

June 16, 2020

SB 343

Senate Bill 343 mandates supplemental materials that have been received by the City Clerk's office that relate to an agenda item after the agenda packets have been distributed to the City Council be available to the public.

The attached documents were received in the City Clerk's office after distribution of the June 16, 2020, City Council meeting agenda packet.

Item 6.2

EXHIBIT E G

STATEMENT OF OVERRIDING CONSIDERATIONS

1. **General.** Pursuant to CEQA Guidelines section 15093, the City Council of the City of Dublin makes the following Statement of Overriding Considerations.

The City Council has balanced the benefits of the At Dublin project (“Project”) to the City of Dublin against the significant adverse impacts identified in the Environmental Impact Report (“EIR”) that cannot be reduced to less than significant through feasible mitigations or alternatives and would remain significant and unavoidable.. Pursuant to section 15093, the City Council hereby determines that the benefits of the Project outweigh the adverse impacts and the Project should be approved.

The City Council has carefully considered each impact in reaching its decision to approve the Project. Even with mitigation, the City Council recognizes that implementation of the Project carries with it unavoidable significant adverse environmental effects as identified in the EIR. The City Council specifically finds that to the extent the identified significant adverse impacts for the Project have not been reduced to acceptable levels through feasible mitigation or alternatives, there are specific economic, social, land use and other considerations that support approval of the Project.

2. **Significant Unavoidable Adverse Impacts.** The following unavoidable significant environmental impacts are associated with the Project as identified in the EIR

- **Air Quality.** The project would cause construction impacts associated with the release of nitrogen oxides (NOx) that would exceed BAAQMD significance thresholds. Despite implementation of MM AQ-2.2, construction-related NOx emissions would remain significant and unavoidable. The project would also cause operational impacts associated with the release of reactive organic gases (ROG) and NOx that would exceed BAAQMD significance thresholds. Despite implementation of MM AQ-2.4, operational emissions from ROG and NOx would remain significant and unavoidable. These impacts would occur through cumulative conditions.
- **Near-Term + Project Traffic Conditions.** The project would increase the critical delay movement by more than six (6) seconds to the intersection of Tassajara Road / Dublin Boulevard (#14). This intersection would also experience an increase in queuing due to the project of more than 25 feet during the weekday AM and PM peak periods and the weekend peak period. This intersection was determined to be over capacity with no feasible mitigation available. Therefore, the residual significance is significant and unavoidable.

In addition, there is a LOS impact at the intersection of Santa Rita Road / Las Positas Boulevard (Int #18). The project adds 278 trips in the PM peak hour to an already deficient intersection. Mitigation Measure TR-5.1 would improve the operations to an acceptable LOS, however since this intersection is located in the

City of Pleasanton, the City of Dublin cannot guarantee the implementation of the mitigation and therefore it remains significant and unavoidable.

In addition, there is a LOS impact at the intersection of El Charro Road / Stoneridge Drive / Jack London Boulevard (Int #29). The project adds 70 trips in the PM peak hour to an already deficient intersection. Mitigation Measure TR-2.1 would improve the operations to an acceptable LOS, however since this intersection is located in the City of Livermore, the City of Dublin cannot guarantee the implementation of the mitigation and therefore it remains significant and unavoidable.

- **Cumulative + Project Traffic Conditions.** The project would contribute new trips to facilities that would operate at unacceptable levels; namely, Tassajara Road / Dublin Boulevard (#14), Santa Rita Road / Las Positas Boulevard (#18), El Charro Road / Jack London Boulevard (#29), Project Driveway / Dublin Boulevard (#35). All feasible mitigation measures are proposed to mitigate impacts to levels better than without project conditions; except for the intersection of Tassajara Road / Dublin Boulevard (#14). No feasible mitigation is available for this intersection, similar to the Near-term + Project conditions. In addition, Intersections #18 and #29 are located outside of the City of Dublin, and therefore the implementation of the mitigations cannot be guaranteed.
- **Arterials.** The project would contribute new trips to the already congested study roadway segments along Tassajara Road and Dublin Boulevard. These arterials are already over capacity in the future conditions and operate at LOS F based on average travel speeds from the SimTraffic analysis. Since there are no feasible mitigations to improve the average travel speeds to LOS D or better, the residual significance is significant and unavoidable.
- **Freeways.** The project would contribute new trips to the already congested project study freeway segments from Dougherty Road to Airway Boulevard on I-580. These segments are already over capacity and should be operating at LOS F volumes for the westbound direction in the AM peak hour and the volumes for the eastbound direction in the PM peak hour are constrained by downstream bottlenecks. While the project would be required to pay their proportional share of traffic impact fees, these freeway segments will continue to operate in an over capacity manner. Therefore, the residual significance is significant and unavoidable.
- **Ramp Metering.** The project would contribute new trips to the Hacienda Drive loop on-ramp to EB I-580 in the PM peak, to the Tassajara Road diagonal on-ramp to WB I-580 in the AM peak, and to the El Charro Road loop on-ramp to EB I-580 in the PM peak. Each of these on-ramps have queues that exceed the on-ramp storage and extend onto the arterial with project traffic added. While the project would be required to pay their proportional share of traffic impact fees, the improvements cannot be guaranteed since it is under Caltrans jurisdiction. Therefore, the residual significance is significant and unavoidable.

- **Congestion Management Program.** The project would contribute new trips to Congestion Management Program facilities that would operate at unacceptable levels (freeways and major arterials). All feasible mitigation measures are proposed to mitigate impacts; however, in certain cases, they would not fully mitigate the impact to a level of less than significant. In other cases, no feasible mitigation is available. Therefore, the residual significance is significant and unavoidable.

The EDSP EIR also included the impacts identified above as significant and unavoidable as follows:

- **Air Quality.** Project development as a result of dust deposition, construction equipment emissions, mobile source emissions of RO_f and NO_x, and stationary source emissions. (Impacts 3.11/A, B, C, E)
- **Traffic and Circulation.** I-580 (Impact 3.3/B, E), intersection of Santa Rita Road and I-580 EB Ramps (Impact 3.3/I), and the intersections of Dublin Boulevard and Hacienda Drive and Dublin Boulevard and Tassajara Road (Impact 3.3/M)

4. Overriding Considerations.

The City Council has carefully considered each impact in reaching its decision to approve the At Dublin project. The City Council now balances those unavoidable impacts against the Project's benefits, and hereby determines that the unavoidable impacts are outweighed by the benefits of the Project as further set forth below. Any one of these benefits is sufficient to justify approval of the Project. The substantial evidence supporting the various benefits can be found in the record as a whole.

- The Project will result in economic and community benefits to the City. The Development Agreement terms provide revenue to the City through its provisions on the phasing of the Project to ~~require the development of the commercial areas before the residential areas~~ ensure that the residential portions of the Project do not wholly develop in advance of the retail/commercial portions. The development of the commercial site will generate sales and property tax revenue to the City as described in the Keyser Marston Fiscal Analysis dated ~~October 2018~~ June 2020. In addition, The Development Agreement requires the developer to contribute a sum of ~~\$7,000,000~~ \$3,200,000 or \$3,600,000, dependent on the Developer's election to construct 40 moderate income units or not, to the City as a community benefit that can be spent at the City Council's discretion.
- The Project will further the goals and policies of the Housing Element of the General Plan by providing a wide range of affordable housing. The Development Agreement provides for an "alternative method of compliance" to comply with the City's inclusionary housing requirement. The compliance is met though the construction of ~~46~~ 40 moderate income units in the proposed apartment building or offsite (or paying a fee in lieu thereof) and the acquisition of 1.33-acre parcel at 6543 Regional Street (APN: 941-150-25) from City and dedicating the parcel to a non-profit affordable housing developer to meet the low and very low income unit

categories.

- The Project will further the General Plan objective of providing a broad range of non-residential uses, including retail commercial, in Eastern Dublin. The project is consistent with Guiding Policy 2.2.4, which encourages "development of a full range of commercial and employment-generating uses in the Eastern Extended Planning Area that will meet the needs of the City and the surrounding Tri-Valley area." This Project provides a much needed retail center convenient to existing and planned future residential uses.
- The Project furthers the Eastern Dublin Specific Plan goal to provide for a balanced mixed use community by establishing "an attractive and vital community that provides a balanced and fully integrated range of residential, commercial, employment, recreational, and social opportunities." (Section 4.3.2, p. 32). The project also furthers the Specific Plan goal for commercial land use, to serve "the shopping, entertainment and service needs of Dublin and the surrounding area." (Section 4.5, p. 36). The Project helps the City achieve these goals by providing a variety of commercial, employment, residential and social opportunities in a mixed-use setting. The Project also meets Specific Plan Policy 4-12 to "concentrate regionally oriented commercial uses south of Dublin Boulevard and near freeway interchanges where convenient vehicular access will limit traffic impacts on the rest of eastern Dublin."
- The proximity of the Project site to the Interstate 580 and Tassajara Road interchange is consistent with the General Plan and Eastern Dublin Specific Plan goals and policies and facilitates efficient transportation. The Project will provide a "destination retail" experience on a visually prominent site accessible from major regional transit and traffic corridors. The site will be developed in a landscaped and "pedestrian-friendly" fashion, with a mix of residential, restaurants and retail services ~~all connected through a central pedestrian spine~~. The variety of housing types, and commercial uses ~~and public spaces~~ provide a new mixed use and social retail experience with a range of retail and restaurant opportunities available to current and future residents of Dublin.

For all of the above reasons, the benefits of the At Dublin project outweigh its significant unavoidable environmental impacts.

Amy Million

From: Tammie Castillo [REDACTED]
Sent: Friday, June 12, 2020 7:27 PM
To: Amy Million
Subject: NO MORE HOUSIING OR SHOULD I SAY PROJECTS.

ENOUGH ALREADY !!!!!!!!!!!!!!!
PLEASE no more !!!!!!!

Sent from my iPhone

Amy Million

From: Julie Dow [REDACTED]
Sent: Monday, June 15, 2020 12:26 PM
To: Amy Million
Subject: At Dublin(PLPA-2017-00061)

Ms. Million,

I have been a Dublin resident for over 21 years and have been watching the growth in this city and I am blown away how the master Plan has been continually rezoned for High Density housing or rezoned for this or that to help out the contractors. As I drive down Dublin Blvd toward the East side and where this project is I feel like I'm driving in a tunnel or through a major city. I don't believe this is what Dublin was created for to become another San Francisco or San Jose. I'm not opposed to growth just not building High Density at every turn or every project. That is what has happened over the last 5-6 years and it disgusts me. This impacts our streets and our schools which are already overcrowded. I am opposed to the rezoning of the At Dublin Project (PLPA-2017-00061) to 566 units. This project needs to stay at the original proposal of 261 homes. I urge you to please vote No to rezoning this project.

*Sincerely,
Paul Dow*

The City of Dublin is considering a proposal from Shea Properties for a mixed high-density housing and commercial development on Tassajara Road called At Dublin. This project is projected to include up to 566 residential units and 240,000 square feet of commercial space on 77 acres (<https://dublin-development.icitywork.com>).

Many Tri-Valley residents have been impacted by the high costs of housing for years. The median purchase price for a home in the Tri-Valley area is nearing \$1 million, and the median rental price for an apartment is about \$2,500. Local businesses have difficulty hiring and retaining employees because of long commute times, increased traffic and pollution, and decreased quality of life. Although the economic fallout from COVID-19 has yet to be determined, undeniably, there will be new impacts on people's ability to afford housing in the Tri-Valley. Many individuals and families who were already economically fragile will struggle to be self-sufficient or fall into poverty. It is more critical than ever to support the development of all categories of housing.

In recent years, the City of Dublin has contributed substantially to Tri-Valley housing stock, but mostly in the market rate category of *the Regional Housing Needs Assessment (RHNA) projections*. According to the U.C. Berkeley Turner Center for Housing Innovation, Dublin has built 3.3% of housing *needed* in the very low-income category, 8.7% of housing in the low-income category, 7.3% in the moderate-income category and 551.5% in the market rate category (<https://drive.google.com/file/d/1mO5MotUIWnN43NsWtWcWmi1jP8rmKiEf/view>). The At Dublin project is an opportunity to add 71 units across affordability categories.

Given the lack of affordable housing in the Tri-Valley and greater Bay Area, it is important to consider the balance of housing that is provided across income categories. The City of Dublin requires 12.5% of total housing units in any development be built as "affordable," which for the purpose of this project (as reflected in the draft agreement) will include 9 very low-income units, 22 low-income units, and 40 moderate-income units (these units may be built on a separate parcel).

Developers have the ability to buy their way out of *actually providing* all of the mandated affordable units by paying in-lieu and community benefit fees. In theory, these fees paid to cities support the development of affordable housing elsewhere; however, replacement units often do not get built due to the costs and complexities of building and lack of available land. The Tri-Valley Anti-Poverty Collaborative strongly supports the development of all of 71 affordable units in the At Dublin project.

Kristi Miller
Project Manager, TVAPC

Tri-Valley Anti-Poverty Collaborative (TVPAC) is a collaborative of professionals and residents from Livermore, Pleasanton, and Dublin who work together to improve four areas within the Tri-Valley: health, education, food access, and housing (www.tvapc.org). Our members represent

specialists in non-profit organizations, safety-net services, government, businesses, foundations, and the faith-based community who have teamed together since 2013.

June 16, 2020

Ms. Marsha Moore
City Clerk
City of Dublin
100 Civic Plaza
Dublin, CA 94568

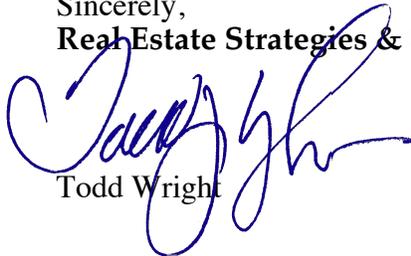
**Re: At Dublin, Dublin, CA
Presentation on behalf of Grafton Station, adjacent property owner**

Dear Marsha:

We are planning to speak during the public hearing on the At Dublin project tonight. Because the hearing is being done via Zoom, you have indicated that we will not be able to present slides during our presentation. Because the slides are the best way to communicate the two issues we will speak to, we request you forward the attached PDF to the Council members. We will do our best to explain the issues and hope that the Council members can look at the PDF during our presentation.

Thank you for your assistance.

Sincerely,
Real Estate Strategies & Solutions, Inc.



Todd Wright



Vacating Northside Drive Objection
Primary access for:

- Grafton Station Pad I
- Stormwater Detention Area

Dublin Blvd

Tassajara Road

Brannigan Street

Grafton Pad A

Grafton Station

Brannigan St

Lowes

Grafton Pad I

Stormwater Detention Area

Northside Drive

I-680

580

400 ft



Dublin Blvd

Tassajara Road

Brannigan Street

Vacating Northside Drive Objection
Reconfigure Right of Way.

Grafton Pad A

Grafton Station

At Dublin - Planning Area 1

Brannigan St

Northside Drive

Lowes

Grafton Pad I

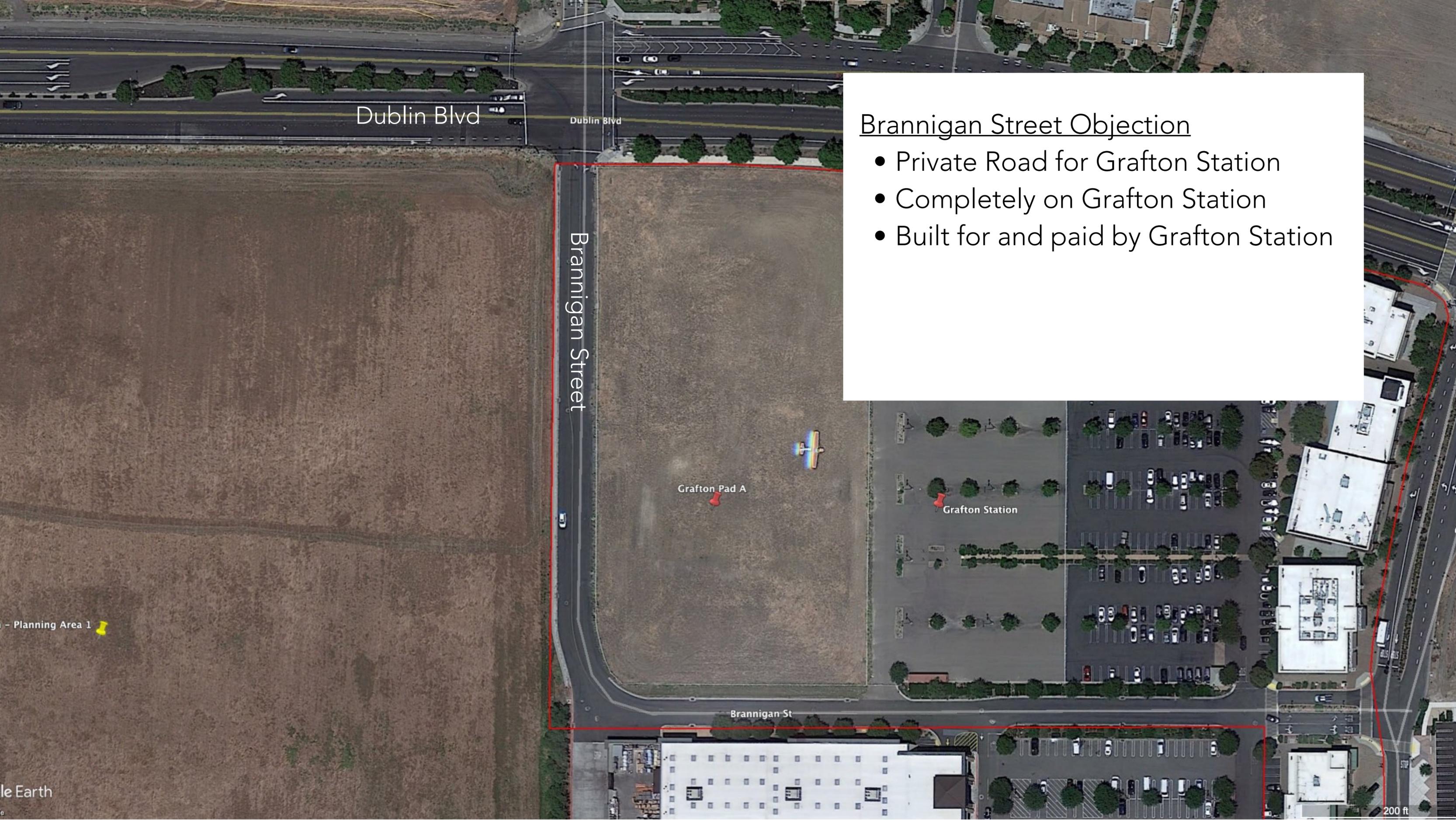
Stormwater Detention Area

I-680

580

Arthur H. Breed, Jr Fwy

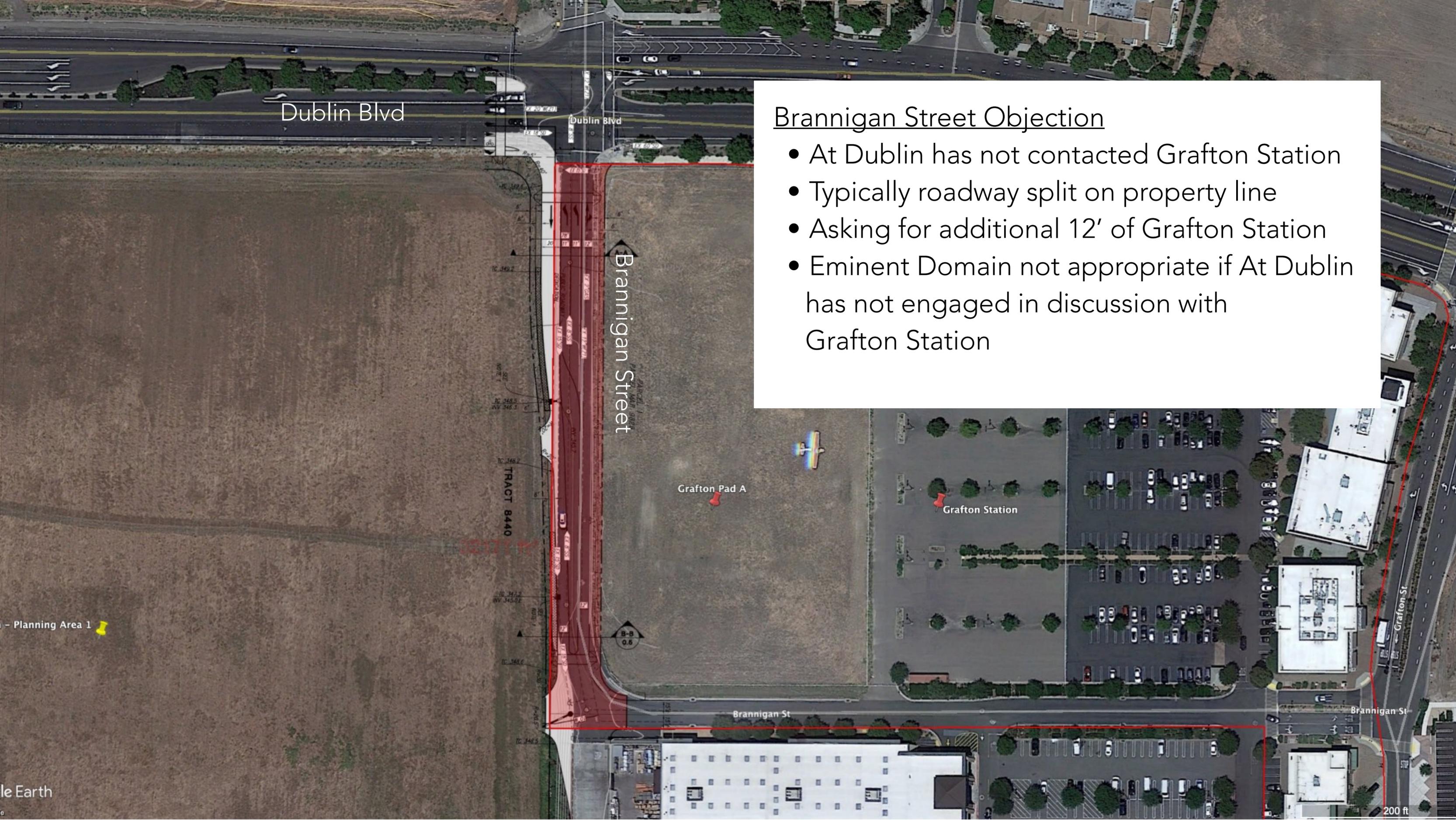
400 ft



Brannigan Street Objection

- Private Road for Grafton Station
- Completely on Grafton Station
- Built for and paid by Grafton Station

Planning Area 1



Dublin Blvd

Dublin Blvd

Brannigan Street

Grafton Pad A

Grafton Station

Brannigan St

Brannigan St

Grafton St

Brannigan Street Objection

- At Dublin has not contacted Grafton Station
- Typically roadway split on property line
- Asking for additional 12' of Grafton Station
- Eminent Domain not appropriate if At Dublin has not engaged in discussion with Grafton Station

Planning Area 1

le Earth

200 ft