meeting.

**Hagemann, M.F.** and Sabol, M.A., 1993. Role of the U.S. EPA in the High Plains States Groundwater Recharge Demonstration Program. Proceedings, Sixth Biennial Symposium on the Artificial Recharge of Groundwater.

**Hagemann, M.F.**, 1993. U.S. EPA Policy on the Technical Impracticability of the Cleanup of DNAPL-contaminated Groundwater. California Groundwater Resources Association Meeting.

**Hagemann, M.F.**, 1992. Dense Nonaqueous Phase Liquid Contamination of Groundwater: An Ounce of Prevention... Proceedings, Association of Engineering Geologists Annual Meeting, v. 35.

**Other Experience:**

Selected as subject matter expert for the California Professional Geologist licensing examination, 2009-2011.

Attachment B: Paul Rosenfeld CV



Technical Consultation, Data Analysis and  
Litigation Support for the Environment

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## ***Paul Rosenfeld, Ph.D.***

*Principal Environmental Chemist*

**Chemical Fate and Transport & Air Dispersion Modeling**

**Risk Assessment & Remediation Specialist**

### **Education**

Ph.D. Soil Chemistry, University of Washington, 1999. Dissertation on volatile organic compound filtration.

M.S. Environmental Science, U.C. Berkeley, 1995. Thesis on organic waste economics.

B.A. Environmental Studies, U.C. Santa Barbara, 1991. Thesis on wastewater treatment.

### **Professional Experience**

Dr. Rosenfeld has over 25 years' experience conducting environmental investigations and risk assessments for evaluating impacts to human health, property, and ecological receptors. His expertise focuses on the fate and transport of environmental contaminants, human health risk, exposure assessment, and ecological restoration. Dr. Rosenfeld has evaluated and modeled emissions from oil spills, landfills, boilers and incinerators, process stacks, storage tanks, confined animal feeding operations, industrial, military and agricultural sources, unconventional oil drilling operations, and locomotive and construction engines. His project experience ranges from monitoring and modeling of pollution sources to evaluating impacts of pollution on workers at industrial facilities and residents in surrounding communities. Dr. Rosenfeld has also successfully modeled exposure to contaminants distributed by water systems and via vapor intrusion.

Dr. Rosenfeld has investigated and designed remediation programs and risk assessments for contaminated sites containing lead, heavy metals, mold, bacteria, particulate matter, petroleum hydrocarbons, chlorinated solvents, pesticides, radioactive waste, dioxins and furans, semi- and volatile organic compounds, PCBs, PAHs, creosote, perchlorate, asbestos, per- and poly-fluoroalkyl substances (PFOA/PFOS), unusual polymers, fuel oxygenates (MTBE), among other pollutants. Dr. Rosenfeld also has experience evaluating greenhouse gas emissions from various projects and is an expert on the assessment of odors from industrial and agricultural sites, as well as the evaluation of odor nuisance impacts and technologies for abatement of odorous emissions. As a principal scientist at SWAPE, Dr. Rosenfeld directs air dispersion modeling and exposure assessments. He has served as an expert witness and testified about pollution sources causing nuisance and/or personal injury at sites and has testified as an expert witness on numerous cases involving exposure to soil, water and air contaminants from industrial, railroad, agricultural, and military sources.



**Professional History:**

Soil Water Air Protection Enterprise (SWAPE); 2003 to present; Principal and Founding Partner  
 UCLA School of Public Health; 2007 to 2011; Lecturer (Assistant Researcher)  
 UCLA School of Public Health; 2003 to 2006; Adjunct Professor  
 UCLA Environmental Science and Engineering Program; 2002-2004; Doctoral Intern Coordinator  
 UCLA Institute of the Environment, 2001-2002; Research Associate  
 Komex H<sub>2</sub>O Science, 2001 to 2003; Senior Remediation Scientist  
 National Groundwater Association, 2002-2004; Lecturer  
 San Diego State University, 1999-2001; Adjunct Professor  
 Anteon Corp., San Diego, 2000-2001; Remediation Project Manager  
 Ogden (now Amec), San Diego, 2000-2000; Remediation Project Manager  
 Bechtel, San Diego, California, 1999 – 2000; Risk Assessor  
 King County, Seattle, 1996 – 1999; Scientist  
 James River Corp., Washington, 1995-96; Scientist  
 Big Creek Lumber, Davenport, California, 1995; Scientist  
 Plumas Corp., California and USFS, Tahoe 1993-1995; Scientist  
 Peace Corps and World Wildlife Fund, St. Kitts, West Indies, 1991-1993; Scientist

**Publications:**

Remy, L.L., Clay T., Byers, V., **Rosenfeld P. E.** (2019) Hospital, Health, and Community Burden After Oil Refinery Fires, Richmond, California 2007 and 2012. *Environmental Health*. 18:48

Simons, R.A., Seo, Y. **Rosenfeld, P.**, (2015) Modeling the Effect of Refinery Emission On Residential Property Value. *Journal of Real Estate Research*. 27(3):321-342

Chen, J. A, Zapata A. R., Sutherland A. J., Molmen, D.R., Chow, B. S., Wu, L. E., **Rosenfeld, P. E.**, Hesse, R. C., (2012) Sulfur Dioxide and Volatile Organic Compound Exposure To A Community In Texas City Texas Evaluated Using Aermოდ and Empirical Data. *American Journal of Environmental Science*, 8(6), 622-632.

**Rosenfeld, P.E.** & Feng, L. (2011). *The Risks of Hazardous Waste*. Amsterdam: Elsevier Publishing.

Cheremisinoff, N.P., & **Rosenfeld, P.E.** (2011). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Agrochemical Industry*, Amsterdam: Elsevier Publishing.

Gonzalez, J., Feng, L., Sutherland, A., Waller, C., Sok, H., Hesse, R., **Rosenfeld, P.** (2010). PCBs and Dioxins/Furans in Attic Dust Collected Near Former PCB Production and Secondary Copper Facilities in Sauget, IL. *Procedia Environmental Sciences*. 113–125.

Feng, L., Wu, C., Tam, L., Sutherland, A.J., Clark, J.J., **Rosenfeld, P.E.** (2010). Dioxin and Furan Blood Lipid and Attic Dust Concentrations in Populations Living Near Four Wood Treatment Facilities in the United States. *Journal of Environmental Health*. 73(6), 34-46.

Cheremisinoff, N.P., & **Rosenfeld, P.E.** (2010). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Wood and Paper Industries*. Amsterdam: Elsevier Publishing.

Cheremisinoff, N.P., & **Rosenfeld, P.E.** (2009). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Petroleum Industry*. Amsterdam: Elsevier Publishing.

Wu, C., Tam, L., Clark, J., **Rosenfeld, P.** (2009). Dioxin and furan blood lipid concentrations in populations living near four wood treatment facilities in the United States. *WIT Transactions on Ecology and the Environment, Air Pollution*, 123 (17), 319-327.

Tam L. K., Wu C. D., Clark J. J. and **Rosenfeld, P.E.** (2008). A Statistical Analysis Of Attic Dust And Blood Lipid Concentrations Of Tetrachloro-p-Dibenzodioxin (TCDD) Toxicity Equivalency Quotients (TEQ) In Two Populations Near Wood Treatment Facilities. *Organohalogen Compounds*, 70, 002252-002255.

Tam L. K., Wu C. D., Clark J. J. and **Rosenfeld, P.E.** (2008). Methods For Collect Samples For Assessing Dioxins And Other Environmental Contaminants In Attic Dust: A Review. *Organohalogen Compounds*, 70, 000527-000530.

Hensley, A.R. A. Scott, J. J. J. Clark, **Rosenfeld, P.E.** (2007). Attic Dust and Human Blood Samples Collected near a Former Wood Treatment Facility. *Environmental Research*. 105, 194-197.

**Rosenfeld, P.E.**, J. J. J. Clark, A. R. Hensley, M. Suffet. (2007). The Use of an Odor Wheel Classification for Evaluation of Human Health Risk Criteria for Compost Facilities. *Water Science & Technology* 55(5), 345-357.

**Rosenfeld, P. E.**, M. Suffet. (2007). The Anatomy Of Odour Wheels For Odours Of Drinking Water, Wastewater, Compost And The Urban Environment. *Water Science & Technology* 55(5), 335-344.

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**Rosenfeld, P.E.**, and Suffet I.H. (2004). Control of Compost Odor Using High Carbon Wood Ash, *Water Science and Technology*, 49(9), 171-178.

**Rosenfeld, P. E.**, Grey, M. A., Sellev, P. (2004). Measurement of Biosolids Odor and Odorant Emissions from Windrows, Static Pile and Biofilter. *Water Environment Research*. 76(4), 310-315.

**Rosenfeld, P.E.**, Grey, M and Suffet, M. (2002). Compost Demonstration Project, Sacramento California Using High-Carbon Wood Ash to Control Odor at a Green Materials Composting Facility. *Integrated Waste Management Board Public Affairs Office, Publications Clearinghouse (MS-6)*, Sacramento, CA Publication #442-02-008.

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**Rosenfeld, P. E.** (1992). The Mount Liamuiga Crater Trail. *Heritage Magazine of St. Kitts*, 3(2).

**Rosenfeld, P. E.** (1993). High School Biogas Project to Prevent Deforestation On St. Kitts. *Biomass Users Network*, 7(1).

**Rosenfeld, P. E.** (1998). Characterization, Quantification, and Control of Odor Emissions From Biosolids Application To Forest Soil. Doctoral Thesis. University of Washington College of Forest Resources.

**Rosenfeld, P. E.** (1994). Potential Utilization of Small Diameter Trees on Sierra County Public Land. Masters thesis reprinted by the Sierra County Economic Council. Sierra County, California.

**Rosenfeld, P. E.** (1991). How to Build a Small Rural Anaerobic Digester & Uses Of Biogas In The First And Third World. Bachelors Thesis. University of California.

### **Presentations:**

**Rosenfeld, P.E.**, "The science for Perfluorinated Chemicals (PFAS): What makes remediation so hard?" Law Seminars International, (May 9-10, 2018) 800 Fifth Avenue, Suite 101 Seattle, WA.

**Rosenfeld, P.E.**, Sutherland, A; Hesse, R.; Zapata, A. (October 3-6, 2013). Air dispersion modeling of volatile organic emissions from multiple natural gas wells in Decatur, TX. *44th Western Regional Meeting, American Chemical Society*. Lecture conducted from Santa Clara, CA.

Sok, H.L.; Waller, C.C.; Feng, L.; Gonzalez, J.; Sutherland, A.J.; Wisdom-Stack, T.; Sahai, R.K.; Hesse, R.C.; **Rosenfeld, P.E.** (June 20-23, 2010). Atrazine: A Persistent Pesticide in Urban Drinking Water. *Urban Environmental Pollution*. Lecture conducted from Boston, MA.

Feng, L.; Gonzalez, J.; Sok, H.L.; Sutherland, A.J.; Waller, C.C.; Wisdom-Stack, T.; Sahai, R.K.; La, M.; Hesse, R.C.; **Rosenfeld, P.E.** (June 20-23, 2010). Bringing Environmental Justice to East St. Louis, Illinois. *Urban Environmental Pollution*. Lecture conducted from Boston, MA.

**Rosenfeld, P.E.** (April 19-23, 2009). Perfluorooctanoic Acid (PFOA) and Perfluoroactane Sulfonate (PFOS) Contamination in Drinking Water From the Use of Aqueous Film Forming Foams (AFFF) at Airports in the United States. *2009 Ground Water Summit and 2009 Ground Water Protection Council Spring Meeting*, Lecture conducted from Tuscon, AZ.

**Rosenfeld, P.E.** (April 19-23, 2009). Cost to Filter Atrazine Contamination from Drinking Water in the United States" Contamination in Drinking Water From the Use of Aqueous Film Forming Foams (AFFF) at Airports in the United States. *2009 Ground Water Summit and 2009 Ground Water Protection Council Spring Meeting*. Lecture conducted from Tuscon, AZ.

Wu, C., Tam, L., Clark, J., **Rosenfeld, P.** (20-22 July, 2009). Dioxin and furan blood lipid concentrations in populations living near four wood treatment facilities in the United States. Brebbia, C.A. and Popov, V., eds., *Air Pollution XVII: Proceedings of the Seventeenth International Conference on Modeling, Monitoring and Management of Air Pollution*. Lecture conducted from Tallinn, Estonia.

**Rosenfeld, P. E.** (October 15-18, 2007). Moss Point Community Exposure To Contaminants From A Releasing Facility. *The 23<sup>rd</sup> Annual International Conferences on Soils Sediment and Water*. Platform lecture conducted from University of Massachusetts, Amherst MA.

**Rosenfeld, P. E.** (October 15-18, 2007). The Repeated Trespass of Tritium-Contaminated Water Into A Surrounding Community Form Repeated Waste Spills From A Nuclear Power Plant. *The 23<sup>rd</sup> Annual International*

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**Rosenfeld, P. E.** (October 15-18, 2007). Somerville Community Exposure To Contaminants From Wood Treatment Facility Emissions. The 23<sup>rd</sup> *Annual International Conferences on Soils Sediment and Water*. Lecture conducted from University of Massachusetts, Amherst MA.

**Rosenfeld P. E.** (March 2007). Production, Chemical Properties, Toxicology, & Treatment Case Studies of 1,2,3-Trichloropropane (TCP). *The Association for Environmental Health and Sciences (AEHS) Annual Meeting*. Lecture conducted from San Diego, CA.

**Rosenfeld P. E.** (March 2007). Blood and Attic Sampling for Dioxin/Furan, PAH, and Metal Exposure in Florala, Alabama. *The AEHS Annual Meeting*. Lecture conducted from San Diego, CA.

Hensley A.R., Scott, A., **Rosenfeld P.E.**, Clark, J.J.J. (August 21 – 25, 2006). Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility. *The 26th International Symposium on Halogenated Persistent Organic Pollutants – DIOXIN2006*. Lecture conducted from Radisson SAS Scandinavia Hotel in Oslo Norway.

Hensley A.R., Scott, A., **Rosenfeld P.E.**, Clark, J.J.J. (November 4-8, 2006). Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility. *APHA 134 Annual Meeting & Exposition*. Lecture conducted from Boston Massachusetts.

**Paul Rosenfeld Ph.D.** (October 24-25, 2005). Fate, Transport and Persistence of PFOA and Related Chemicals. Mealey's C8/PFOA. *Science, Risk & Litigation Conference*. Lecture conducted from The Rittenhouse Hotel, Philadelphia, PA.

**Paul Rosenfeld Ph.D.** (September 19, 2005). Brominated Flame Retardants in Groundwater: Pathways to Human Ingestion, *Toxicology and Remediation PEMA Emerging Contaminant Conference*. Lecture conducted from Hilton Hotel, Irvine California.

**Paul Rosenfeld Ph.D.** (September 19, 2005). Fate, Transport, Toxicity, And Persistence of 1,2,3-TCP. *PEMA Emerging Contaminant Conference*. Lecture conducted from Hilton Hotel in Irvine, California.

**Paul Rosenfeld Ph.D.** (September 26-27, 2005). Fate, Transport and Persistence of PDBEs. *Mealey's Groundwater Conference*. Lecture conducted from Ritz Carlton Hotel, Marina Del Ray, California.

**Paul Rosenfeld Ph.D.** (June 7-8, 2005). Fate, Transport and Persistence of PFOA and Related Chemicals. *International Society of Environmental Forensics: Focus On Emerging Contaminants*. Lecture conducted from Sheraton Oceanfront Hotel, Virginia Beach, Virginia.

**Paul Rosenfeld Ph.D.** (July 21-22, 2005). Fate Transport, Persistence and Toxicology of PFOA and Related Perfluorochemicals. *2005 National Groundwater Association Ground Water And Environmental Law Conference*. Lecture conducted from Wyndham Baltimore Inner Harbor, Baltimore Maryland.

**Paul Rosenfeld Ph.D.** (July 21-22, 2005). Brominated Flame Retardants in Groundwater: Pathways to Human Ingestion, Toxicology and Remediation. *2005 National Groundwater Association Ground Water and Environmental Law Conference*. Lecture conducted from Wyndham Baltimore Inner Harbor, Baltimore Maryland.

**Paul Rosenfeld, Ph.D.** and James Clark Ph.D. and Rob Hesse R.G. (May 5-6, 2004). Tert-butyl Alcohol Liability and Toxicology, A National Problem and Unquantified Liability. *National Groundwater Association. Environmental Law Conference*. Lecture conducted from Congress Plaza Hotel, Chicago Illinois.

**Paul Rosenfeld, Ph.D.** (March 2004). Perchlorate Toxicology. *Meeting of the American Groundwater Trust*. Lecture conducted from Phoenix Arizona.

Hagemann, M.F., **Paul Rosenfeld, Ph.D.** and Rob Hesse (2004). Perchlorate Contamination of the Colorado River. *Meeting of tribal representatives*. Lecture conducted from Parker, AZ.

**Paul Rosenfeld, Ph.D.** (April 7, 2004). A National Damage Assessment Model For PCE and Dry Cleaners. *Drycleaner Symposium. California Ground Water Association*. Lecture conducted from Radison Hotel, Sacramento, California.

**Rosenfeld, P. E.,** Grey, M., (June 2003) Two stage biofilter for biosolids composting odor control. *Seventh International In Situ And On Site Bioremediation Symposium Battelle Conference Orlando, FL*.

**Paul Rosenfeld, Ph.D.** and James Clark Ph.D. (February 20-21, 2003) Understanding Historical Use, Chemical Properties, Toxicity and Regulatory Guidance of 1,4 Dioxane. *National Groundwater Association. Southwest Focus Conference. Water Supply and Emerging Contaminants..* Lecture conducted from Hyatt Regency Phoenix Arizona.

**Paul Rosenfeld, Ph.D.** (February 6-7, 2003). Underground Storage Tank Litigation and Remediation. *California CUPA Forum*. Lecture conducted from Marriott Hotel, Anaheim California.

**Paul Rosenfeld, Ph.D.** (October 23, 2002) Underground Storage Tank Litigation and Remediation. *EPA Underground Storage Tank Roundtable*. Lecture conducted from Sacramento California.

**Rosenfeld, P.E.** and Suffet, M. (October 7- 10, 2002). Understanding Odor from Compost, *Wastewater and Industrial Processes. Sixth Annual Symposium On Off Flavors in the Aquatic Environment. International Water Association*. Lecture conducted from Barcelona Spain.

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**Rosenfeld, P.E.** and Grey, M. A. (September 22-24, 2002). Biocycle Composting For Coastal Sage Restoration. *Northwest Biosolids Management Association*. Lecture conducted from Vancouver Washington..

**Rosenfeld, P.E.** and Grey, M. A. (November 11-14, 2002). Using High-Carbon Wood Ash to Control Odor at a Green Materials Composting Facility. *Soil Science Society Annual Conference*. Lecture conducted from Indianapolis, Maryland.

**Rosenfeld, P.E.** (September 16, 2000). Two stage biofilter for biosolids composting odor control. *Water Environment Federation*. Lecture conducted from Anaheim California.

**Rosenfeld, P.E.** (October 16, 2000). Wood ash and biofilter control of compost odor. *Biofest*. Lecture conducted from Ocean Shores, California.

**Rosenfeld, P.E.** (2000). Bioremediation Using Organic Soil Amendments. *California Resource Recovery Association*. Lecture conducted from Sacramento California.

**Rosenfeld, P.E.,** C.L. Henry, R. Harrison. (1998). Oat and Grass Seed Germination and Nitrogen and Sulfur Emissions Following Biosolids Incorporation With High-Carbon Wood-Ash. *Water Environment Federation 12th Annual Residuals and Biosolids Management Conference Proceedings*. Lecture conducted from Bellevue Washington.

**Rosenfeld, P.E.,** and C.L. Henry. (1999). An evaluation of ash incorporation with biosolids for odor reduction. *Soil Science Society of America*. Lecture conducted from Salt Lake City Utah.

**Rosenfeld, P.E.,** C.L. Henry, R. Harrison. (1998). Comparison of Microbial Activity and Odor Emissions from Three Different Biosolids Applied to Forest Soil. *Brown and Caldwell*. Lecture conducted from Seattle Washington.

**Rosenfeld, P.E.,** C.L. Henry. (1998). Characterization, Quantification, and Control of Odor Emissions from Biosolids Application To Forest Soil. *Biofest*. Lecture conducted from Lake Chelan, Washington.

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**Rosenfeld, P.E.,** C.L. Henry, R. B. Harrison, and R. Dills. (1997). Comparison of Odor Emissions From Three Different Biosolids Applied to Forest Soil. *Soil Science Society of America*. Lecture conducted from Anaheim California.

### **Teaching Experience:**

UCLA Department of Environmental Health (Summer 2003 through 20010) Taught Environmental Health Science 100 to students, including undergrad, medical doctors, public health professionals and nurses. Course focused on the health effects of environmental contaminants.

National Ground Water Association, Successful Remediation Technologies. Custom Course in Sante Fe, New Mexico. May 21, 2002. Focused on fate and transport of fuel contaminants associated with underground storage tanks.

National Ground Water Association; Successful Remediation Technologies Course in Chicago Illinois. April 1, 2002. Focused on fate and transport of contaminants associated with Superfund and RCRA sites.

California Integrated Waste Management Board, April and May, 2001. Alternative Landfill Caps Seminar in San Diego, Ventura, and San Francisco. Focused on both prescriptive and innovative landfill cover design.

UCLA Department of Environmental Engineering, February 5, 2002. Seminar on Successful Remediation Technologies focusing on Groundwater Remediation.

University Of Washington, Soil Science Program, Teaching Assistant for several courses including: Soil Chemistry, Organic Soil Amendments, and Soil Stability.

U.C. Berkeley, Environmental Science Program Teaching Assistant for Environmental Science 10.

### **Academic Grants Awarded:**

California Integrated Waste Management Board. \$41,000 grant awarded to UCLA Institute of the Environment. Goal: To investigate effect of high carbon wood ash on volatile organic emissions from compost. 2001.

Synagro Technologies, Corona California: \$10,000 grant awarded to San Diego State University. Goal: investigate effect of biosolids for restoration and remediation of degraded coastal sage soils. 2000.

King County, Department of Research and Technology, Washington State. \$100,000 grant awarded to University of Washington: Goal: To investigate odor emissions from biosolids application and the effect of polymers and ash on VOC emissions. 1998.

Northwest Biosolids Management Association, Washington State. \$20,000 grant awarded to investigate effect of polymers and ash on VOC emissions from biosolids. 1997.

James River Corporation, Oregon: \$10,000 grant was awarded to investigate the success of genetically engineered Poplar trees with resistance to round-up. 1996.

United State Forest Service, Tahoe National Forest: \$15,000 grant was awarded to investigating fire ecology of the Tahoe National Forest. 1995.

Kellogg Foundation, Washington D.C. \$500 grant was awarded to construct a large anaerobic digester on St. Kitts in West Indies. 1993

**Deposition and/or Trial Testimony:**

In the Circuit Court Of The Twentieth Judicial Circuit, St Clair County, Illinois  
Martha Custer et al., Plaintiff vs. Cerro Flow Products, Inc., Defendants  
Case No.: No. 0i9-L-2295  
Rosenfeld Deposition, 5-14-2021  
Trial, October 8-4-2021

In the Circuit Court of Cook County Illinois  
Joseph Rafferty, Plaintiff vs. Consolidated Rail Corporation and National Railroad Passenger Corporation  
d/b/a AMTRAK,  
Case No.: No. 18-L-6845  
Rosenfeld Deposition, 6-28-2021

In the United States District Court For the Northern District of Illinois  
Theresa Romcoe, Plaintiff vs. Northeast Illinois Regional Commuter Railroad Corporation d/b/a METRA  
Rail, Defendants  
Case No.: No. 17-cv-8517  
Rosenfeld Deposition, 5-25-2021

In the Superior Court of the State of Arizona In and For the Cunty of Maricopa  
Mary Tryon et al., Plaintiff vs. The City of Pheonix v. Cox Cactus Farm, L.L.C., Utah Shelter Systems, Inc.  
Case Number CV20127-094749  
Rosenfeld Deposition: 5-7-2021

In the United States District Court for the Eastern District of Texas Beaumont Division  
Robinson, Jeremy et al *Plaintiffs*, vs. CNA Insurance Company et al.  
Case Number 1:17-cv-000508  
Rosenfeld Deposition: 3-25-2021

In the Superior Court of the State of California, County of San Bernardino  
Gary Garner, Personal Representative for the Estate of Melvin Garner vs. BNSF Railway Company.  
Case No. 1720288  
Rosenfeld Deposition 2-23-2021

In the Superior Court of the State of California, County of Los Angeles, Spring Street Courthouse  
Benny M Rodriguez vs. Union Pacific Railroad, A Corporation, et al.  
Case No. 18STCV01162  
Rosenfeld Deposition 12-23-2020

In the Circuit Court of Jackson County, Missouri  
Karen Cornwell, *Plaintiff*, vs. Marathon Petroleum, LP, *Defendant*.  
Case No.: 1716-CV10006  
Rosenfeld Deposition. 8-30-2019

In the United States District Court For The District of New Jersey  
Duarte et al, *Plaintiffs*, vs. United States Metals Refining Company et. al. *Defendant*.  
Case No.: 2:17-cv-01624-ES-SCM  
Rosenfeld Deposition. 6-7-2019

- In the United States District Court of Southern District of Texas Galveston Division  
M/T Carla Maersk, *Plaintiffs*, vs. Conti 168., Schiffahrts-GMBH & Co. Bulker KG MS “Conti Perdido”  
*Defendant*.  
Case No.: 3:15-CV-00106 consolidated with 3:15-CV-00237  
Rosenfeld Deposition. 5-9-2019
- In The Superior Court of the State of California In And For The County Of Los Angeles – Santa Monica  
Carole-Taddeo-Bates et al., vs. Ifran Khan et al., Defendants  
Case No.: No. BC615636  
Rosenfeld Deposition, 1-26-2019
- In The Superior Court of the State of California In And For The County Of Los Angeles – Santa Monica  
The San Gabriel Valley Council of Governments et al. vs El Adobe Apts. Inc. et al., Defendants  
Case No.: No. BC646857  
Rosenfeld Deposition, 10-6-2018; Trial 3-7-19
- In United States District Court For The District of Colorado  
Bells et al. Plaintiff vs. The 3M Company et al., Defendants  
Case No.: 1:16-cv-02531-RBJ  
Rosenfeld Deposition, 3-15-2018 and 4-3-2018
- In The District Court Of Regan County, Texas, 112<sup>th</sup> Judicial District  
Phillip Bales et al., Plaintiff vs. Dow Agrosiences, LLC, et al., Defendants  
Cause No.: 1923  
Rosenfeld Deposition, 11-17-2017
- In The Superior Court of the State of California In And For The County Of Contra Costa  
Simons et al., Plaintiffs vs. Chevron Corporation, et al., Defendants  
Cause No C12-01481  
Rosenfeld Deposition, 11-20-2017
- In The Circuit Court Of The Twentieth Judicial Circuit, St Clair County, Illinois  
Martha Custer et al., Plaintiff vs. Cerro Flow Products, Inc., Defendants  
Case No.: No. 019-L-2295  
Rosenfeld Deposition, 8-23-2017
- In United States District Court For The Southern District of Mississippi  
Guy Manuel vs. The BP Exploration et al., Defendants  
Case: No 1:19-cv-00315-RHW  
Rosenfeld Deposition, 4-22-2020
- In The Superior Court of the State of California, For The County of Los Angeles  
Warrn Gilbert and Penny Gilber, Plaintiff vs. BMW of North America LLC  
Case No.: LC102019 (c/w BC582154)  
Rosenfeld Deposition, 8-16-2017, Trail 8-28-2018
- In the Northern District Court of Mississippi, Greenville Division  
Brenda J. Cooper, et al., *Plaintiffs*, vs. Meritor Inc., et al., *Defendants*  
Case Number: 4:16-cv-52-DMB-JVM  
Rosenfeld Deposition: July 2017



In The Superior Court of the State of Washington, County of Snohomish  
Michael Davis and Julie Davis et al., Plaintiff vs. Cedar Grove Composting Inc., Defendants  
Case No.: No. 13-2-03987-5  
Rosenfeld Deposition, February 2017  
Trial, March 2017

In The Superior Court of the State of California, County of Alameda  
Charles Spain., Plaintiff vs. Thermo Fisher Scientific, et al., Defendants  
Case No.: RG14711115  
Rosenfeld Deposition, September 2015

In The Iowa District Court In And For Poweshiek County  
Russell D. Winburn, et al., Plaintiffs vs. Doug Hoksbergen, et al., Defendants  
Case No.: LALA002187  
Rosenfeld Deposition, August 2015

In The Circuit Court of Ohio County, West Virginia  
Robert Andrews, et al. v. Antero, et al.  
Civil Action NO. 14-C-30000  
Rosenfeld Deposition, June 2015

In The Iowa District Court For Muscatine County  
Laurie Freeman et. al. Plaintiffs vs. Grain Processing Corporation, Defendant  
Case No 4980  
Rosenfeld Deposition: May 2015

In the Circuit Court of the 17<sup>th</sup> Judicial Circuit, in and For Broward County, Florida  
Walter Hinton, et. al. Plaintiff, vs. City of Fort Lauderdale, Florida, a Municipality, Defendant.  
Case Number CACE07030358 (26)  
Rosenfeld Deposition: December 2014

In the County Court of Dallas County Texas  
Lisa Parr et al, *Plaintiff*, vs. Aruba et al, *Defendant*.  
Case Number cc-11-01650-E  
Rosenfeld Deposition: March and September 2013  
Rosenfeld Trial: April 2014

In the Court of Common Pleas of Tuscarawas County Ohio  
John Michael Abicht, et al., *Plaintiffs*, vs. Republic Services, Inc., et al., *Defendants*  
Case Number: 2008 CT 10 0741 (Cons. w/ 2009 CV 10 0987)  
Rosenfeld Deposition: October 2012

In the United States District Court for the Middle District of Alabama, Northern Division  
James K. Benefield, et al., *Plaintiffs*, vs. International Paper Company, *Defendant*.  
Civil Action Number 2:09-cv-232-WHA-TFM  
Rosenfeld Deposition: July 2010, June 2011

In the Circuit Court of Jefferson County Alabama  
Jaeonette Moss Anthony, et al., *Plaintiffs*, vs. Drummond Company Inc., et al., *Defendants*  
Civil Action No. CV 2008-2076  
Rosenfeld Deposition: September 2010

In the United States District Court, Western District Lafayette Division  
Ackle et al., *Plaintiffs*, vs. Citgo Petroleum Corporation, et al., *Defendants*.  
Case Number 2:07CV1052  
Rosenfeld Deposition: July 2009

**EXHIBIT D**



June 26, 2023

Tricia Pontau  
City of Livermore  
1052 S Livermore Ave  
Livermore, CA 94550

Re: SPDR23-004 FM Greenville EV Charging Depot  
151 Greenville Road, Livermore, CA 94551

Dear Tricia:

Thank you for giving us the opportunity to review the subject plans. The proposed Greenville EV Charging Depot is within the same vicinity of PG&E's existing facilities that impact this property.

The Greenville EV Charging Depot Site Plan, being page A1.1, proposes the vacation of an existing ten foot (10') wide PG&E easement for the operation and maintenance of an overhead line of poles. Said easement is recorded at Reel 5120 and Image 189 with Alameda County Official Records. The applicant may apply for the relocation of said overhead line of poles, and the vacation of said easement, at [Building and renovation gas and electric service application assistance \(pge.com\)](#) and by signing in at [Sign In \(yourprojects-pge.com\)](#). The relocation of the overhead line of poles will be done at the sole expense of the applicant/developer. Once an application number has been provided, the applicant may contact Land Agent Amy Short ([Amy.Short@pge.com](mailto:Amy.Short@pge.com)) to discuss the relocations and any cost estimates.

Please contact the Building and Renovation Center (BRSC) for facility map requests by calling 1-877-743-7782 and PG&E's Service Planning department at [www.pge.com/cco](http://www.pge.com/cco) for any modification or relocation requests, or for any additional services you may require.

As a reminder, before any digging or excavation occurs, please contact Underground Service Alert (USA) by dialing 811 a minimum of 2 working days prior to commencing any work. This free and independent service will ensure that all existing underground utilities are identified and marked on-site.

If you have any questions regarding our response, please contact me at [Justin.Newell@pge.com](mailto:Justin.Newell@pge.com).

Sincerely,

Justin Newell  
Land Management  
916-594-4068

**EXHIBIT C**

**CITY OF LIVERMORE**

**PROCEDURES FOR IMPLEMENTING THE  
CALIFORNIA ENVIRONMENTAL QUALITY ACT  
(CEQA)**

**Adopted September 11, 1989  
Resolution No. 302-89**

**Amended April 9, 1990  
Resolution No. 102-90**

**Amended August 11, 1997  
Resolution No. 97-214**

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**SECTION 1: GENERAL PROVISIONS**

1.1 Authority

These procedures are adopted pursuant to the California Environmental Quality Act of 1970, specifically Section 21082 of the Public Resources Code, hereinafter referred to as "CEQA". The procedures are consistent with, and intended to supplement, the Guidelines for Implementation of the California Environmental Quality Act as amended by the Secretary of Resources Agency (Division 6, Title 14, Section 15000 et seq. of the California Administrative Code), hereinafter referred to as the "Guidelines". Said Guidelines are hereby incorporated by reference herein, and a copy of said Guidelines is on file in the Planning Division. In the event of a conflict between these procedures and the CEQA Guidelines, said Guidelines shall govern.

1.2 Scope

These procedures shall apply to the City of Livermore and all departments and agencies governed by the City Council of the City of Livermore.

1.3 Purpose

The purpose of these procedures shall be as follows:

- A. To conform to Section 15022 of the Guidelines which requires each public agency to adopt procedures, objectives, and criteria for administering its responsibilities under CEQA.
- B. To carry out the legislative policies as set forth in Chapter 1 of CEQA and the purposes set forth in Sections 15002 and the policies set forth in Section 15003 of the Guidelines.
- C. To provide a general overview for the public and other persons and organizations of the procedures used by the City in implementing CEQA.
- D. To assist in relating the provisions of CEQA to local procedures in the processing of entitlements permitted under the Zoning Ordinance and other City ordinances and to adopt local procedures, criteria, and objectives consistent with CEQA.

1.4 Applicability of Provisions

The provisions of these procedures shall be applicable as a prerequisite to City approval of any of the following projects:

- A. Any "private project".
- B. Any "public project" to be undertaken by the City.
- C. Any "public project" to be undertaken by any other public agency where the City has been determined to be the Lead Agency.

### 1.5 Environmental Coordinator, Appointment and Duties

- A. Appointment: The Community Development Director of the City of Livermore is hereby appointed to be the Environmental Coordinator.
- B. Duties: The Environmental Coordinator (or duly authorized representative) shall have overall responsibility for the administration of these procedures. The Environmental Coordinator may make all determinations related to a project as provided herein, may prepare or contract for and direct the preparation of an Initial Study, EIR or Negative Declaration, and may approve such documents where the Zoning Administrator has authorization to approve a project pursuant to the Zoning Ordinance.

For any given project, the Environmental Coordinator may delegate the responsibility for the administration of these procedures to the Project Planner with responsibility for the project or, in the case of a public project, to the Project Engineer. The Environmental Coordinator shall have ultimate responsibility for the administration of these procedures and determinations made pursuant thereto. In practice, the Project Planner shall be responsible for day-to-day implementation of these procedures as part of the application review process. For purposes of these procedures, Environmental Coordinator shall also mean the Project Planner or Project Engineer.

### 1.6 Procedures for Public Projects

- A. The Environmental Coordinator shall have overall responsibility for the administration of these procedures for public projects. The Project Engineer with primary project development responsibility for a public project shall be responsible for the day-to-day administration of these procedures.
- B. Public projects shall be subject to all other provisions of these procedures.
- C. Coordination. The supervisor of the Engineering Division Design Section shall periodically provide a list of public projects to the Environmental Coordinator. The Environmental Coordinator shall assign a Project Planner to each public project. The Project Engineer with responsibility for the project shall coordinate with the Project Planner regarding the administration of these procedures. If a Project Planner has not been assigned, the Project Engineer shall coordinate with the Environmental Coordinator.
- D. Specifically, the Project Engineer shall coordinate with the Project Planner in regard to the following determinations and documents:
  1. Applicability of CEQA. That the public project represents a "project" subject to CEQA.
  2. Exemption from CEQA. That the public project is exempt from CEQA and the Notice of Exemption.
  3. Initial Study. The Initial Study and whether to prepare a Negative Declaration or EIR. The Project Engineer shall prepare the Initial Study.



4. The Negative Declaration. The Project Engineer shall prepare and sign the Negative Declaration.
5. EIR. Whether to prepare an EIR and the Notice of Preparation, request for proposals to prepare an EIR, consultant(s) proposals, selection of consultant(s), scoping activities, environmental technical studies, administrative draft EIR, draft EIR, Notice of Completion, responses to comments on the draft EIR administrative draft final EIR, final EIR, mitigation monitoring program, findings, and statements of overriding considerations.
6. The Notice of Determination. The Project Engineer shall prepare and sign the Notice of Determination.

### 1.7 Fees

Fees, established by separate City Council resolution, shall be required to make any application complete following the determination that an environmental document must be prepared. In addition, the applicant shall be responsible for the contracted cost for the preparation of an EIR and related environmental studies by a consultant retained by the City.

### 1.8 Revision

These procedures shall be revised when it is determined that such revisions are necessitated by amendments to CEQA, the Guidelines, or the policies, goals and objectives of the City. Revisions to these procedures shall be approved by resolution of the City Council after recommendation by the Planning Commission.

## SECTION 2: DEFINITIONS

The definitions set forth in Article 20 of the Guidelines are hereby adopted. The following definitions are intended to clarify and supplement, but not to replace or negate the definitions contained in the Guidelines. In the event of inconsistency in definitions, the Guidelines shall control. References to pertinent sections of CEQA and the Guidelines are provided.

- 2.1 CEQA: The California Environmental Quality Act, California Public Resources Code Sections 21000 et seq.
- 2.2 City: The City of Livermore acting by and through its various officers, departments, and commissions.
- 2.3 Commission: The Planning Commission of the City of Livermore.
- 2.4 Council: The City Council of the City of Livermore.
- 2.5 Decision-Making Body: Any person or group of people within the City of Livermore permitted by law to approve or disapprove the project at issue (Guidelines Section 15356).
- 2.6 Department: Any agency of the City of Livermore, any divisions of an agency, any department of the City of Livermore not included within one of its agencies, or any special district governed by the Livermore City Council. "Department" also includes the City Redevelopment Agency.
- 2.7 Discretionary Project: A project which requires the exercise of judgment or deliberation when the City decides to approve or disapprove a particular activity, as distinguished from situations where the City merely has to determine whether there has been conformity with applicable statutes, ordinances, and regulations (Guidelines Section 15357).
- 2.8 Environmental Document: Initial Studies, Negative Declarations, draft and final EIR's, documents prepared as substitutes for EIR's and Negative Declarations under a program pursuant to Public Resources Code Section 21080.5, and documents prepared under the National Environmental Policy Act (NEPA) and used by a State or local agency in the place of an Initial Study, Negative Declaration, or EIR.
- 2.9 Environmental Impact Report (EIR): A detailed statement prepared under CEQA describing and analyzing the significant environmental effects of a project and discussing ways to mitigate or avoid the effects (Public Resources Code Section 21061 and Guidelines Section 15362).
  - A. Draft EIR: A document provided for public review which informs decision makers and the public of the significant environmental effects of a project, and of mitigation measures and alternatives that would reduce or avoid the significant effects. A draft EIR contains a description of the project, the environmental setting, significant environmental effects, mitigation measures, alternatives, and other information specified in Guidelines Sections 15122 through 15131. For the purposes of these procedures, draft EIR includes focused EIR, master EIR, program EIR, project EIR, staged EIR, subsequent EIR and supplemental EIR.

- B. Final EIR: An EIR containing the information contained in the draft EIR, comments received during the public review process, a list of persons commenting and the response of the Lead Agency to the comments received (Guidelines Section 15132). For the purposes of these procedures, final EIR includes subsequent EIR and supplemental EIR.
- 2.10 Guidelines (CEQA Guidelines): The Guidelines for Implementation of the California Environmental Quality Act of 1970, as adopted by the Secretary of the Resources Agency and any amendments thereto (Public Resources Code Section 21083 and Guidelines Section 15000).
- 2.11 Initial Study: A preliminary analysis prepared by the City to determine whether an EIR or Negative Declaration must be prepared and/or to identify the significant effects to be analyzed in an EIR (Guidelines Section 15063).
- 2.12 Lead Agency: The public agency which has the principal responsibility for carrying out or approving a project. The Lead Agency will decide whether an EIR or Negative Declaration will be required for the project and will cause the document to be prepared (Guidelines Section 15367).
- 2.13 Ministerial: A decision involving little or no personal judgment by the public official as to the wisdom or manner of carrying out the project. The public official merely applies the law to the facts as presented but uses no special discretion or judgment in reaching a decision. A ministerial decision involves only the use of fixed standards or objective measurements, and the public official cannot use personal, subjective judgment in deciding whether or how the project should be carried out (Guidelines Section 15369).
- 2.14 Mitigated Negative Declaration: A Negative Declaration prepared for a project when the Initial Study has identified potentially significant effects on the environment, but revisions in the project made by, or agreed to by, the applicant before the proposed Negative Declaration and Initial Study are released for public review would mitigate the potential effect to a level of insignificance (Public Resources Code Section 15064.5).
- 2.15 Mitigation Monitoring Program: A monitoring and reporting program adopted to ensure compliance during project implementation with the changes made to the project or conditions of project approval adopted to mitigate significant impacts (Public Resources Code Section 21081.6).
- 2.16 Negative Declaration: A written statement by the City briefly describing the reasons that a proposed project, not exempt from CEQA, will either 1) not have a significant effect on the environment, or 2) may have a significant effect on the environment and mitigation measures have been incorporated into the project which reduce the potential effects to a level of insignificance. Therefore, the project does not require the preparation of an EIR. For purposes of these procedures, Negative Declaration also includes Mitigated Negative Declaration (Public Resources Code Section 21080(c) and Guidelines Section 15070 through 15075).
- 2.17 NEPA (National Environmental Policy Act): The federal statute (42 U.S.C. section 4321 et seq.) which, similar to CEQA, requires evaluation of environmental effects, mitigation measures and alternatives for federal or federally-funded actions.

## ATTACHMENT 6

- 2.18 Project: The whole of an action which has a potential for resulting in a physical change in the environment, either directly or ultimately. The term "project" refers to the activity which is being considered and which may be subject to several discretionary approvals by governmental agencies. The term "project" does not mean each separate governmental approval (Public Resources Code Section 21065).
- 2.19 Project Sponsor: An applicant for a private project or the City and any other Public Agency proposing a public project subject to CEQA.
- 2.20 Public Agency: Any state agency, board, or commission and any local or regional agency as defined in the Guidelines (Public Resources Code Section 21063).
- 2.21 Responsible Agency: A public agency which proposes to carry out or approve a project, for which a Lead Agency is preparing or has prepared an EIR or Negative Declaration. For the purposes of CEQA, the term "Responsible Agency" includes all public agencies other than the Lead Agency which have discretionary approval power over the project (Public Resources Code Section 21069).
- 2.22 Trustee Agency: Any state agency having jurisdiction by law over natural resources affected by a project which are held in trust for the people of the State of California.

SECTION 3: EXEMPTIONS TO CEQA

This section sets forth a listing of projects which are exempt from the provisions of CEQA pursuant to the Guidelines and the provisions of this section.

3.1 Non-Projects Pursuant to CEQA: Those actions set forth in Guidelines Section 15378.

3.2 Statutory Exemptions:

A. Those projects set forth in Guidelines Article 18.

B. Ministerial Projects. Examples include but are not limited to the following:

1. Approval of projects where little or no discretionary judgment or deliberation is involved;
2. Issuance of building, construction and related permits;
3. Issuance of Business Licenses;
4. Approval of Final Tract Maps and Parcel Maps in substantial conformance with approved Tentative Maps;
5. Approval of Zoning Use Permits pursuant to the Zoning Ordinance;
6. Approval of Home Occupation Permits pursuant to the Zoning Ordinance;
7. Approval of individual utility service connections and disconnections;
8. Issuance of Bicycle Licenses.

3.3 Categorical Exemptions: Those projects set forth in Guidelines Article 19.

3.4 Exceptions: Categorical exemption would not apply under the following circumstances as determined by the Environmental Coordinator:

- A. Location: Projects which may impact an environmental resource or hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies (Guidelines Section 15300.2(a)).
- B. Cumulative Impact: When the cumulative impact of successive projects of the same type in the same place over time is significant (Guidelines Section 15300.2(b)).
- C. Significant Effect: Where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances (Guidelines Section 15200.2(c)).
- D. Historical Resources: Projects which may cause a substantial adverse change in the significance of a historical resource including but not limited to sites listed in the California Register of Historical Resources or designated by the City as a local Historic Preservation Landmark Site or Historic Preservation Heritage Site. Substantial adverse change means any demolition, destruction, relocation or alteration such that the significance of a historical resource would be impaired (Public Resources Code Section 21084(e)).

- E. **Hazardous Waste and Substances Sites:** Projects located on a site included on the Hazardous Waste and Substances Sites List compiled by Cal/EPA pursuant to Government Code Section 65962.5 (Public Resources Code Section 21084(c)).
- 3.5 **General Rule:** Where it can be seen with certainty that there is no possibility that the project may have a significant effect on the environment, the project is not subject to CEQA (Guidelines Section 15061(b)(3)). This "common sense" exemption determination shall be supported by evidence presented in the required Notice of Exemption that the possible environmental impacts of the project have been considered in reaching this decision.

SECTION 4: INITIAL STUDY PROCESS

4.1 Conduct of the Initial Study

The Environmental Coordinator shall complete an Initial Study for a private project not exempt from CEQA, and for which no previous EIR has been certified or Negative Declaration approved. (For projects with previous environmental documents, refer to Section 8 "Previous Environmental Document Process".) The Planning Division staff shall review and comment on Initial Studies prepared by other City departments for public projects. The Initial Study shall be prepared in accordance with Guidelines Section 15063 et seq. If it is determined that an EIR will clearly be required for the project, an Initial Study is not required but may still be desirable to identify the significant effects to be analyzed in the EIR. An Initial Study may also be prepared to identify whether a program EIR, master EIR, tiering, or other process is appropriate. The City Environmental Information Form (Appendix A) shall constitute the applicant's project description. The City's Initial Study checklist form is presented in Appendix B.

4.2 Consultation

At the earliest stages of the Initial Study, the Environmental Coordinator or Project Planner shall consult with all responsible and trustee agencies, as required by Guidelines Sections 15063(g) and 15083, and with other interested or affected parties, as appropriate. The comments of the responsible or trustee agencies, and of interested parties, shall be reflected in the Initial Study.

4.3 Evaluating Projects

- A. The Environmental Coordinator shall evaluate projects for their effect on the environment. The analysis shall focus on identification of significant effects according to Sections 15064, 15065, and Appendix G of the Guidelines.
- B. After a preliminary determination that a project may have a significant effect upon the environment, the Environmental Coordinator shall consult with the applicant in an attempt to reach agreement on acceptable mitigation measures and/or project alternatives which would avoid the significant effects identified in the Initial Study or reduce the significant effects to a non-significant level. Where agreement is reached, the project application and Initial Study shall be revised accordingly. Changes to the project or mitigation measures shall be agreed to in writing by the applicant and documented in the Initial Study. Where agreement is not reached, either an EIR shall be prepared or the application shall be withdrawn by the applicant.
- C. On the basis of the environmental analysis in the Initial Study, the Environmental Coordinator shall make one of the following preliminary determinations no later than 30 calendar days (may be extended an additional 15 days upon agreement of the City and the applicant) after acceptance of an application as complete, and shall proceed with the appropriate processing:
  - 1. That the proposed project could not have a significant effect on the environment. Refer to Section 5 "Negative Declaration Process".
  - 2. That, although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because mitigation measures have been agreed to by the applicant and incorporated into the project. Refer to Section 5 "Negative Declaration Process".

3. That the proposed project may have a significant effect on the environment. Refer to Section 6 "EIR Process".

The Environmental Coordinator's determination is subject to appeal in accordance with the procedures in Section 10. The determination may also be subject to reversal by the advisory or decision-making body during project consideration when there is new environmental information or changes in the project.



## SECTION 5: NEGATIVE DECLARATION PROCESS

5.1 Preparation of the Draft Negative Declaration

A Negative Declaration shall be prepared for a project subject to CEQA when either:

- A. The Initial Study shows that there is no substantial evidence that the project may have a significant effect on the environment; or
- B. The Initial Study identified potentially significant effects but revisions to the project made by or agreed to by the applicant before the proposed Negative Declaration is released for public review would avoid or mitigate the effects to a point where clearly no significant effects would occur.

5.2 Public Notice and Review

- A. **Public Notice and Review.** The public review period of the draft Negative Declaration shall not be less than 20 calendar days. When State Clearinghouse submittal is required, the public review period shall not be less than 30 calendar days. When project approval requires a public hearing, review of the draft Negative Declaration may be extended to coincide with the hearings on the project. Public notice shall be provided in accordance with Public Resources Code Section 21092(b)(1) and shall include, at a minimum, the project description and location, significant environmental effects, if any, where copies of the draft Negative Declaration and all referenced documents are available for review, the public comment period, and any public meetings scheduled to receive comments on the draft Negative Declaration.
- B. **Additional Distribution.** The Environmental Coordinator shall provide additional notification through distribution of the draft Negative Declaration at the outset of the review period to advisory and decision making bodies, responsible and trustee agencies, other public agencies having jurisdiction by law, adjacent cities and counties, the county clerk, any person who has requested such information, persons with special expertise, and the applicant. The Environmental Coordinator shall also distribute the draft Negative Declaration to the State Clearinghouse when its review is required under Guidelines Sections 15206 and 15207.

The materials distributed shall include only the Negative Declaration form except in the following circumstances: 1) the Environmental Coordinator may forward additional supporting information where it is determined it would facilitate review of the environmental determination; 2) anyone specifically requesting the supporting information shall be provided the information for a fee not to exceed the cost of reproduction; and 3) responsible and trustee agencies and the State Clearinghouse shall receive the supporting analysis and technical studies, as appropriate.

- C. **Public Hearings.** The City will hold a public hearing on the draft Negative Declaration, as provided in Guidelines Section 15202, if the project approval requires a public hearing. If the project approval does not require a public hearing, a public hearing on the draft Negative Declaration will not be held unless deemed appropriate by the Environmental Coordinator.

5.3 Completing the Negative Declaration

- A. If no comments are received during the review period, the Negative Declaration shall automatically be accepted as adequate.
- B. If comments are received, the Environmental Coordinator shall review the comments and after giving them due consideration, shall make one of the following determinations:
  - 1. That an EIR should be prepared because the comments:
    - a. Consist of or contain substantial evidence upon which a fair argument could be based that the project may have a significant effect on the environment; or
    - b. Indicate a serious public controversy concerning the environmental effects of the project. (Controversy not related to an environmental issue does not require the preparation of an EIR.)
  - 2. That the Negative Declaration should be accepted as complete because the comments do not provide the basis for requirement of an EIR. The Environmental Coordinator may, however, revise the Negative Declaration and Initial Study in response to the comments received, before accepting it as complete. Minor changes in mitigation may be made without recirculating the Negative Declaration for additional public review, as long as the minor changes merely clarify and do not further reduce a potentially significant effect.

5.4 Approval of the Negative Declaration

Before approving the project for which the Negative Declaration was prepared, the advisory body, where applicable, shall review and consider the Negative Declaration, and the decision-making body shall review, consider, and approve the Negative Declaration.

5.5 Timely Compliance

The City shall complete a Negative Declaration not more than 180 calendar days after accepting an application for a project as complete, except that the City may suspend the running of the time period or may disapprove the project in the event of unreasonable delay by the applicant in meeting requests by the City for information relating to the preparation of the Negative Declaration (Guidelines Section 15109). The time limit may also be waived if the project is also subject to NEPA (Guidelines Section 15110).

SECTION 6: EIR PROCESS

6.1 Notifying the Applicant of the EIR Determination

As soon as the Environmental Coordinator has determined, based upon the initial study findings, that an EIR is required, the Environmental Coordinator shall notify the applicant in writing. A copy of the Initial Study and a preliminary request for additional information needed for the preparation of the EIR shall also be forwarded to the applicant.

6.2 Early Consultation

Following notification of the applicant, the Environmental Coordinator shall also complete and distribute a Notice of Preparation (Appendix D) and begin consultation as provided in Guidelines Section 15083.

6.3 Preparation of the EIR

A. Method of Preparation

1. The EIR and associated environmental technical studies shall be prepared by City staff or a consultant under contract to the City with the cost borne by the applicant. Environmental technical studies provided by the applicant may be used in the preparation of the EIR following review by City staff and/or consultants under contract to the City for adequacy and accuracy of technical data and conclusions.
2. The Environmental Coordinator shall consult with the applicant regarding the consultant qualifications and proposed scope of work and fee, if the applicant so requests, prior to the retention of a consultant for the preparation of an EIR. However, the Environmental Coordinator shall make the final selection of a consultant and determination of an appropriate scope of work and fee.
3. The contract for preparation of an EIR shall be completed within 45 days after the Environmental Coordinator determines that an EIR must be prepared (Public Resources Code Section 21151.5(b)).
4. The consultant shall not have direct contact with the applicant without prior authorization by the Environmental Coordinator of the time, manner and substance of the communication, and only when needed to ensure the adequacy and completeness of the EIR.
5. The applicant shall not review the draft EIR before it is distributed for public review, nor the final EIR prior to its completion and distribution to agencies and persons commenting on the draft EIR.

B. Costs of Preparation

1. Costs associated with the preparation of EIR's and associated environmental technical studies for private projects shall be paid by the applicant, including all consultant fees and City processing fees.
2. The applicant shall pay not less than 80 percent of the total consultant contract fee to the Planning Division before the consultant is notified to proceed and/or the contract is executed. The Notice of Preparation of the EIR may be distributed before fees are received from the applicant. The applicant shall pay the remaining 20 percent of the cost before the consultant begins work on the final 20 percent of the work. Payment for the

response to comments and final EIR shall be made before the public hearing on the draft EIR.

C. Contents

The EIR shall be prepared using acceptable information provided by the applicant and/or City staff and the consultant and shall contain the elements specified in Article 9 of the Guidelines for draft EIR's, Guidelines Sections 15162 and 15163 for subsequent and supplemental EIR's, and Guidelines Section 15132 for final EIR's.

6.4 Processing the Draft EIR

- A. Notice of Completion. As soon as the Environmental Coordinator determines that the draft EIR has been properly completed and is ready for distribution and public review, a Notice of Completion (Appendix E) shall be completed and filed in accordance with Guidelines Section 15085.
- B. Public Notice. The Environmental Coordinator shall provide public notice of the completion of a draft EIR in accordance with Guidelines Section 15087 at the same time as the Notice of Completion is filed. The public notice shall be provided in accordance with Public Resources Code Section 21092(b)(1) and shall include, at a minimum, the project description and location, significant environmental effects, if any, where copies of the draft EIR and referenced documents are available for review, the public comment period, and any public meetings scheduled to receive comments on the draft EIR.
- C. Distribution. The Environmental Coordinator shall distribute the draft EIR and request written comments during the review period as follows:
  - 1. Copies shall be provided to responsible and trustee agencies, other public agencies having jurisdiction by law, and persons or agencies having special expertise in accordance with Guidelines Section 15086, and to adjacent cities and counties and the county clerk.
  - 2. Where a project is of statewide, regional, or area-wide significance pursuant to Guidelines Section 15207, the draft EIR shall be sent to the State Clearinghouse.
  - 3. Draft EIR's prepared for a general plan, general plan element, or amendment thereto, and draft EIR's prepared pursuant to NEPA, shall be distributed to the State Clearinghouse.
  - 4. Distribution to State agencies, if required, shall be through the State Clearinghouse in accordance with Guidelines Sections 15087(d) and 15206. The Environmental Coordinator may send copies of draft EIR's directly to responsible or trustee agencies; however, this does not preclude the required State Clearinghouse distribution.
  - 5. Copies shall also be transmitted to members of the advisory and decision-making bodies, the applicant, and City departments as deemed appropriate.
  - 6. Copies of the draft EIR shall be made available for review at Public Library branches within the City and at the Planning Division. Any person wishing a copy of the draft EIR shall be charged a fee not to exceed the actual cost of reproduction.
- D. Review. The review period shall not be less than 30 calendar days. Where State review is required, the review period shall be 45 calendar days unless a shorter review period is approved by the State Clearinghouse (Guidelines Section 15087(c)).

- E. **Public Hearings.** The City may hold a public hearing on the draft EIR during the 45-day public review period in accordance with Guidelines Section 15202, if the project approval requires a public hearing. If the project approval does not require a public hearing, a public hearing on the draft EIR will not be held unless deemed appropriate by the Environmental Coordinator.
- F. **Evaluation of Comments and Preparation of Responses.** As comments are received, the Environmental Coordinator shall evaluate the comments and have responses prepared. Comments and responses to comments shall be included in the final EIR (Guidelines Sections 15088, 15132).

### 6.5 Processing the Final EIR

- A. **Distribution.** The Environmental Coordinator shall distribute the proposed final EIR as soon as complete to the advisory or decision-making body holding meetings on the project. The proposed final EIR, or excerpts thereof, shall also be forwarded to agencies or persons commenting on the draft EIR a minimum of ten calendar days prior to certification by the decision-making body.
- B. **Recirculation.** If subsequent to public notice of the availability of the draft EIR for public review but prior to final EIR certification, significant new information is added to the EIR, a newly feasible project alternative or mitigation measure is not adopted, or the draft EIR is found to be so basically inadequate that a second round of review is required to provide meaningful public review, the Environmental Coordinator shall recirculate the revised EIR, or portions thereof, for additional comments and consultation (Guidelines Section 15088.5). The Environmental Coordinator shall provide public notice pursuant to Guidelines Section 15087 and consultation pursuant to Guidelines Section 15086.

### 6.6 Timely Compliance

An EIR shall be completed and certified within one year from the date the application was accepted as complete, except that the City may suspend the running of the time period or disapprove the project in the event of unreasonable delay by the applicant in meeting requests by the City for information relating to the preparation of the EIR (Guidelines Section 15109). The time limit may be extended once for a period of not more than 90 days upon agreement of the City and the applicant (Guidelines Section 15108). The time limit may also be waived for projects also subject to NEPA (Guidelines Section 15110).

**SECTION 7: PREVIOUS ENVIRONMENTAL DOCUMENT PROCESS**

**7.1 Use of Previous Environmental Document**

When it becomes necessary to make a further discretionary approval on a project for which a previous approval has been issued, or when changes to a project are sufficient to require further discretionary action, a previous environmental document may be used to limit subsequent environmental review.

When a previous Negative Declaration has been approved or previous EIR certified, the City may only require preparation of a subsequent Negative Declaration or a subsequent EIR in certain limited situations described in Public Resources Code section 21166 and CEQA Guidelines Section 15162.

- A. **Previous Environmental Document Determinations.** Where an EIR has previously been certified or a Negative Declaration has previously been approved the Environmental Coordinator shall evaluate the proposed project and determine whether any of the conditions identified in Guidelines Section 15162 have occurred, shall make one of the following determinations, and shall proceed with the appropriate processing:
  - 1. **Subsequent EIR.** That one or more of the conditions identified in Guidelines Section 15162 has occurred and thus a subsequent EIR or supplemental EIR must be prepared (Guidelines Sections 15162 and 15164). Refer to Section 7 "EIR Process".
  - 2. **Subsequent Negative Declaration.** That a Negative Declaration has been previously approved, and one of the conditions identified in Guidelines Section 15162 has occurred, but it is possible to adopt new measures to mitigate the new potentially significant impacts to a less than significant level, and thus a subsequent Negative Declaration must be prepared (Guidelines Section 15162(b)). Refer to Section 6 "Negative Declaration Process".
  - 3. **No Further Environmental Documentation.** That, although there have been changes since the previous EIR was certified or Negative Declaration approved, the changes do not warrant a subsequent EIR or subsequent Negative Declaration, and no further environmental documentation is necessary.
  
- B. **Explanation in the Record.** The Environmental Coordinator shall provide a brief explanation in the record of the determination not to prepare a subsequent EIR by completing the Previous Environmental Document Determination form contained in Appendix I. The Environmental Coordinator may use an addendum to an EIR or an addendum to a Negative Declaration to evaluate the conditions in Guidelines Section 15162 and to document the determination not to prepare a subsequent EIR. A Notice of Determination is not required for a determination to rely on a previous environmental document and not to prepare a subsequent EIR pursuant to Guidelines Section 15162.
  
- C. **Public Notice, Public Review, and Public Hearing.** No public notice or public review, and no public hearing shall be provided for the determination regarding a previous environmental document, or for an addendum to an EIR or an addendum to a Negative Declaration, unless deemed appropriate by the Environmental Coordinator.



## 7.2 Use of Previous Program EIR

The Environmental Coordinator shall evaluate subsequent activities in the program for which a previously certified program EIR exists to determine whether any of the conditions identified in Guidelines Section 15162 have occurred. If one or more of these conditions has occurred, then the Environmental Coordinator shall prepare an Initial Study (Guidelines Sections 15168) followed by the remaining steps in the CEQA process. (Refer to Section 5 "Initial Study Procedures".) If the Environmental Coordinator determines pursuant to Guidelines Section 15162 that no new significant impacts would occur or no new mitigation measures would be required, then the Environmental Coordinator shall determine that the project is within the scope of the program EIR and no further environmental documentation is necessary. Pertinent mitigation measures and alternatives developed in the program EIR shall be applied to the subsequent project. The Environmental Coordinator shall complete the Previous Environmental Document Determination form contained in Appendix I and shall provide a brief explanation in the record that: (1) the activity is within the scope of the program approved earlier; and (2) the program EIR adequately describes the project for the purposes of CEQA. No public notice, public review, or public hearing shall be provided for the determination regarding use of a previous program EIR, unless deemed appropriate by the Environmental Coordinator.

## 7.3 Use of Previous Master EIR for Subsequent Projects

The Environmental Coordinator may use a master EIR to limit the review of subsequent projects described in the master EIR. The Environmental Coordinator shall prepare an Initial Study to determine (1) whether the subsequent project may cause any significant effect on the environment that was not examined in the master EIR; and (2) whether the subsequent project was described in the master EIR as being within the scope of the project.

If, based on the Initial Study, the Environmental Coordinator determines that the proposed subsequent project will have no additional significant impacts not already identified in the master EIR and that no new alternatives or mitigation measures may be required, then no further environmental documentation is necessary. Pertinent mitigation measures and alternatives developed in the master EIR shall be applied to the subsequent project. Public notice shall be provided in accordance with Public Resources Code Section 21091. No public review or public hearing shall be provided, unless deemed appropriate by the Environmental Coordinator.

If it has been more than five years since the master EIR was certified, the Environmental Coordinator shall first determine whether substantial changes have occurred with respect to the circumstances under which the master EIR was certified, or whether new information which was not known and could not have been known at the time the master EIR was certified has become available. If so, then a subsequent EIR must first be prepared to update the master EIR, before it may be used for a subsequent project.

## 7.4 Use of a Previous EIR for a Separate Later Project

The Environmental Coordinator may reuse an EIR, previously prepared and certified for one project, for a separate later project if the previous EIR adequately describes the later project's setting, impacts, alternatives and mitigation measures (Guidelines Section 15153). Prior to the reuse of the previous EIR, the Environmental Coordinator shall prepare an Initial Study to determine whether the previous EIR adequately describes the later project's setting, impacts, alternatives and mitigation measures. If so, refer to Section 6 "EIR Process". The public notice required in accordance with Public Resources Code Section 21091 shall indicate that the previous EIR will be used as the draft EIR for this project.

7.5 Appeals

The Environmental Coordinator's determination regarding a previous environmental document is subject to appeal in accordance with the procedures in Section 10 "Appeal Process". The determination may also be subject to reversal by the advisory or decision-making body during project consideration when there is new environmental information or changes in the project.



**SECTION 8: PROJECT REVIEW PROCESS**

8.1 General

To the extent possible, project processing activities by staff, advisory, and decision-making bodies, short of formal project approval by the decision-making body, shall continue during the preparation and review of environmental documents (Guidelines Sections 15080, 15100(c)).

8.2 Public Notices

All public notices which are normally used as a part of the project decision-making process shall note the existence of an environmental document, and shall state where the document is available for public inspection. For projects which rely upon a program EIR for CEQA compliance, notice will include the information required under Guidelines Section 15168(e).

8.3 Communications with Advisory and Decision-Making Bodies

Each staff report from a department to an advisory or decision-making body requesting or recommending action on a project shall discuss the environmental determination. The report shall indicate the environmental documentation prepared for the project and may include a summary of environmental issues discussed in the environmental document.

8.4 Consideration of Environmental Documents by Advisory Bodies

When the Planning Commission, acting as an advisory body, is required to make a recommendation on a project to the decision-making body, the Planning Commission shall also review and consider the EIR or Negative Declaration in both draft and final form, including responses to comments received on a draft EIR, in making its recommendation. The comments of the advisory body during the public review period on the draft environmental document shall be made part of the final environmental document to be considered by the advisory body in making its recommendation on the project and by the decision-making body in deciding whether to approve or disapprove the project.

8.5 Consideration of Environmental Documents by Decision-Making Bodies

A. General. The decision-making body having final approval authority over the project shall review and consider the information contained in the final environmental document together with any comments received during the public review process prior to approval of the project (Guidelines Sections 15074 and 15090).

B. Exempt Projects

1. For a project that is exempt from CEQA, the decision-making body shall find that the project is exempt from CEQA in accordance with the appropriate section and, therefore, no environmental document is required. A Notice of Exemption shall be prepared for consideration by the decision-making body.
2. The decision-making body may determine that an exemption is not supported by the facts and disapprove it. In such cases, the Environmental Coordinator shall immediately proceed with an Initial Study for the project. An exemption under Guidelines Section

15061(b)(3) shall be supported by evidence in the record demonstrating that the possible environmental impacts of the project have been considered in making this determination.

C. Project with a Negative Declaration.

1. No proposed Negative Declaration shall be considered for certification by a decision-making body unless consideration of the document has been properly placed on the regular agenda of the decision-making body and the review period has ended.
2. For a project for which a Negative Declaration has been prepared, the decision-making body shall find that a Negative Declaration has been prepared in accordance with CEQA, and that either: (a) the project cannot or will not have a significant effect on the environment; or (b) although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures specified in the Negative Declaration and incorporated into the project will reduce the potential impacts to a level of non-significance.
3. The decision-making body may conclude that the Negative Declaration is not supported by the facts, or that there is serious public controversy concerning the environmental effects of the project, and disapprove it. In such an event, the Environmental Coordinator shall immediately proceed with the preparation of an EIR.

D. Project with a Previous Environmental Document.

1. Formal findings are not required for a determination of whether a subsequent EIR must be prepared pursuant to Guidelines Section 15162. Recertification of the previous EIR is not required.
2. The decision-making body may conclude that the previous EIR is not adequate for the project under the criteria of Guidelines Section 15162. In such an event, the decision-making body shall also determine whether a Negative Declaration or an EIR shall be prepared.

E. Project with an EIR.

1. No EIR shall be considered for certification by a decision-making body unless consideration of the final EIR has been properly placed on the regular agenda of the decision-making body and the public review period for the draft EIR has ended.
2. The decision-making body shall solicit public testimony regarding the EIR. Significant environmental issues raised during these meetings and responses thereto shall be added to the final EIR.
3. The decision-making body may conduct a public hearing on the final EIR in accordance with Guidelines Section 15087(g).
4. Findings. For all projects with an EIR, the decision-making body shall make the following finding as part of any resolution approving the project: that the EIR has been completed in compliance with CEQA and the Guidelines, and that the decision-making body having final approval authority over the project has reviewed and considered the information contained in the EIR and found it adequately discusses the environmental effects of the proposed project.
5. Statement of Overriding Considerations. Where the decision-making body allows the occurrence of significant effects which are identified in the final EIR, but are not mitigated to a level of insignificance, the decision-making body shall adopt a written

statement specifying the reasons to support its action based on the final EIR and/or other information in the record in accordance with Public Resources Code Section 21081 and Guidelines Section 15093.

8.6 Monitoring Programs

- A. General. Where the conditions of approval for a project include measures identified in the environmental document to mitigate or avoid significant environmental effects, the City shall require a monitoring program to ensure compliance during project implementation, as required by Public Resources Code Section 21086.1. In most cases, the conditions of approval shall incorporate the monitoring program into one document.
- B. Contents. The monitoring program shall include the following:
  - 1. Summary of conditions placed on the project to mitigate or avoid significant environmental effects identified in the environmental document.
  - 2. Indication of when the conditions must be implemented.
  - 3. Identification of the party responsible for implementing the conditions.
  - 4. Identification of the City department(s) responsible for ensuring implementation and compliance with the conditions.
  - 5. For any conditions requested by a responsible agency having jurisdiction by law over natural resources affected by the project, the City shall request that said agency prepare and submit a proposed monitoring program for those conditions in accordance with Public Resources Code Section 21081.6.

8.7 Filing Notices

- A. Notice of Exemption. Following approval of a project by the decision-making body, a Notice of Exemption (Appendix B) may be filed as follows:
  - 1. Public Projects. The Environmental Coordinator may file a Notice of Exemption in accordance with Guidelines Section 15061(d).
  - 2. Private Projects. The applicant is encouraged to file a Notice of Exemption to shorten the statutory challenge period provided in CEQA (CEQA Section 21167). The necessary forms will be available at the Planning Division. The City itself may also file a Notice of Exemption for private projects.
- B. Notice of Determination.
  - 1. After the decision-making body has made a decision to carry out or approve a project for which a Negative Declaration has been approved or EIR has been certified, the decision-making body shall, as soon as possible, but not later than five days following approval of the project, file a Notice of Determination (Appendix F) in accordance with Public Resources Code Section 21152(a) and Guidelines Section 15075 or 15094. Failure to file the notice within the time constraints herein provided shall in no way be construed to invalidate or set aside the action taken by the decision-making body.
  - 2. A Notice of Determination need not be filed for a determination that a subsequent EIR is not required and that the City will rely on a previous environmental document that adequately addresses the project currently under consideration.

**SECTION 9: PROCEDURES FOR THE CITY AS A RESPONSIBLE AGENCY**

9.1 General

This section identifies the special duties of the City when acting as a responsible agency under the provisions of Guidelines Section 15096.

9.2 Response to Consultation

The Environmental Coordinator shall respond to consultation by a Lead Agency according to Guidelines Section 15096(b).

9.3 Meetings

The Environmental Coordinator or his representative shall attend meetings requested by the Lead Agency as provided by Guidelines Section 15096(c).

9.4 Comments on draft EIR's and Negative Declarations

The Environmental Coordinator should review and comment on draft EIR's and Negative Declarations as provided by Guidelines Section 15096. When appropriate, the Environmental Coordinator may place the document on the agenda of the Planning Commission and/or City Council for public review and comment. Copies of the City's comments sent to the Lead Agency will be provided to the appropriate City departments and bodies.

SECTION 10: APPEAL PROCESS

10.1 General

- A. An appeal may be filed with the appropriate department and shall be in writing including all required supporting documentation specified in these Procedures. Additional documentation may, however, accompany the appeal. The appeal shall be considered filed on the date received by the appropriate department.
- B. Appeals of staff determinations shall be made to the Planning Commission. Appeal applications shall be submitted to the Planning Division within the specified appeal period.
- C. Appeals of Planning Commission determinations shall be made to the City Council. Appeal applications shall be submitted to the City Clerk within the specified appeal period.
- D. The determination of the City Council is final and not subject to further administrative appeal.
- E. Appeal of an Exemption, Negative Declaration, requirement for an EIR, or determination regarding a previous environmental document may be resolved without a Planning Commission or City Council determination by agreement between the Environmental Coordinator and the person filing the appeal. Notice of agreement served by the Environmental Coordinator to the appropriate decision-making body shall terminate the appeal proceedings.

10.2 Appeals of Exemptions

- A. Any person may appeal to the Planning Commission the granting of an exemption within 14 calendar days from the date of project approval.
- B. The appeal of a grant of exemption shall state clearly why the exemption does not apply to the specific project.

10.3 Appeals of Previous Environmental Document Determinations

- A. Any person may appeal to the Planning Commission, or to the City Council in the case of a Planning Commission action, the determination that none of the conditions identified in Guidelines Section 15162 which require a subsequent EIR have occurred and the previous environmental document adequately describes the environmental setting, impacts, mitigations and alternatives of the current project according to Guidelines Section 15153. Such an appeal shall be made within 14 calendar days from the date the determination is made.
- B. All appeals of such a determination shall be supported by evidence that the conditions in Guidelines Section 15162 have occurred or the previous environmental document and project do not satisfy the criteria of Guidelines Section 15153.

10.4 Appeals of Negative Declarations

- A. Any person may appeal to the Planning Commission, or to the City Council in the case of a Planning Commission action, the approval of a Negative Declaration. Such an appeal shall be made within 14 calendar days from the date such Negative Declaration is approved.

- B. All appeals of Negative Declarations shall be supported by evidence that the project may have a significant effect on the environment. Controversy not related to an environmental issue is not grounds for the preparation of an EIR. The Environmental Coordinator shall determine if the appeal contains substantial evidence using the following criteria:
1. All evidence shall be relevant to the environmental issue and shall be documented;
  2. The evidence must be new material not already considered in the Negative Declaration preparation process; and
  3. Such evidence must constitute a revised basis on which the Environmental Coordinator could find that reasonable doubt exists as to the possible significant environmental impact of the proposed project under the terms of CEQA and the Guidelines. Evidence shall demonstrate inconsistency with the environmental analysis of the City and/or identify environmental impacts of a significant nature not considered in the Initial Study.

Appeals of Negative Declarations not related to an environmental issue may be rejected by the Environmental Coordinator.

10.5 Appeals of Requirement for an EIR

- A. Any person may appeal to the Planning Commission the requirement for an EIR. Such an appeal shall be made within 14 calendar days from the date such a determination was made.
- B. The appeal of an EIR requirement shall state why the impacts identified by the Environmental Coordinator are not significant, or how none of the conditions which require a subsequent EIR or supplement to an EIR identified in Guidelines Section 15162 and 15163 have occurred.

10.6 Processing Appeals

Upon receipt of an appeal containing the required evidence, the Environmental Coordinator or the City Clerk shall set the matter for public hearing on the first available agenda following a public notice period of ten calendar days. The form of the public notice shall be consistent with notice requirements for review and approval of zoning actions. The person appealing shall pay the required appeal fee as set by the City Council.

APPENDIX A: ENVIRONMENTAL INFORMATION FORM

Date Filed With City \_\_\_\_\_

ENVIRONMENTAL INFORMATION FORM

(To be completed by applicant)

GENERAL INFORMATION

1. Name and address of developer or project sponsor:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Address of project: \_\_\_\_\_  
Assessor's Parcel Number: \_\_\_\_\_

3. Name, address, and telephone number of person to be contacted concerning this project:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. List and describe any other related permits and other public approvals required for this project, including those required by city, regional, state, and federal agencies.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. Proposed use of the site (project for which this form is filed):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PROJECT DESCRIPTION:

*A complete description of the proposed project must be provided to ensure an accurate evaluation. The project description should be in narrative form covering and including all of the applicable items below. An incomplete project description may result in delays in project review.*

6. Site size (acreage or square footage) for each phase of the project.

Phase 1 \_\_\_\_\_ Phase 3 \_\_\_\_\_  
Phase 2 \_\_\_\_\_ Total Project \_\_\_\_\_

7. Square footage of each existing and/or proposed building(s) and/or uses(s).

Building 1 \_\_\_\_\_ Building 3 \_\_\_\_\_  
Building 2 \_\_\_\_\_ Total Project \_\_\_\_\_

8. Building height and number of floors of construction.

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9. Amount of off-street parking spaces provided.

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10. Attach site plans and elevations.

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11. Proposed scheduling or phasing of development; indicate percentage of completion by the year 2000.

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12. Associated projects.

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13. If residential, include the number and type of units, unit sizes, and range of sale prices or rents (if proposing very low or low income housing).

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14. If commercial, indicate the type, whether neighborhood, city or regionally oriented, square footage of sales, storage and office area, and loading facilities.

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15. If industrial, indicate type, estimated employment per shift, and loading facilities.

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16. For industrial and commercial projects, provide a Hazardous Materials Product Inventory (separate document).

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17. If institutional, indicate the major function, estimated employment per shift, estimated occupancy, loading facilities, and community benefits to be derived from the project.

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

18. Anticipated off-site construction necessary to support the project (e.g. roadway and channel improvements).

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

19. If the project involves a variance, conditional use, rezoning, or planned unit development permit application, state this and indicate clearly why the application is required.

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**ENVIRONMENTAL EVALUATION**

**Are the following items applicable to the project or its effects? Discuss below all items checked yes (attach additional sheets as necessary). Attach any studies or surveys which have been conducted on the site.**

YES      NO

- |       |       |  |
|-------|-------|--|
| _____ | _____ | 20. Change in existing features of any bays, tidelands, beaches, lakes or hills, or substantial alteration of ground covers. |
| _____ | _____ | 21. Change in scenic views or vistas from existing residential areas or public lands or roads.                               |
| _____ | _____ | 22. Change in pattern, scale or character of general area of project.  |
| _____ | _____ | 23. Significant amounts of solid waste or litter.  |
| _____ | _____ | 24. Change in dust, ash, smoke, fumes or odors in vicinity.  |
| _____ | _____ | 25. Change in ocean, bay, lake, stream or ground water quality or quantity, or alteration of existing drainage patterns.     |
| _____ | _____ | 26. Substantial change in existing noise or vibration levels in the vicinity.  |



**CERTIFICATION:** I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Date \_\_\_\_\_

\_\_\_\_\_  
(Signature) For \_\_\_\_\_

---

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**STAFF USE ONLY:**

General Plan Designation: \_\_\_\_\_

Zoning District: \_\_\_\_\_

Project Number: \_\_\_\_\_

APPENDIX B: NOTICE OF EXEMPTION

NOTICE OF EXEMPTION

TO: County Clerk  
County of Alameda  
1225 Fallon Street  
Oakland, CA 94612

FROM: City of Livermore  
1052 South Livermore Avenue  
Livermore, CA 94550

SUBJECT: NOTICE OF EXEMPTION in compliance with the California Environmental Quality Act

PROJECT:

Title/#:  
Location:  
Description:  
Applicant:  
City's Contact:  
Telephone: (510) 373-5200  
Public Agency Approving Project: City of Livermore

EXEMPT STATUS:

- Categorical Exemption (Sec. \_\_\_\_)
- Declared Emergency (Sec. 15269(a); 21080(b)(3))
- Emergency Project (Sec. 15269(b)(c); 21080(b)(4))
- Ministerial (Sec. 15268; 21080(b)(1))
- Statutory Exemption (Sec. \_\_\_\_)
- "Common Sense" Exemption (Sec. 15061(b)(3)) The possible environmental impacts of the project have been considered in making this determination, as explained below.

Reasons why project is exempt:

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Signature: \_\_\_\_\_  
Name & Title:  
Project Approval Date:

NOTE TO APPLICANTS:

The environmental determination finding of Categorically Exempt is subject to appeal within 180 days from project approval. If you wish to shorten this period to 35 days, you must file this document with the Alameda County Clerk at the address listed above. A \$25.00 filing fee is required.

APPENDIX C: INITIAL STUDY

INITIAL STUDY

**PROJECT**

Title/#:  
Location:  
Description:  
Applicant:  
City's Contact:  
Telephone:

**ENVIRONMENTAL SETTING**

Additional Project Information

Area Description

The project is located in the City of Livermore which is approximately 45 miles southeast of San Francisco. With a population of approximately 68,000, the City has an annual residential growth rate of between 1.5 and 3.5 percent.

Neighborhood Description

The project is adjacent to the following land uses:

North:  
East:  
South:  
West:

Site Description

**GENERAL PLAN AND ZONING**

General Plan Land Use Designation:

Zoning District:

**OTHER REQUIRED APPROVALS**

Other agencies whose approval is required (and permits needed):

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" or "Potentially Significant Unless Mitigated," as indicated by the checklist on the following pages:

- |   |  |
|---|--|
| <input type="checkbox"/> Land Use and Planning              | <input type="checkbox"/> Hazards                     |
| <input type="checkbox"/> Population and Housing             | <input type="checkbox"/> Noise                       |
| <input type="checkbox"/> Geophysical                        | <input type="checkbox"/> Public Services             |
| <input type="checkbox"/> Water                              | <input type="checkbox"/> Utilities & Service Systems |
| <input type="checkbox"/> Air Quality                        | <input type="checkbox"/> Aesthetics                  |
| <input type="checkbox"/> Transportation/Circulation         | <input type="checkbox"/> Cultural Resources          |
| <input type="checkbox"/> Biological Resources               | <input type="checkbox"/> Recreation                  |
| <input type="checkbox"/> Energy/Mineral Resources           |  |
| <input type="checkbox"/> Mandatory Findings of Significance |  |

**DETERMINATION**

On the basis of the information contained in this initial evaluation:

- I find that the proposed project **COULD NOT** have a significant effect on the environment and a **NEGATIVE DECLARATION** will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because mitigation measures described on an attached sheet have been added to the project. A **NEGATIVE DECLARATION** will be prepared.
- I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- I find that the proposed project **MAY** have a significant effect(s), but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a "potentially significant impact" or "potentially significant unless mitigated." An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.

Signature:

Name & Title:

Date:

**EVALUATION OF ENVIRONMENTAL IMPACTS**

*[There are four potential responses in evaluating the potential impacts:*

- No Impact*
- Less than Significant Impact*
- Potentially Significant Unless Mitigated*
- Potentially Significant Impact*

1. *A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources cited in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).*
2. *All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.*
3. *"Potentially Significant Impact" is appropriate if an effect is significant or potentially significant, or if there is insufficient information to make a finding of insignificance. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.*
4. *"Potentially Significant Unless Mitigated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The mitigation measures must be described and briefly explain how they reduce the effect to a less than significant level (mitigation measures from the "Earlier Analyses" section may be crossed referenced).*
5. *Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. (Section 15063(c)(3)(D).) Earlier analyses are discussed in a section at the end of the checklist.*
6. *References to information sources should be incorporated into the checklist responses (e.g. general plans, zoning ordinances). A source list should be attached, and other sources used or individual contacts should be cited in the discussion.]*

1. **LAND USE AND PLANNING.** *Would the proposal:*
  - a. Conflict with general plan designation or zoning?
  - b. Conflict with applicable environmental plans or policies adopted by agencies with jurisdiction over the project?
  - c. Affect agricultural resources or operations (e.g. impacts to soils or farmlands, or impacts

from incompatible land uses)?

- d. Disrupt or divide the physical arrangement of an established community (including a low-income or minority community)?

2. **POPULATION AND HOUSING.** *Would the proposal?*

- a. Cumulatively exceed official regional or local population projections?
- b. Induce substantial growth in an area either directly or indirectly (e.g. through projects in an undeveloped area or extension of major infrastructure)?
- c. Displace existing housing, especially affordable housing?

3. **GEOPHYSICAL.** *Would the proposal result in or expose people to potential impacts involving:*

- a. Seismicity: fault rupture?
- b. Seismicity: ground shaking or liquefaction?
- c. Landslides or mudslides?
- d. Erosion, changes in topography or unstable soil conditions from excavation, grading or fill?
- e. Subsidence of land?
- f. Expansive soils?
- g. Unique geologic or physical features?

4. **WATER.** *Would the proposal result in:*

- a. Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff?
- b. Exposure of people or property to water related hazards such as flooding?
- c. Discharge into surface waters or other alteration of surface water quality (e.g. temperature, dissolved oxygen or turbidity)?
- d. Changes in the amount of surface water in any water body?
- e. Changes in currents, or the course or direction of water movements?
- f. Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?
- g. Altered direction or rate of flow of groundwater?



- h. Impacts to groundwater quality?
5. **AIR QUALITY.** *Will the proposal:*
- a. Violate any air quality standard or contribute to an existing or projected air quality violation?
  - b. Expose sensitive receptors to pollutants?
  - c. Alter air movement, moisture, or temperature, or cause any change in climate?
  - d. Create objectionable odors?
6. **TRANSPORTATION/CIRCULATION.** *Will the proposal result in:*
- a. Increased vehicle trips or traffic congestion?
  - b. Hazards to safety from design features (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?
  - c. Inadequate emergency access or access to nearby uses?
  - d. Insufficient parking capacity on-site or off-site?
  - e. Hazards or barriers for pedestrians or bicyclists?
  - f. Conflicts with adopted policies supporting alternative transportation (e.g. bus turnouts, bicycle racks)?
  - g. Rail, waterborne or air traffic impacts?
7. **BIOLOGICAL RESOURCES.** *Would the proposal result in impacts to:*
- a. Endangered, threatened or rare species or their habitats (including but not limited to plants, fish, insects, animals and birds)?
  - b. Locally designated species (e.g. heritage trees)?
  - c. Locally designated natural communities (e.g. oak forest, etc.)?
  - d. Wetland habitat (e.g. marsh, riparian or vernal pool)?
  - e. Wildlife dispersal or migration corridors?
8. **ENERGY AND MINERAL RESOURCES.** *Would the proposal:*
- a. Conflict with adopted energy conservation plans?
  - b. Use non-renewable resources in a wasteful and inefficient manner?

9. **HAZARDS.** *Would the proposal involve:*
  - a. A risk of accidental explosion or release of hazardous substances (including but not limited to oil, pesticides, chemicals or radiation)?
  - b. Possible interference with an emergency response plan or emergency evacuation plan?
  - c. The creation of any health hazard or potential health hazard?
  - d. Exposure of people to existing sources of potential health hazards?
  - e. Increased fire hazard in areas with flammable brush, grass or trees?
  
10. **NOISE.** *Would the proposal result in:*
  - a. Increases in existing noise levels?
  - b. Exposure of people to severe noise levels?
  
11. **PUBLIC SERVICES.** *Would the proposal have an effect upon, or result in a need for new or altered government services in any of the following areas:*
  - a. Fire protection?
  - b. Police protection?
  - c. Schools?
  - d. Maintenance of public facilities, including roads?
  - e. Other governmental services?
  
12. **UTILITIES AND SERVICE SYSTEMS.** *Would the proposal result in a need for new systems, or substantial alterations to the following utilities:*
  - a. Power or natural gas?
  - b. Communication systems?
  - c. Local or regional water treatment or distribution facilities?
  - d. Sewer or septic tanks?
  - e. Storm water drainage?
  - f. Solid waste disposal?
  
13. **AESTHETICS.** *Would the proposal:*
  - a. Affect a scenic vista or scenic highway?

- b. Have a demonstrable negative aesthetic effect?
- c. Create light or glare?

**14. CULTURAL RESOURCES.** *Would the proposal:*

- a. Disturb paleontological resources?
- b. Disturb archaeological resources?
- c. Affect historical resources?
- d. Have the potential to cause a physical change which would affect unique ethnic cultural values?
- e. Restrict existing religious or sacred uses within the potential area of impact?

**15. RECREATION.** *Would the proposal:*

- a. Increase the demand for neighborhood or regional parks or other recreational facilities?
- b. Affect existing recreational opportunities?

**16. MANDATORY FINDINGS OF SIGNIFICANCE.**

- a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?
- b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals?
- c. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)
- d. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

**EARLIER ANALYSES**

*Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or negative declaration. (Section 15063(c)(3)(D).) In this case a discussion should identify the following on attached sheets:*

- a. *Earlier analyses used. Identify earlier analyses and state where they are available for review.*
- b. *Impacts adequately addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed by the earlier document.*
- c. *Mitigation measures. For effects that are "potentially significant" or "potentially significant unless mitigated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.]*

**SUPPORTING INFORMATION SOURCES**

1. Livermore Community General Plan
2. Zoning Ordinance
3. FEMA Flood Zone Maps
4. USGS Topographic Maps
5. Soils Maps
6. Alquist-Priolo Special Studies Zones Maps
7. Individuals Contacted
8. Previous Environmental Documents
9. Etc.

**ATTACHMENTS**

1. Mitigation Measures
2. Earlier Analyses
3. Etc.

APPENDIX D: NEGATIVE DECLARATION

NEGATIVE DECLARATION

PROJECT

Title/#:  
Location:  
Description:  
Applicant:  
City's Contact  
Telephone: (510) 373-5200

FINDINGS

It is hereby determined that, based on the information contained in an Initial Study on file in the Planning Division, the project will not have a significant adverse effect on the environment.

The following nonsignificant environmental impacts were identified in the Initial Study:

Land Use and Planning  
Population and Housing  
Geophysical  
Water  
Air Quality  
Transportation/Circulation  
Biological Resources  
Energy/Mineral Resources

Hazards  
Noise  
Public Services  
Utilities & Service Systems  
Aesthetics  
Cultural Resources  
Recreation

Signature: \_\_\_\_\_  
Name & Title:  
Date:

APPENDIX E: MITIGATED NEGATIVE DECLARATION

MITIGATED  
NEGATIVE DECLARATION

PROJECT

Title/#:  
Location:  
Description:  
Applicant:  
City's Contact:  
Telephone: (510) 373-5200

FINDINGS

It is hereby determined that, based on the information contained in an Initial Study on file in the Planning Division, the project will not have a significant adverse effect on the environment.

The following potentially significant impacts were identified in the initial study. Mitigation measures have been included in the project which reduce the impacts to a nonsignificant level.

- |                            |                             |
|----------------------------|-----------------------------|
| Land Use and Planning      | Hazards                     |
| Population and Housing     | Noise                       |
| Geophysical                | Public Services             |
| Water                      | Utilities & Service Systems |
| Air Quality                | Aesthetics                  |
| Transportation/Circulation | Cultural Resources          |
| Biological Resources       | Recreation                  |
| Energy/Mineral Resources   |                             |

The following nonsignificant environmental impacts were identified in the Initial Study:

- |                            |                             |
|----------------------------|-----------------------------|
| Land Use and Planning      | Hazards                     |
| Population and Housing     | Noise                       |
| Geophysical                | Public Services             |
| Water                      | Utilities & Service Systems |
| Air Quality                | Aesthetics                  |
| Transportation/Circulation | Cultural Resources          |
| Biological Resources       | Recreation                  |
| Energy/Mineral Resources   |                             |

Signature: \_\_\_\_\_  
Name & Title:  
Date:

APPENDIX F: NOTICE OF PREPARATION

Certified Mail

NOTICE OF PREPARATION

TO:

SUBJECT: NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT

LEAD AGENCY: CONSULTING FIRM:

City of Livermore  
1052 S. Livermore Avenue  
Livermore, CA 94550

The City of Livermore will be the Lead Agency and will prepare a Draft Environmental Impact Report for the project identified below. We need to know the views of your agency as to the scope and content of the environmental information which is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency will need to use the EIR prepared by our agency when considering your permit or other approval for the project.

The project description, location, and the probable environmental effects are contained in the attached materials.

**Due to the time limits mandated by State law, your response must be sent at the earliest possible date but not later than 30 days after receipt of this notice.**

Please send your response to the address shown above. We will need the name for a contact person in your agency.

PROJECT

Title/#:  
Location:  
Description:  
Applicant:  
City's Contact:  
Telephone: (510) 373-5200

Signature: \_\_\_\_\_  
Name & Title:  
Date:

APPENDIX G: NOTICE OF COMPLETION

NOTICE OF COMPLETION

TO:

SUBJECT: DRAFT ENVIRONMENTAL IMPACT REPORT

PROJECT:

Title/#:

Location:

Description:

Applicant:

City's Contact:

Telephone: (510) 373-5200

LEAD AGENCY:

City of Livermore  
1052 S. Livermore Avenue  
Livermore, CA 94550

AVAILABILITY: Copies of the Draft Environmental Impact Report (EIR) are available at the Livermore Planning Division, 1052 South Livermore Avenue, Livermore, California. Copies may be reviewed at the Livermore Library, 1000 South Livermore Avenue, Livermore, California.

REVIEW PERIOD: Written comments on the Draft EIR will be accepted until \_\_\_\_, a \_\_\_\_-day review period.

Please send your response to \_\_\_\_ at the address shown above.

Signature: \_\_\_\_\_

Name & Title:

Date:



APPENDIX H: NOTICE OF DETERMINATION

NOTICE OF DETERMINATION

TO: County Clerk  
County of Alameda  
1225 Fallon Street  
Oakland, CA 94612

FROM: City of Livermore  
1052 South Livermore  
Livermore, CA 94550

Office of Planning and Research  
1400 Tenth Street, Room 121  
Sacramento, CA 95814

SUBJECT: NOTICE OF DETERMINATION in compliance with Section 21108 or 21152 of the Public Resources Code.

PROJECT:

Title/#:  
Location:  
Description:  
Applicant:  
City's Contact:  
Telephone: (510) 373-5200

This is to advise that the City of Livermore as Lead Agency has approved and has made the following determinations regarding the above described project:

1. The Project will not have significant effect on the environment.
2. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures were not made a condition of the approval of the project.
4. A Statement of Overriding Considerations was not adopted.
5. Findings were made pursuant to the provisions of CEQA.

All environmental documents and project records may be examined at the Planning Division, 1052 South Livermore Avenue, Livermore, CA 94550.

Signature: \_\_\_\_\_  
Name & Title:  
Project Approval Date:

Date received for filing at OPR:

**APPENDIX I: PREVIOUS ENVIRONMENTAL DOCUMENT DETERMINATION**

**APPLICATION**

Project Title/#:

Description:

Location:

Date:

**PREVIOUS ENVIRONMENTAL DOCUMENT**

Title:

Date Certified/Approved:

State Clearinghouse Number:

This document is available for review at the City of Livermore Planning Division, City Administration Building, 1052 So. Livermore Avenue, Livermore, California 94550.

**DETERMINATION**

The Planning Division has reviewed the above referenced project and previous environmental document and determined that: (1) there is substantial evidence that none of the following statutory conditions requiring preparation of a subsequent EIR or subsequent Negative Declaration exist; and (2) the City will rely on the previous environmental document, which adequately addresses this project.

**EXPLANATION**

1. There have been no substantial changes in the project that will require major revisions of the previous environmental document.

*EXPLANATION*

2. There have been no substantial changes with respect to the circumstances under which the project is undertaken that will require major revisions of the previous environmental document.

*EXPLANATION*

3. There is no new information of substantial importance to the project, which was not known and could not have been known at the time the previous environmental document was certified or approved, which indicates that:

- a. The project will have one or more significant effects not discussed in the previous environmental document;
- b. Significant effects previously examined will be substantially more severe than shown in the previous environmental document;
- c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
- d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous environmental document would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

*EXPLANATION*

## FINDINGS

Site Plan Design Review (SPDR) 23-004

151 Greenville Road

Authorization to develop a medium- and heavy-duty electric vehicle charging depot. The project includes charging spaces for 95 trucks, auto parking, an approximately 400 square foot guard station, and site improvements such as landscaping, stormwater infrastructure, fencing, and lighting. The project will dedicate right-of-way and construct roadway widening improvements along the Greenville Road frontage. Additionally, the project includes a 15-foot easement along the northern property line for a future segment of the Iron Horse Trail.

Approved by Staff: December 21, 2023

### Findings for Site Plan Design Review

The following are findings upon which approval of a Site Plan Design Review shall be based, per Livermore Development Code Section 9.07.050. Per California Government Code Section 65850.7, the City's review of the application to install an electric vehicle charging station shall be limited to review of whether it meets all health and safety requirements of local, state, and federal law. The requirements of local law shall be limited to those standards and regulations necessary to ensure that the electric vehicle charging station will not have a specific, adverse impact upon the public health or safety.

1. The proposed development will be allowed within the subject zone.

Response: The project is in a Heavy Industrial (I-3) zone. The I-3 zone is applied to areas of the city that are appropriate for a range of industrial activities including manufacturing, assembly and processing, the storage and distribution of raw materials, and related industrial uses that are neither objectionable nor detrimental to adjacent properties because of hazards, noise, or other disturbance. The I-3 zone also accommodates professional and administrative facilities accessory to research and manufacturing operations. The I-3 zone provides a sound heavy industrial environment by providing and protecting areas within the city for such development. The project will provide charging services for medium- and heavy-duty electric trucks, which is consistent with the industrial uses allowed in this zone. The project meets the applicable development standards for the zone.

2. The proposed development will be designed such that:
  - a. The project will not be detrimental to the public health, safety, or general welfare, and not detrimental to adjacent property;
  - b. Architectural design and functional plan of the structure(s) and related improvements are of reasonable aesthetic quality and compatible with adjacent developments;
  - c. Structure(s) and related improvements are suitable for the proposed use of the property and provide adequate consideration of the existing and contemplated uses of land and orderly development in the general area of the subject site; and
  - d. The project's site plan and design is consistent with the City's Design Standards and Guidelines.

Response: The project is suitable for the site, compatible with adjacent developments, and will not result in detrimental impacts to public health and safety. The project as conditioned will meet all relevant health and safety standards. Aesthetics-based standards in the City's Design Standards and Guidelines have been met to the extent practicable, per Government Code Section 65850.7.

3. The proposed development will be designed to include the following criteria, as applicable:
  - a. Compliant with Chapter 9.07 of the Development Code (Site Plan and Design Review), Municipal Code Title 15 (Buildings and Construction), and any other applicable City regulations and policies;
  - b. Efficient site layout and design;
  - c. Compatible and appropriate scale to neighboring properties and developments.
  - d. Efficient and safe public access (both pedestrian and vehicular) and parking;
  - e. Appropriate and harmonious arrangement and relationship of proposed structures and signs to one another and to other development in the vicinity, based on good standards of design;
  - f. Appropriate relationship to land use and development of adjacent properties, including topographic and other physical characteristics of the land;
  - g. Proper site utilization and the establishment of a physical and architectural relationship to existing and proposed structures on the site;
  - h. Compatible architectural style with the character of the surrounding area, both to avoid repetition of identical design where not desired, and to ensure compatibility in design where desired;
  - i. Harmonious relationship with existing and proposed developments and the avoidance of both excessive variety and monotonous repetition;
  - j. Compatible in color, material, and composition of the exterior elevations to neighboring visible structures;
  - k. Appropriate exterior lighting which provides for public safety and is not of a nature that will constitute a hazard or nuisance to adjacent properties;
  - l. Compatible in scale and aesthetic treatment of proposed structures with public areas;
  - m. Appropriate open space and use of water efficient landscaping; and
  - n. Consistent with the General Plan and any applicable Specific Plan.

Response: The project is appropriately designed and is compatible within the context of the existing industrial zone.

The project will provide trucking entities with dwell charging and opportunity charging services. Dwell charging typically occurs overnight and is the predominant way to fully charge the electric truck. Opportunity charging, ranging from approximately 30 minutes to two and a half hours, will also be available for trucking entities during shift hours or between freight trips. The project site is suitable for a medium- and heavy-duty truck charging depot given its access off Greenville Road, proximity to highway I-580, and location in an existing industrial zone.

The Project will provide 50 chargers and 95 charging spaces on the southern portion of the site. The Project includes twenty-two (22) 180 kilowatt ("kW") dual-port chargers for Class 8 trucks, sixteen (16) 180kW dual-port chargers for SU-30 trucks (box trucks), seven (7) 360kW chargers for SU-30 trucks, and five (5) 360kW single-port chargers for Class 8 'pull-through' trucks (with trailers). Eighty-six (86) passenger vehicle spaces are provided on the northern portion of the site for truck drivers to park passenger vehicles during their shifts.

Access to the site will be provided via two new driveways on Greenville Road; the northern driveway will be a right-in only entrance and the southern driveway will be a right-out only exit. An approximately 400 square-foot modular guard building is located near the entrance to the site. Bathrooms for truck drivers are also available in the building.

The project will meet all relevant standards for health and safety, such as vehicle access, lighting, water-efficient landscaping, solid waste, stormwater management, and utility undergrounding. Consistent with the General Plan, the project will construct new roadway widening improvements along the Greenville Road frontage and dedicate a 15-foot easement on the northern property line for a future segment of the Iron Horse Trail. The project complies with aesthetic standards to the extent feasible, including a landscape setback along Greenville Road, architectural detailing on the modular guard building, and parking lot trees and landscaping.



## CEQA Determination – Greenville Road Community Charging Depot

Project: Site Plan Design Review (SPDR) 23-004 – Greenville Road Community Charging Depot

Address: 151 Greenville Road

APN: 099B570000207

Applicant: Forum Mobility

Address: 700 Mill Street #6, Half Moon Bay, CA

E-mail: [development@forummobilty.com](mailto:development@forummobilty.com)

Lead Agency: City of Livermore

Staff Contact: Tricia Pontau, Sustainability Program Manager

Address: 1052 South Livermore Avenue, Livermore, CA

E-mail: [pepontau@livermoreca.gov](mailto:pepontau@livermoreca.gov)

This document presents the City of Livermore’s analysis and findings that the Project is subject to State electric vehicle charging law and is exempt from the California Environmental Quality Act (CEQA).

## Project Description

FM Greenville, LLC (Forum Mobility) is proposing to develop the Greenville Community Charging Depot, an electric vehicle charging infrastructure hub for medium and heavy-duty trucks (the Project). The Project will provide trucking entities with dwell charging and opportunity charging services. Dwell charging typically occurs overnight and is the predominant way to fully charge the electric truck. Opportunity charging, ranging from approximately 30 minutes to two and a half hours, will also be available for trucking entities during shift hours or between freight trips.

In addition to the charging infrastructure, the Project includes passenger vehicle parking, stormwater infrastructure, landscaping, lighting, fencing, and an approximately 400 square-foot modular guard and operations building. Forum Mobility will grant the City a 15-foot easement on the northern boundary of the site to accommodate a future segment of the Iron Horse Trail. Finally, Forum Mobility will dedicate right-of-way and construct roadway widening improvements along the Greenville Road frontage, as identified in the City's General Plan.

The Project is located on a triangular, approximately 4.39-acre parcel near the eastern boundary between the City of Livermore and unincorporated Alameda County. The Project site is bounded by Greenville Road to the east, industrial buildings and former Southern Pacific rail lines to the north and west, and industrial stock yards to the south. The site currently contains storage containers, soil stockpiles, and chain link fencing.

### LAND USE DESIGNATION AND ZONING

The Project is designated High-Intensity Industrial (HII) in the Livermore General Plan. Appropriate uses for this designation include manufacturing, warehousing, research and development facilities, recycling facilities, and heavy industry that uses, stores, or processes raw materials. The High-Intensity Industrial designation is intended to provide an insulated area for uses that may be objectionable in other areas due to noise, odors, vibration, glare or hazards. High-intensity industrial uses are concentrated between Patterson Pass Road and I-580, generally between Mines Road and Greenville Road.

The Project is in a Heavy Industrial (I-3) zone. The I-3 zone is applied to areas of the city that are appropriate for a range of industrial activities including manufacturing, assembly and processing, the storage and distribution of raw materials, and related industrial uses that are neither objectionable nor detrimental to adjacent properties because of hazards, noise, or other disturbance. The I-3 zone also accommodates professional and administrative facilities accessory to research and manufacturing operations. The I-3 zone provides a sound heavy industrial environment by providing and protecting areas within the city for such development.

## Relevant State EV Charging Law

### GENERAL INTENT AND APPLICABILITY

In April 2023, the California Air Resources Board (CARB) adopted the Advanced Clean Fleets (ACF) Regulation to accelerate a large-scale transition to zero-emission medium- and heavy-duty vehicles. The ACF regulation sets stringent zero-emission vehicle requirements for fleets performing drayage operations, those owned by State, local, and federal government agencies, and high priority fleets.<sup>1</sup> The regulation affects medium- and heavy-duty on-road vehicles with a gross vehicle weight rating greater than 8,500 pounds, off-road yard tractors, and light-duty mail and package delivery vehicles. To service medium and heavy-duty vehicle zero-emission mandates, the State of California estimates that 157,000 medium and heavy-duty chargers are needed across the state by 2030.<sup>2</sup>

In California, Electric Vehicle Charging Station (EVCS) permit applications are required to be approved through a truncated and streamlined permitting process.<sup>3</sup> Assembly Bill (AB) 1236 requires all cities and counties to develop an expedited, streamlined permitting process for all charging station installations including: Level 1, Level 2, DC Fast, and wireless charging; public and private charging stations; light-, medium-, and heavy-duty electric vehicle charging stations; and stations that are installed as the accessory or primary use of a site. This law was developed based on the notion that the availability of charging infrastructure drives the adoption of zero-emission vehicles—the faster charging stations are deployed, the sooner California’s air quality improves, greenhouse gas emissions are reduced, and local economic benefits are captured.

AB 1236 establishes that local ordinances cannot create unreasonable barriers to electric vehicle station installation, including subjecting applications to aesthetic review or other processes that require unnecessarily long timelines. AB 1236 explicitly states that local agencies are required to comply not only with the language of the law, but also the legislative intent to encourage electric vehicle charging stations:

*“It is the intent of the Legislature that local agencies comply not only with the language of this section, but also the legislative intent to encourage the installation of electric vehicle charging stations and hydrogen-fueling stations by removing obstacles to, and minimizing costs of, permitting*

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<sup>1</sup> High priority fleets are entities that own, operate, or direct at least one vehicle in California, and that have either \$50 million or more in gross annual revenues, or that own, operate, or have common ownership or control of a total of 50 or more vehicles (excluding light-duty package delivery vehicles).

<sup>2</sup> Electric Vehicle Charging Infrastructure Assessment – AB 2127 – California Energy Commission: <https://www.energy.ca.gov/data-reports/reports/electric-vehicle-charging-infrastructure-assessment-ab-2127>

<sup>3</sup> Electric Vehicle Charging Station Permitting Guidebook Second Edition – CA Governor’s Office of Business and Economic Development: <https://business.ca.gov/wp-content/uploads/2019/12/GoBIZ-EVCharging-Guidebook.pdf>



*for charging stations so long as the action does not supersede the building official's authority to identify and address higher priority life-safety situations.”<sup>4</sup>*

#### ZONING AND PERMIT REVIEW FOR EV CHARGING PROJECTS

AB 1236 requires non-discretionary, streamlined permitting for all EV charging projects, regardless of whether projects are primary or accessory use. Because primary use projects may require more consideration of health and safety components (e.g., due to increased vehicle usage of the site), local agencies may implement a different, yet still streamlined, permitting process for these projects. Nevertheless, a charging station that is the primary use of a site should not be deemed a fueling station, limited to zones that allow fueling stations, or required to complete a conditional use permit process. The State encourages local agencies to develop strategies to enable streamlined permitting for all charging installations, including charging depots, in as many site types as possible.

#### APPLYING DESIGN STANDARDS TO EV CHARGING PROJECTS

A local agency may not deny an application to install an electric vehicle charging station unless it makes written findings based upon substantial evidence in the record that the proposed installation would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. While design guidelines that implicate health and safety, such as safety related lighting, clearance, and signage are permissible under AB 1236, aesthetic changes without a specific impact on health and safety—such as landscaping and other screening requirements—are not in accordance with state permitting requirements under AB 1236. The State encourages project developers and local agencies to collaborate on creative, practical design elements that can be implemented with minimal expense and complication. Local agencies may provide alternative compliance pathways or ministerial flexibility for EV charging stations to meet design standards in their zoning code wherever possible.

### City of Livermore Review of the Project

As discussed in the previous section, AB 1236 applies to all charging station installations, including primary-use charging hubs serving medium- and heavy-duty electric vehicles. Therefore, the City of Livermore was required to implement a streamlined permitting process for the Project. The City required the following approvals for the Project:

- Administrative Site Plan Design Review
- Building Permit

A Site Plan Design Review of this nature would typically require approval by the Livermore Planning Commission. In order to streamline the project, the City conducted an administrative Site Plan Design Review. The requirements of local law were limited to those standards and regulations necessary to ensure that the Project will not have a specific, adverse impact upon the public health or safety.

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<sup>4</sup> California Government Code Section 65850.7

Consistent with State guidance, the City offered ministerial flexibility and worked collaboratively with Forum Mobility on alternative compliance pathways for zoning and design standards without health and safety implications, to the extent practicable.

## CEQA Determination

The California Environmental Quality Act (CEQA) only applies to discretionary decisions by public agencies (Public Resources Code, § 21080(a)). Projects that are determined by the public agency to be ministerial are exempt from CEQA (Public Resources Code, Section § 15268). Where the law requires a public agency to act on a project using fixed standards and the agency does not have authority to use its own judgment, the project is considered ministerial and CEQA does not apply (CEQA Guidelines, § 15268(a), § 15369).

As discussed previously, AB 1236 requires local agencies to approve the installation of electric vehicle charging stations through non-discretionary permits, unless local officials make a finding that the project could have a specific, adverse impact on public health or safety. Review of the application to install an electric vehicle charging station shall be limited to the Building Official's review of whether it meets all health and safety requirements of local, state, and federal law. The requirements of local law shall be limited to those standards and regulations necessary to ensure that the electric vehicle charging station will not have a specific, adverse impact upon the public health or safety.

The Project as conditioned will meet all health and safety requirements of local, state, and federal law. As such, the City finds the Project to be subject to ministerial approval and therefore exempt from the provisions of CEQA.

Additional information about the Project and the City's findings are included in Exhibit D – Findings for Site Plan Design Review.

**\*ENVIRONMENTAL DECLARATION**

(CALIFORNIA FISH AND GAME CODE SECTION 711.4)

**LEAD AGENCY NAME AND ADDRESS**

**FOR COUNTY CLERK USE ONLY**

City of Livermore  
 Planning Division  
 1052 South Livermore Avenue  
 Livermore, CA 94550

**ENDORSED  
 FILED  
 ALAMEDA COUNTY**

**DEC 21 2023**

FILE NO: 23-388

By MELISSA WILK County Clerk  
 Deputy

**CLASSIFICATION OF ENVIRONMENTAL DOCUMENT:  
 (PLEASE MARK ONLY ONE CLASSIFICATION)**

**1. NOTICE OF EXEMPTION / STATEMENT OF EXEMPTION**

A - STATUTORILY OR CATEGORICALLY EXEMPT  
 \$ 50.00 - COUNTY CLERK HANDLING FEE

**2. NOTICE OF DETERMINATION (NOD)**

A - NEGATIVE DECLARATION (OR MITIGATED NEG. DEC.)  
 \$ 2,764.00 - STATE FILING FEE  
 \$ 50.00 - COUNTY CLERK HANDLING FEE

B - ENVIRONMENTAL IMPACT REPORT (EIR)  
 \$ 3,839.25 - STATE FILING FEE  
 \$ 50.00 - COUNTY CLERK HANDLING FEE

**3. OTHER:** \_\_\_\_\_

**\*\*\* A COPY OF THIS FORM MUST BE COMPLETED AND SUBMITTED WITH EACH COPY OF AN ENVIRONMENTAL DECLARATION BEING FILED WITH THE ALAMEDA COUNTY CLERK.\*\*\***

**BY MAIL FILINGS:**

PLEASE INCLUDE FIVE (5) COPIES OF ALL NECESSARY DOCUMENTS AND TWO (2) SELF-ADDRESSED ENVELOPES.

**IN PERSON FILINGS:**

PLEASE INCLUDE FIVE (5) COPIES OF ALL NECESSARY DOCUMENTS AND ONE (1) SELF-ADDRESSED ENVELOPE.

**ALL APPLICABLE FEES MUST BE PAID AT THE TIME OF FILING.**

FEES ARE EFFECTIVE JANUARY 1, 2023

MAKE CHECKS PAYABLE TO: ALAMEDA COUNTY CLERK

DEC 21 2023

MELISSA WILK, County Clerk  
Deputy

## NOTICE OF EXEMPTION

**TO:** County Clerk  
County of Alameda  
1106 Madison St. – First Floor  
Oakland, CA 94607

**FROM:** City of Livermore  
1052 South Livermore  
Livermore, CA 94550

**SUBJECT:** NOTICE OF EXEMPTION in compliance with the California Environmental Quality Act.

### PROJECT

**Title:** Site Plan Design Review (SPDR) 23-004  
**Location:** 151 Greenville Rd  
**Description:** Authorization to develop a medium- and heavy-duty electric vehicle charging depot. The project includes charging spaces for 95 trucks, auto parking, an approximately 400 square foot guard station, and site improvements such as landscaping, stormwater infrastructure, fencing, and lighting. The project will dedicate right-of-way and construct roadway widening improvements along the Greenville Road frontage. Additionally, the project includes a 15-foot easement along the northern property line for a future segment of the Iron Horse Trail.

**Applicant:** City of Livermore

**City's Contact:** Tricia Pontau, Sustainability Program Manager

**Telephone:** (925) 960-4450

**Public Agency Approving Project:** City of Livermore

### EXEMPT STATUS:

- Categorical Exemption (Sec. 15301)
- Declared Emergency (Sec. 15269(a); 21080(b)(3))
- Emergency Project (Sec. 15269(b)(c); 21080(b)(4))
- Ministerial (Sec. 15268; 21080(b)(1))
- Statutory Exemption
- "Common Sense" Exemption (Sec. 15061(b)(3)) The possible environmental impacts of the project have been considered in making this determination, as explained below.

### Reasons why project is exempt:

The California Environmental Quality Act (CEQA) only applies to discretionary decisions by public agencies (Public Resources Code, § 21080(a)). Projects that are determined by the public agency to be ministerial are exempt from CEQA (Public Resources Code, Section § 15268). Where the law requires a public agency to act on a project using fixed standards and the agency does not have authority to use its own judgment, the project is considered ministerial and CEQA does not apply (CEQA Guidelines, § 15268(a), § 15369).

Government Code § 65850.7 requires local agencies to approve the installation of electric vehicle charging stations through non-discretionary permits, unless local officials make a finding that the project could have a specific, adverse impact on public health or safety. Review of the application to install an electric vehicle charging station shall be limited to the agency's review of whether it meets all health and safety requirements of local, state, and federal law. The requirements of local law shall be limited to those standards and regulations necessary to ensure that the electric vehicle charging station will not have a specific, adverse impact upon the public health or safety.

The Project as conditioned will meet all health and safety requirements of local, state, and federal law. As such, the City finds the project to be subject to ministerial approval and therefore exempt from the provisions of CEQA.

Signature:



Name & Title: Tricia Pontau, Sustainability Program Manager

Project Approval Date: December 21, 2023

**NOTE TO APPLICANTS:**

The environmental determination finding of Categorical Exempt is subject to appeal within 180 days from project approval. If you wish to shorten this period to 35 days, you must file this document with the Alameda County Clerk at the address listed above. A \$50 filing fee is required.

**IN THE PLANNING COMMISSION OF THE CITY OF LIVERMORE, CALIFORNIA**

**A RESOLUTION FINDING THAT THE GREENVILLE COMMUNITY CHARGING DEPOT IS EXEMPT FROM THE PROVISIONS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

**Site Plan Design Review (SPDR) 23-004**

The City received an application for Site Plan Design Review (SPDR) 23-004 to develop a medium- and heavy-duty electric vehicle charging depot. The project includes charging spaces for 95 trucks, auto parking, an approximately 400 square foot guard station, and site improvements such as landscaping, stormwater infrastructure, fencing, and lighting. The project will dedicate right-of-way and construct roadway widening improvements along the Greenville Road frontage. Additionally, the project includes a 15-foot easement along the northern property line for a future segment of the Iron Horse Trail. ("Project").

On March 19, 2024, the Planning commission held a duly noticed public hearing to consider the Project and staff recommendations, all public comments and testimony, and findings.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Commission of the City of Livermore that prior to taking action on the Project, and at a properly noticed public meeting, the Planning Commission reviewed written and oral staff reports, conducted a public hearing on the Project and took testimony, and received into the record all pertinent documents related to the Project (collectively, the "Record Evidence"). The Planning Commission's determination is based on the Record Evidence, which is incorporated into this Resolution by reference.

**BE IT FURTHER RESOLVED** that the Planning Commission of the City of Livermore, based upon its own independent review of the Record Evidence and considerations, finds that the Project is statutorily exempt under the California Environmental Quality Act ("CEQA") pursuant to Public Resources Code Section 21080(b) and CEQA Guidelines Section 15268, which exempts ministerial projects.

1. CEQA only applies to discretionary decisions by public agencies (Section 21080(a)). Projects that are determined by the public agency to be ministerial are exempt from CEQA (Section 15268). Where the law requires a public agency to act on a project using fixed standards and the agency does not have authority to use its own judgment, the project is considered ministerial and CEQA does not apply (Public Resources Code Section 21080(b)(1) and CEQA Guidelines Sections 15268(a), 15369).

2. Government Code Section 65850.7 requires local agencies to approve the installation of electric vehicle charging stations through non-discretionary permits, unless local officials make a finding that the project could have a specific, adverse impact on public health or safety. Review of the application to install an electric vehicle charging station shall

be limited to the agency's review of whether it meets all health and safety requirements of local, state, and federal law. The requirements of local law shall be limited to those standards and regulations necessary to ensure that the electric vehicle charging station will not have a specific, adverse impact upon the public health or safety.

3. The Project as conditioned will meet all health and safety requirements of local, state, and federal law. The Project is subject to ministerial approval and exempt from the provisions of CEQA.

**BE IT FURTHER RESOLVED** that the Livermore Planning Commission directs the Planning Manager to file a Notice of Exemption with the Alameda County Clerk.

The documents that constitute the record of proceedings upon which this decision is based can be found in the Community Development Department, 1052 S. Livermore Avenue, in Livermore, California.

The Planning Commission's decision is subject to a 15-day appeal period in accordance with Livermore Development Code Chapter 9.15.

On the motion by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, the foregoing Resolution was passed and adopted at the Planning Commission meeting of March 19, 2024, by the following vote:

AYES:  
NOES:  
ABSENT:

Jacob Anderson, Chairperson

by Steve Riley, Acting Planning Manager  
Secretary to the Planning Commission

**IN THE PLANNING COMMISSION OF THE CITY OF LIVERMORE, CALIFORNIA**

**A RESOLUTION DENYING APPEAL (APL) 24-001 AND APPROVING SITE PLAN DESIGN REVIEW (SPDR) 23-004 FOR THE GREENVILLE COMMUNITY CHARGING DEPOT**

The City received an application for Site Plan Design Review (SPDR) 23-004 to develop a medium- and heavy-duty electric vehicle charging depot. The project includes charging spaces for 95 trucks, auto parking, an approximately 400 square foot guard station, and site improvements such as landscaping, stormwater infrastructure, fencing, and lighting. The project will dedicate right-of-way and construct roadway widening improvements along the Greenville Road frontage. Additionally, the project includes a 15-foot easement along the northern property line for a future segment of the Iron Horse Trail (“Project”).

California Government Code Section 65850.7 requires local agencies to approve the installation of electric vehicle charging stations through non-discretionary permits, unless local officials make a finding that the project could have a specific, adverse impact on public health or safety. Review of the application to install an electric vehicle charging station shall be limited to review of whether it meets all health and safety requirements of local, state, and federal law.

On December 21, 2023, staff found the Project Statutorily Exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15268, which exempts ministerial projects. Where the law requires a public agency to act on a project using fixed standards and the agency does not have authority to use its own judgment, the project is considered ministerial and CEQA does not apply (CEQA Guidelines, Section 15268(a), Section 15369). Following its CEQA determination, staff approved the Project.

On January 4, 2024, Adams Broadwell Joseph & Cardoza submitted application Appeal (APL) 24-001 to appeal staff's approval of the project.

On March 19, 2024, the Planning commission held a duly noticed public hearing to consider the Project and staff recommendations, all public comments and testimony, and findings.

**NOW, THEREFORE, BE IT RESOLVED**, by the Planning Commission of the City of Livermore that prior to taking action on the Project, and at a properly noticed public meeting, the Planning Commission reviewed written and oral staff reports, conducted a public hearing on the Project and took testimony, and received into the record all pertinent documents related to the Project (collectively, the “Record Evidence”). The Planning Commission’s determination is based on the Record Evidence, which is incorporated into this Resolution by reference.



**BE IT FURTHER RESOLVED** that the Planning Commission of the City of Livermore has considered the Record Evidence and adopted a resolution finding the project to be exempt from the California Environmental Quality Act.

**BE IT FURTHER RESOLVED** that the Planning Commission of the City of Livermore has considered staff's findings and adopts these findings as part of this resolution:

1. The proposed development will be allowed within the subject zone.

Findings: The project is in a Heavy Industrial (I-3) zone. The I-3 zone is applied to areas of the city that are appropriate for a range of industrial activities including manufacturing, assembly and processing, the storage and distribution of raw materials, and related industrial uses that are neither objectionable nor detrimental to adjacent properties because of hazards, noise, or other disturbance. The I-3 zone also accommodates professional and administrative facilities accessory to research and manufacturing operations. The I-3 zone provides a sound heavy industrial environment by providing and protecting areas within the city for such development. The project will provide charging services for medium- and heavy-duty electric trucks, which is consistent with the industrial uses allowed in this zone. The project meets the applicable development standards for the zone.

2. The proposed development will be designed such that:

- a. The project will not be detrimental to the public health, safety, or general welfare, and not detrimental to adjacent property;
- b. Architectural design and functional plan of the structure(s) and related improvements are of reasonable aesthetic quality and compatible with adjacent developments;
- c. Structure(s) and related improvements are suitable for the proposed use of the property and provide adequate consideration of the existing and contemplated uses of land and orderly development in the general area of the subject site; and
- d. The project's site plan and design is consistent with the City's Design Standards and Guidelines.

Findings: The project is suitable for the site, compatible with adjacent developments, and will not result in detrimental impacts to public health and safety. The project as conditioned will meet all relevant health and safety standards. Aesthetics-based standards in the City's Design Standards and Guidelines, such as safety-related lighting, clearance, and signage, have been met to the extent permissible, in accordance with Government Code Section 65850.7.

3. The proposed development will be designed to include the following criteria, as applicable:

- a. Compliant with Chapter 9.07 of the Development Code (Site Plan and Design Review), Municipal Code Title 15 (Buildings and Construction), and any other applicable City regulations and policies;
- b. Efficient site layout and design;
- c. Compatible and appropriate scale to neighboring properties and developments.
- d. Efficient and safe public access (both pedestrian and vehicular) and parking;
- e. Appropriate and harmonious arrangement and relationship of proposed structures and signs to one another and to other development in the vicinity, based on good standards of design;
- f. Appropriate relationship to land use and development of adjacent properties, including topographic and other physical characteristics of the land;
- g. Proper site utilization and the establishment of a physical and architectural relationship to existing and proposed structures on the site;
- h. Compatible architectural style with the character of the surrounding area, both to avoid repetition of identical design where not desired, and to ensure compatibility in design where desired;
- i. Harmonious relationship with existing and proposed developments and the avoidance of both excessive variety and monotonous repetition;
- j. Compatible in color, material, and composition of the exterior elevations to neighboring visible structures;
- k. Appropriate exterior lighting which provides for public safety and is not of a nature that will constitute a hazard or nuisance to adjacent properties;
- l. Compatible in scale and aesthetic treatment of proposed structures with public areas;
- m. Appropriate open space and use of water efficient landscaping; and
- n. Consistent with the General Plan and any applicable Specific Plan.

Findings: The project is appropriately designed and is compatible within the context of the existing industrial zone.

The project will provide trucking entities with dwell charging and opportunity charging services. Dwell charging typically occurs overnight and is the predominant way to fully charge the electric truck. Opportunity charging, ranging from approximately 30 minutes to two and a half hours, will also be available for trucking entities during shift hours or between freight trips. The project site is suitable for a medium- and heavy-duty truck charging depot given its access off Greenville Road, proximity to highway I-580, and location in an existing industrial zone.

The Project will provide 50 chargers and 95 charging spaces on the southern portion of the site. The Project includes twenty-two (22) 180-kilowatt (“kW”) dual-port chargers for Class 8 trucks, sixteen (16) 180kW dual-port chargers for SU-30 trucks (box trucks), seven (7) 360kW chargers for SU-30 trucks, and five (5) 360kW single-port chargers for Class 8 ‘pull-through’ trucks (with trailers). Eighty-six (86) passenger vehicle spaces are provided on the northern portion of the site for truck drivers to park passenger vehicles during their shifts.

Access to the site will be provided via two new driveways on Greenville Road; the northern driveway will be a right-in only entrance and the southern driveway will be a right-out only exit. An approximately 400 square-foot modular guard building is located near the entrance to the site. Bathrooms for truck drivers are also available in the building.

The project will meet all relevant standards for health and safety, such as vehicle access, lighting, water-efficient landscaping, solid waste, stormwater management, and utility undergrounding. Consistent with the General Plan, the project will construct new roadway widening improvements along the Greenville Road frontage and dedicate a 15-foot easement on the northern property line for a future segment of the Iron Horse Trail. The project complies with aesthetic standards to the extent permissible under Gov't Code 65850.7, including a landscape setback along Greenville Road to provide adequate clearance to and from the site, lighting, signage and stormwater management.

**BE IT FURTHER RESOLVED** that the Planning Commission of the City of Livermore is satisfied with the decision and record of staff, and finds that substantial evidence was available to staff to support its findings and its decision to approve the Project, and that no new information was presented at the public hearing on March 19, 2024, to justify reversing staff's approval of the Project.

**BE IT FURTHER RESOLVED** that based upon the Planning Commission's independent review of the Record Evidence and considerations in accordance with State EV Charging Streamlining Law, the Planning Commission denies Appeal (APL) 24-001 and approves Site Plan Design Review (SPDR) 23-004, subject to the Conditions of Approval attached hereto as Exhibit A for the Greenville Community Charging Depot.

**BE IT FURTHER RESOLVED**, the Planning Commission of the City of Livermore directs the Planning Manager to file a Notice of Exemption with the Alameda County Clerk.

The documents that constitute the record of proceedings upon which this decision is based can be found in the Community Development Department, 1052 S. Livermore Avenue, in Livermore, California.

The Planning Commission's decision is subject to a 15-day appeal period in accordance with Livermore Development Code Chapter 9.15.

On the motion by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, the foregoing Resolution was passed and adopted at the Planning Commission meeting of March 19, 2024, by the following vote:

AYES:  
NOES:  
ABSENT:

Jacob Anderson, Chairperson

by Steve Riley, Acting Planning Manager  
Secretary to the Planning Commission

EXHIBIT A – Conditions of Approval

**CONDITIONS OF APPROVAL**

Site Plan Design Review (SPDR) 23-004

151 Greenville Road

Authorization to develop a medium- and heavy-duty electric vehicle charging depot. The project includes charging spaces for 95 trucks, auto parking, an approximately 400 square foot guard station, and site improvements such as landscaping, stormwater infrastructure, fencing, and lighting. The project will dedicate right-of-way and construct roadway widening improvements along the Greenville Road frontage. Additionally, the project includes a 15-foot easement along the northern property line for a future segment of the Iron Horse Trail.

Approved by Staff: December 21, 2023

**A. PROJECT AUTHORIZATION**

1. Per California Government Code Section 65850.7, the City shall administratively approve an application to install electric vehicle charging stations through the issuance of a nondiscretionary permit. Review of the application to install an electric vehicle charging station shall be limited to review of whether it meets all health and safety requirements of local, state, and federal law. The requirements of local law shall be limited to those standards and regulations necessary to ensure that the electric vehicle charging station will not have a specific, adverse impact upon the public health or safety.
2. The project shall be in conformance with all applicable City Ordinances, rules, regulations, and policies. The conditions listed below are particularly pertinent to this permit and shall not be construed to permit violation of other laws and policies not so listed.
3. Approval is limited to the conformance of the land use and the Livermore Development Code requirements. Use of the property shall be limited to those permitted by the Development Code, as it exists now or may be amended in the future.
4. The approval is limited to the Site Plan Design Review as described above. Any other or subsequent applications shall be subject to the requirements of the Development Code.
5. The permit shall expire unless all building permits required for construction are issued by December 21, 2025, unless a request for extension is received and approved by the Community Development Department.

**B. PROJECT SPECIFIC CONDITIONS**

Prior to issuance of a Building Permit, the applicant shall demonstrate conformance to the following conditions to the satisfaction of the Community Development Department:

1. The project shall conform to the Engineering Considerations in Exhibit A.
2. The project shall comply with the California Building Code and Livermore Municipal Code adopted at the time of Building Permit submittal.
3. Entrances and exits to the site shall comply with L-17 of the Livermore Standard Details

for sight distance zones.

4. Light fixtures in the truck charging area may exceed 18 feet in height, up to a maximum of 23 feet in height.
5. The solid waste enclosure shall comply with Livermore Development Code (LDC) Section 6.03.130 Solid Waste and Recycling Container Enclosures.
6. This permit does not authorize building or site signs. Any new signage shall require approval of a Sign Design Review application.

**C. GENERAL CONDITIONS OF APPROVAL**

1. Development shall conform to the approved plans in Exhibit B.
2. The development impact fees and project processing fees due in connection with this permit shall be based upon the fees in effect at the time the fee is paid.
3. Minor amendments to the permit may be approved by the Community Development Department, provided the permit is still in substantial conformance with the original approval.
4. This permit is not an authorization to commence construction or occupy the structure. Building construction, alterations, repairs, sign erection, or occupancy shall not be permitted without prior approval of the Community Development Department through issuance of any required permits and entitlements.
5. To the extent permitted by law, the project applicant shall defend, indemnify and hold harmless the City, its City Council, its officers, boards, commissions, employees and agents from and against any claim, action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside, or void the approval of the project or any permit authorized hereby for the project, including (without limitation) reimbursing the City its attorney's fees and costs incurred in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its choice.

Attachments:

1. Engineering Considerations

**CITY OF LIVERMORE  
ENGINEERING CONSIDERATIONS**

Date: December 4, 2023

**LOCATION: 151 Greenville Road**  
**DEVELOPER: Steve Marsh, Forum Mobility Greenville**  
**PLANNING REFERRAL #: SPDR23-004**

Note: Specific conditions are shown in large type. *Standard conditions that apply to this project are shown in italic type.*

**1. DEFINITIONS:**

*For the purpose of this agreement, the following words shall have the meanings respectively ascribed to them by this section:*

*Developer: Person(s) or Corporation(s) that will obtain permits for construction*

*Improvement Plans: Construction drawings for required public and private improvements*

*Services: Utility lateral, or any portions of a conduit cable or duct, between a utility distribution line and the site it serves*

*Project: The work to be performed by Developer*

**2. SITE PLAN APPROVAL**

A. The project shall be in conformance with all City Ordinances, rules, regulations, and policies. The conditions listed below are particularly pertinent to this permit and shall not be construed to permit violation of other laws and policies not so listed.

B. Approval or conditional approval of this SPDR shall not supersede these Engineering Considerations and any applicable City Standards nor limit the City's Engineer's ability to require workable designs on future grading and improvement plans based upon these Engineering considerations and the City's Standard engineering specifications and details.

**3. SPECIFIC CONDITIONS:**

The Developer shall comply with the following conditions:

A. The fire service and fire sprinklers shall be connected to the potable water system.

B. The Developer shall install pressure reduction valves (PRVs), backflow prevention devices and appurtenances on the potable and reclaimed water services as directed by the City Engineer. All waterline valves must notate "EPDM" on the valve body.

C. Underground all overhead utility facilities (utility mains and other facilities) that are on the site's street frontage(s) and/or in an easement(s) across the site (with the exception of electric lines with 60 KV and higher voltages). These overhead utility mains that must be undergrounded typically consist of the electric, telephone, and cable TV wires, that are supported on wood poles along the edge of a roadway. The Developer shall note this work on the approved site plans.

The project will be allowed to install a new underground pole on Greenville Road to accomplish the undergrounding of existing poles on-site, resulting in a net decrease of overhead poles, as approved by the Community Development Director.

D. The Developer shall have a certified CASp Specialist review and certify that the design for all pedestrian improvements within the public right-of-way or a public easement complies with the following applicable regulations: American with Disabilities Act (ADA) requirements, the Public Rights-of-Way Accessibility Guidelines (PROWAG), and the requirements found in Chapter 11B of the 2019 California Building Code. If an accessibility design cannot meet the above listed applicable standards, the Developer shall propose and the CASp Specialist shall concur with a design exception request for approval by the City Engineer or their designee. In addition, the Developer shall have the certified CASp Specialist inspect and certify that pedestrian improvements are installed per the CASp certified design. Pedestrian improvements include new trails, walkways, sidewalks, accessible ramps, connections between existing and new pedestrian improvements, and modifications to existing pedestrian improvements within or adjacent to the project site, as shown on the approved plans.

E. The on-site signing and striping plan shall include provisions for one-way directional traffic flow where appropriate.

#### **4. STORM WATER SITE DRAINAGE AND TREATMENT REQUIREMENTS:**

##### A. General

*1. This site is subject to the National Pollutant Discharge Elimination System (NPDES) Program. Prior to the issuance of the initial grading or building permit, the Developer shall provide evidence that the site is covered by the statewide General Permit to Discharge Storm Water associated with construction activity. This requires confirmation that a Notice of Intent (NOI) and the applicable fee was sent to the State Water Resources Control Board. In addition, the grading plans need to state: "All grading shall be in accordance with the Storm Water Pollution Prevention Plan prepared by the Developer per the Notice of Intent on file with the State Water Resources Control Board".*

*2. Necessary interceptor ditches shall be concrete. Field inlets and storm drainage pipe may be necessary in conjunction with concrete interceptor ditches as secondary drainage*



*releases. All interceptor ditches shall be privately maintained.*

*Per the City's Facilities Planning Guidelines (dated June 2005), the flows must have the following characteristics:*

*For a 10-year design discharge: a hydraulic grade line (HGL) is no higher than 1.25 feet below the top of curb elevation at any manhole or inlet.*

*For a 100-year design discharge: a HGL does not exceed the top of curb elevation.*

*For additional detail on these guidelines, the applicant should refer to the following resources: City of Livermore Storm Drain Master Plan & City of Livermore Facilities Planning Guidelines (both available at the Engineering counter at City Hall or can be provided electronically upon request).*

#### Project Specific Conditions

1. The proposed improvement plan shows that a portion of the site drains to a bioretention vault at the southwest corner of the property. From the bioretention vault, the project proposes to convey treated stormwater through a gravel swale connecting to the existing drainage swale along the Southern Pacific Railroad (SPR) right-of-way. There currently is no known recorded drainage easement on the SPR site for the receipt of drainage from the project site but appears to historically receive drainage from this site based on the existing topography of the project site. The Developer shall provide calculations demonstrating that the proposed storm drain system does not increase the drainage flow conveyed to the existing swale on the SPR site.
2. If project does increase the drainage flow to the SPR site then the Developer shall obtain a drainage easement from SPR to allow for the increase in flow to the existing drainage swale.
3. Alternatively, the Developer shall re-design the proposed system to drain (via gravity system or pump if needed) to the existing City storm drainage system along Greenville Road.

#### C. Stormwater Drainage Maintenance Funding

*The cost to maintain all private storm drainage infrastructure installed with this project shall be funded by the Developer.*

#### D. Stormwater Treatment, Detention and Trash Capture Requirements

*1. The Developer shall treat the storm water runoff from this site prior to having the storm water enter the City's storm water distribution system. Stormwater Treatment, Low Impact Development, and Trash Capture, is required by the Regional Water Quality Control Board. The Developer shall complete and or update the required Stormwater Quality Checklist. The Developer shall provide a storm water treatment plan with calculations indicating treatment that meets the latest requirements indicated in Section*

*C.3 of the City's NPDES Permit with the Regional Water Quality Control Board. Approval of this plan and calculations by the City is required prior to the approval of the building permit.*

*2. If this project is greater than one acre, the Developer shall provide a Hydrograph Modification Plan (HMP) with calculations in accordance with the Alameda Countywide Cleanwater Program (ACCWP) Bay Area Hydrology Model (BAHM) guidelines. The software for the design of control measures to meet the Flow Duration Control is available to download from [www.bayareamodel.org](http://www.bayareamodel.org). For additional information you may contact Debbie Salgado in the City's Engineering Department at (925-960-4500)*

*3. Prior to building permit approval, the applicant shall enter into a maintenance agreement with the City of Livermore for all storm water treatment devices deemed necessary on this site. If the stormwater treatment devices will be maintained by more than one property owner a cleanout will be necessary at the property lines to allow the property owners to maintain their portion of the private stormwater treatment system. If the stormwater treatment device will be maintained by a Business Association then the cleanouts or manholes at each of the property lines may not be needed. The storm drain treatment devices shall be shown in an exhibit and included in the Operations and Maintenance Agreement. The Operations and Maintenance Agreement shall be recorded prior to occupancy.*

#### E. Stormwater Treatment Infrastructure Maintenance Funding

*The cost to maintain all storm water treatment, detention and low impact development infrastructure installed with this project shall be funded by the Developer.*

### **5. REQUIRED ON-SITE SOURCE CONTROL STORMWATER MEASURES:**

The Regional Water Quality Control Board adopted Order R2-2022-0018 issuing the Alameda Countywide NPDES municipal storm water permit for the Alameda Countywide Clean Water Program. The 17 member agencies, including Livermore, are subject to this permit and all its requirements including the following:

*“The Permittees shall, as part of their continuous improvement process, submit enhanced new development and significant redevelopment Performance Standards that summarize source control requirements for such projects to limit pollutant generation, discharge, and runoff, to the maximum extent practicable...”*

In accordance with this requirement, the following source control measures are included as part of these Conditions of Approval shall be implemented as a part of this project.

#### A. Structural Control Measures

1. **Illegal Dumping to Storm Drain Inlets and Waterways**  
On-site storm drain inlets shall be clearly marked with the words “No Dumping! Flows to Bay” on a stainless steel marker. The stainless steel markers are available

for purchase from the Water Resources Division. For ordering information, please call 925-960-8100. For projects with newly-developed, privately-maintained streets, agency staff will verify that storm drain inlets have been marked before the final sign-off on the project's building permit or encroachment permit.

2. Interior Floor Drains

Approved interior floor drains shall be plumbed to the sanitary sewer system and shall not be connected to storm drain system. The applicant shall contact the Water Resources Division for specific connection and discharge requirements.

3. Parking Garages (Not Used)

4. Pesticide/Fertilizer Application and Irrigation

a. Landscaping shall be designed to minimize irrigation and runoff, promote surface infiltration where possible, minimize the use of fertilizers and pesticides that can contribute to storm water pollution, and incorporate appropriate Bay-Friendly Landscaping principles.

b. If a landscaping plan is required as part of a development project application, the plan shall meet the following conditions related to reduction of pesticide use on the project site:

- I. Where feasible, landscaping shall be designed and operated to treat storm water runoff by incorporating elements that collect, detain, and infiltrate runoff. In areas that provide detention of water, plants that are tolerant of saturated soil conditions and prolonged exposure to water shall be specified.
- II. Plant materials selected shall be appropriate to site specific characteristics such as soil type, topography, climate, amount and timing of sunlight, prevailing winds, rainfall, air movement, patterns of land use, ecological consistency and plant interactions to ensure successful establishment.
- III. Existing native trees, shrubs, and ground cover shall be retained and incorporated into the landscape plan to the maximum extent practicable.
- IV. Unless otherwise specified, proper maintenance of landscaping shall be the responsibility of the property owner.
- V. Integrated pest management (IPM) principles and techniques shall be encouraged as part of the landscaping design. Some examples of IPM principles and techniques include the following:
  - i. Select plants that are well adapted to soil conditions at the site.

- ii. Select plants that are well adapted to sun and shade conditions at the site. Consider future conditions when plants reach maturity. Consider seasonal changes and time of day.
- iii. Provide irrigation appropriate to the water requirements of the selected plants.
- iv. Select pest and disease resistant plants.
- v. Plant a diversity of species to prevent a potential pest infestation from affecting the entire landscaping plan.
- vi. Use “insectary” plants in the landscaping to attract and keep beneficial insects.

VI. Landscaping shall also comply with City of Livermore’s “Water Efficient Landscape Ordinance”. However, areas of a site used for bio-swales or other landscaped areas that function as a storm water treatment measure shall be exempt from the Water Efficient Landscaping requirements.

VII. An efficient irrigation system shall be installed in areas requiring irrigation. An example of an efficient irrigation system is one that includes a weather-based (automatic, self-adjusting) irrigation controller with a moisture and/or rain sensor shutoff, and in which sprinkler and spray heads are not permitted in areas less than 8 feet wide.

5. Pool, Spa, and Fountain Discharges (Not Used)

6. Food Service Equipment Cleaning (Not Used)

7. Refuse Areas

a. New or redevelopment projects shall provide a roofed and enclosed area for dumpsters, recycling containers, compactors, and food waste containers. The area shall be designed to prevent water run-on to the area, to prevent runoff from the refuse area and to properly contain litter and trash. Dumpster leakage from covered food/trash compactor enclosures shall drain to the sanitary sewer via connection to an approved oil and grease interceptor device.

b. Runoff from trash enclosures, recycling areas, and/or food compactor enclosures or similar facilities shall not discharge directly to the storm drain system. Trash enclosure areas shall be designed to avoid run-on to the trash enclosure area. In most cases, drains are not permitted within trash enclosure areas. A drain, however, must be provided for compactors. If a drain is required in or beneath dumpsters, compactors, and tallow bin areas, it shall be connected to a grease removal device prior to discharging to the sanitary sewer.

8. Outdoor Process Activities/Equipment <sup>1</sup> (Not Used)

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- 9. Outdoor Equipment/Materials Storage (Not Used)
- 10. Vehicle/Equipment and Commercial/Industrial Cleaning (Not Used)
- 11. Vehicle/Equipment Repair and Maintenance (Not Used)
- 12. Fuel Dispensing Areas <sup>2</sup> (Not Used)
- 13. Loading Docks (Not Used)
- 14. Fire Sprinkler Test Water

Provisions shall be made in the project design and construction to allow for the discharge of fire sprinkler test water to an onsite vegetated area. If this is not feasible, provide for discharge to the sanitary sewer in accordance with current plumbing codes.

15. Miscellaneous Drain or Wash Water

- a. Boiler drain lines shall be connected to the sanitary sewer system and may not discharge to the storm drain system.
- a. For small air conditioning units, air conditioning condensate shall be directed to landscaped areas as a minimum BMP. For large air conditioning units, in new developments or significant redevelopments, condensation lines shall be connected to the sanitary sewer system, wherever feasible.
- c. Roof drains shall discharge and drain away from the building foundation to landscaped areas wherever feasible.
- d. Washing and/or steam cleaning activities must be performed at an appropriately equipped facility that drains to the sanitary sewer as specified in Section J. Any outdoor washing or pressure washing must be in compliance with the City's Stormwater Management Program requirements and managed in such a way that there is no discharge of soaps or other pollutants to the storm drain system. The applicant shall contact the Water Resources Division for specific discharge requirements.

16. Architectural Copper Installation (Not Used)

**B. OPERATIONAL BMPS**

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This section details Best Management Practices (BMP) that private property owners and/or the occupants of private property must implement following the construction of projects. Ultimately, the responsibility for implementation of these BMPs rests with the property owners. The City of Livermore's Source Control Program routinely performs inspections of industrial and commercial sites to verify BMP implementation and effectiveness.

1. Paved Sidewalks and Parking Lots

Sidewalks and parking lots shall be swept regularly to minimize the accumulation of litter and debris. Wash water resulting from the pressure washing of parking lots must be captured, pretreated (if necessary) to meet local discharge limits, and discharged to the sanitary sewer. Wash water resulting from the pressure washing of sidewalks may be allowed to drain to the storm drain system provided that (a) no soap or other cleaning agents are used, and (b) all debris are trapped and collected to prevent entry into the storm drain system. Under no circumstances shall wash water containing any soap or other cleaning agents be discharged to the storm drain system.

2. Private Streets, Utilities and Common Areas (Not Used)

3. Vehicle/Equipment Repair and Maintenance (Not Used)

4. Fueling Areas (Not Used)

5. Loading Docks (Not Used)

6. On-site Storm Drains

All on-site storm drains must be inspected and, if necessary, cleaned at least once a year immediately prior to the rainy season.

7. Architectural Copper Cleaning, Treating or Washing (Not Used)

**6. STREETS:**

*The Developer shall offer easements and dedications for, and shall improve his share of the ultimate street widths for the following named streets in accordance with the City's General Plan:*

**Greenville Road**

Greenville Road is a major street in the General Plan with an ultimate right-of-way width of 128 feet to accommodate 3 travel lanes and a Class 2A bike lane in each direction separated by a 16 foot landscaped median. The current median has been constructed in the ultimate location.

Along the project frontage, the Developer shall widen southbound Greenville Road to accommodate the following:

- 5' sidewalk
- 8' bike lane
- 12' travel lane
- 12' travel lane
- 14' travel lane

Final design of the widened Greenville Road shall include but is not limited to appropriate transitions to and from the existing street; modifications to signing and striping; and any surface treatments and/or structures.

**7. STANDARD CONDITIONS:**

- A. The Developer shall field verify the locations of all existing utility systems (water, sewer, drainage, electric, gas, etc.) that are necessary for this project.*
- B. The Developer shall extend necessary utilities to this site so that this project can be connected to them.*
- C. Submit plans of all existing and proposed public improvements, sanitary sewer and water services, and on-site storm drainage, for review and approval prior to building permit issuance.*
- D. Construct underground utility services (electric, phone, etc.) to the site. These services are typically from the utility mains that are located along a site's street frontage(s). The Developer shall note this work on the approved site plans.*
- E. Construct functional systems for on-site and off-site storm drainage, sanitary sewerage, and water.*
- G. Intercept and dispose of existing drainage upgrade from the site by an approved storm drainage system to avoid off-site ponding or the concentration of the natural run-off along the periphery of the site. Complete sufficient off-site investigation to ensure that the plans clearly delineate existing conditions.*
- H. Avoid conflict with flood hazard areas per the City Code.*
- I. Install a two-way cleanout behind the curb on all 4-inch sewer laterals. Install a one-way cleanout on all 6-inch laterals to provide for cleaning the laterals from the cleanout to the sewer main.*
- J. Install fire hydrants per Fire Marshal's recommendation.*
- K – M (Not Used)*

- N. *A separate water meter(s) shall be provided for the irrigation of the landscaping.*
- O. *Prior to removal of a 1-inch, a 1.5-inch, or a 2-inch water service, the Developer shall contact the City's Water Resources Division at (925) 960-8100, and ask if the City would like to convert the service to a water sampling station. Existing water services (of any size) that will not be used by the proposed development shall be abandoned at the main unless the City wants to convert it to a water sampling station. Large services shall be abandoned by placing a blind flange on the tee at the main. Small services shall be abandoned by removing the corporation stop valve and by then installing the appropriate plug in the services. Any valves or meters on abandoned services shall be removed. The meters shall be returned to the Water Resources Division if they are not reused. The Developer shall coordinate water service installations and removals with the City's Water Resources Division as well as with the public works inspector.*
- P. *The fire service backflow preventer(s) shall be effectively screened from the public right-of-way while at the same time preserving ease of maintenance access to the backflow preventer(s). Screening shall be as specified on City Standard Detail W-10A, B and C. The fire service backflow preventer(s) shall meet the performance standards of the backflow preventer shown in City Standard Detail W-10A, B and C. The fire service(s) shall be located so that the fire service backflow preventer(s) can be screened without blocking sight distance at driveways and intersections.*
- Q. *Provide adequate sight distance at all driveways and intersections. Monument signs and landscaping at driveways shall be located so that they don't restrict the sight distance of exiting drivers. Landscaping and mounding in the sight distance area along the street shall be kept to a maximum height of 2.5 feet above the top of street curb. Tree branches in the area shall be trimmed to be a minimum of 8 feet above the top of the street curb.*
- R. *All new driveways shall be street level driveways per City Detail ST-6. Driveway widths shall comply with Note 4 on City Detail ST-8.*
- S. *Either avoid conflicts between proposed driveways and existing utility facilities, such as storm inlets, fire hydrants, streetlights and utility vaults, or relocate the existing utility facilities.*
- T. *(Not Used)*
- U. *(Not Used)*
- V. *Utility cuts in the frontage street along this project will require a 1-1/2" A.C. overlay across the entire length of the affected street frontage(s) to water seal the street surface, to restore the ride quality of the street surface, and to restore the appearance of the street surface.*
- W. *Modify signing and striping as necessary.*



*X. Install a "Right Turn Only" standard sign on the site facing traffic exiting the site from the Greenville Road driveway.*

*Y. Add a one-way sign in the median island opposite the driveway.*

*Z. If the project is on a corner lot and the sidewalk does not already have a standard access ramp then the applicant shall construct a City standard access ramp.*

*AA. Begin pavement widening where a City standard pavement section exists. Perform tests prior to improvement plan preparation to determine where an adequate street section exists.*

*BB. Install streetlights. Include a street light conduit plan in the plan for proposed public improvements.*

*CC. Install a mailbox for the proposed development at a location and of a design approved by the Livermore Post Office and the City. The Developer shall submit a mailbox plan (locations and sizes) that has been approved by the Livermore Post Office with the first submittal of the improvement plans. The first submittal of the improvement plans shall show the mailboxes in the Livermore Post Office approved locations.*

*DD. Show all necessary erosion control measures on the improvement plans. In addition, the following notes shall be included on the improvement plans:*

*1. Construction Operations - Dust shall be controlled. Wastewater generated during construction shall not be discharged to the storm drain system. This includes waste from painting, saw cutting, concrete work, etc. The contractor shall make arrangements to eliminate discharges to the storm drain system and, if necessary, provide an area for on-site washing activities during construction. Materials that could contaminate storm runoff shall be stored in areas that are designed to prevent exposure to rainfall and to not allow storm water to run onto the area.*

*2. Pavement Cleaning - Flushing of streets/parking lots to remove dirt and construction debris is prohibited unless proper sediment controls are used. Preferably, areas requiring cleaning should be swept.*

*EE. Prepare all public improvement plans in conformance with the latest edition of the following City of Livermore documents:*

- 1. Standard Specifications and Details*
- 2. Development Plan Check and Procedures Manual*

*FF. Submit for approval a cost estimate for the public improvements.*

*GG. Submit for approval a cost estimate for the public improvements. Prior to the issuance of a building permit for the site, the Developer shall provide cash or a check in the amount of the City approved cost estimate and a letter stating that the City of Livermore may put this money in a non-interest bearing trust account and may use this money at its discretion to correct safety problems if the Developer's contractor leaves unsafe conditions while performing the work, and that the City could also use this money at its discretion to restore off site or public areas to a satisfactory condition if the Developer were to abandon the project when it was partially completed. If unused this money will be returned to the Developer when the City has accepted the public improvements.*

*HH. Submit a certificate of insurance in the form and with the coverages required by the City.*

*II. Obtain an Encroachment Permit from the City's Permit Center at (925) 960-4440, prior to starting any public improvements. Construct all public improvements per City standard details and specifications.*

*JJ. The sewer connection fee will be based on the actual sewer use as determined by the Water Resources Division.*

*KK. Replace any broken or displaced curbs, gutters, sidewalks and driveways. The Engineering Division at (925) 960-4500 will mark the location of these defective facilities upon request by the Developer.*

*LL. Complete all public improvements prior to occupancy, except that the Developer may formally request to defer items that are not related to public safety. Any request to receive occupancy prior to the completion of all public improvements shall be submitted in writing to the City Engineer and shall include the reasons that justify the request, and the number of weeks after occupancy that are needed to complete the improvements. If the request is approved by the City Engineer, the Developer may submit a cash bond in the amount of 200% of the cost of the deferred improvements with a letter that states that if the Developer has not completed the improvements by the date established by the City Engineer, the Developer will forfeit the entire cash bond to the City. The Developer's letter shall also state that the Developer understands that the City will use the forfeited funds to complete the improvements, and that the Developer also understands that the City will retain any unspent portion of the funds for administrative expenses.*

*MM. Submit descriptions, plats and deed documents for all necessary right-of-way and easement dedications for review and approval. The City will only accept right-of-way and easement dedications after the improvements required over said dedications have been completed by the Developer and approved by the City. The Developer shall not receive approval for occupancy until required dedications have been accepted.*

## **8. DEVELOPMENT FEES:**

*A. Pay current development fee rates as adopted by the City Council. (They may be adjusted from time to time to reflect the cost of providing a facility.) The fees shall be those that are in effect on the date the City receives a complete application for a building permit. The City's "Development Fees" information sheet has the following fees that apply to this project:*

- City Storm Drainage
- County Storm Drainage – Building
- County Storm Drainage - Public Improvements
- Sanitary Sewer Connection
- Encroachment Permit
- Inspection for Public Improvements
- Building Permit
- Park Facilities Fee
- City Water Connection
- Alameda County Water Connection, Zone 7
- Tax on Construction
- Low Income Housing Impact (Commercial and Industrial)
- Traffic Impact Fee
- Improvement Plan Check Fee
- Tri-Valley Transportation
- Art in Public Places
- General Plan Cost Recovery
- Social and Human Services
- School Impact Fees (contact the Livermore School District at (925) 606-3200.)

**9. INFORMATION FOR THE DEVELOPER:**

There are City Municipal Code requirements regarding the quality of water that is discharged to the sanitary sewer and the storm drainage systems. The Developer should contact the City's Water Resources Division at (925) 960-8100.

JW: DES 

*SPDR23-004 EC SHORT Greenville EV Truck Charging Facility - Dec 2023*