

March 19, 2008

Mr. Scott Johnson  
Environmental Planning Services  
City of Sacramento  
300 Richards Blvd, 3<sup>rd</sup> floor  
Sacramento, CA 95811

**RE: FEIR, COMMERCE STATION, P06-018  
SAC200500780E**

Dear Mr. Johnson:

Thank you for providing the project listed above to the Sacramento Metropolitan Air Quality Management District (District). Staff comments follow.

### **1. Construction schedule and air quality construction-related mitigation**

The DEIR states that this 180.5 acre project consists of 3,267,068 sq ft and will be phased over 13 years<sup>1</sup>. Segment 1 and 2 of Phase 1 of the project will consist of the construction of four office/retail/residential buildings (168,785 sq ft) which will take over 3 years. In the following 10 years, the rest of Phase 1 and all of Phase 2 are to be constructed. The assumptions used in the air quality analysis of construction-related impacts include the 13 year construction schedule supplied by the proponent as opposed to an URBEMIS default schedule.

The District's Nov 2, 2007 comment letter on the Commerce Station DEIR pointed out that the 13 year project build-out schedule assumed by the DEIR was essential in leading the document to its determinations about the significance of air quality impacts of the project. Specifically, through the air quality analysis, the DEIR found:

*"the initial development of the SPA would not exceed the SMAQMD's significance threshold of 85 lbs/day. However, subsequent development of the proposed project could result in emissions of NOx that could exceed SMAQMD's significance threshold, particularly during the initial grading and site preparation phase. As a result, short-term construction-generated emissions of ozone-precursor pollutants would be considered **potentially significant**."*<sup>2</sup>

The District suggested a revision to the DEIR air quality mitigation measure for short-term emissions in its Nov 2, 2007 comment letter because of the dependence on a specific 13 year schedule. In response to District comments, part of the mitigation

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<sup>1</sup> DEIR, Commerce Station, pg. 4.4-16

<sup>2</sup> DEIR, Commerce Station, pg 4.4-18

measure relating to short-term air quality construction impacts has been changed to read:

**MM 4.4-1(d)**

*The applicant shall construct the Commerce Station project consistent with the development assumptions identified in the DEIR as follows:*

- *Development of the Special Permit Area (SPA) shall not exceed 168,786 square feet of mixed-use office uses within a three-year consecutive construction period.*
- *Subsequent development phases shall not commence until completion of the SPA development. In the event that construction would exceed the above stated development restrictions, the SMAQMD shall be notified and construction-related emissions shall be recalculated in accordance with the most current SMAQMD-recommended methodologies. Additional mitigation measures and/or offset fees, (to be calculated based on the most current SMAQMD-recommended fee structure at the time of development) shall be implemented to ensure that construction-generated emissions of NOx would not exceed the SMAQMD's daily emissions threshold of 85 lbs/day.<sup>3</sup> [District underlining]*

The District is concerned with this revision for two reasons. First, the measure uses passive voice (“SMAQMD shall be notified,” “emissions shall be recalculated”). Because of the passive voice, it’s impossible to know **who** will notify the District about deviations in the schedule. Is the proponent being directed to do that? Will the City do that? The language should be re-crafted to state who will be performing the action. If, indeed, it’s the proponent who will be notifying the District, the wording could be changed to read:

*“In the event that construction would exceed the above stated development restrictions, the proponent will notify SMAQMD and the proponent will recalculate construction-related emissions in accordance with the most current SMAQMD-recommended methodologies. The proponent will implement additional mitigation measures, including the payment of off-site air quality mitigation fees, (to be calculated based on the most current SMAQMD-recommended fee structure and paid prior to the issuance of grading permits) of development )”*

Notice the inclusion of a timing requirement for fee payment which is regrettably absent from the FEIR’s version of the mitigation measure.

Secondly, the District believes that mitigation simply is not implemented because there is no one monitoring it. It would be relatively easy for the proponent or subsequent proponents to speed up their construction schedule and to not notify the District. Excessive air emissions could be generated and the District wouldn’t know. Because of that, we encourage the City to develop a mitigation monitoring program so that mitigation measures like this one would be monitored. A city monitor should know through City

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<sup>3</sup> FEIR, Commerce Station, March 2008, Table 2-1 Summary of Impacts and Mitiation Measures, pg 2-30 and 2-31.

processes if construction activities were deviating from the DEIR's projected thirteen year schedule. The City's monitoring process could assure proponents comply with recalculations of emissions and payment of fees, if necessary.

### **Greenhouse Gas Emissions & Climate Change**

The Greenhouse gas (GHG) section of the DEIR has been revised in the FEIR to contain a much more lengthy discussion of GHG and the results of an analysis of project-level greenhouse gas emissions. In addition, the FEIR contains a Table 3-10 which is titled "Commerce Station Greenhouse Gas Emissions Reduction Measures' Design Features." An example of a reduction measure in the Table is "the applicant shall be conditioned to install light emitting diode (LED) traffic lights in all traffic signals<sup>4</sup>.....":

The District suggests the measures in this table be actually called out in a mitigation measure or in several measures. We are concerned that if these measures are left as "conditions," that they may not actually appear in the staff report for the various decision making bodies. In a previous City project, we have seen this very phenomenon: a very aggressive list of GHG measures in the Railyards project FEIR simply did not make it into the approved project. If the City persists in referring to these measures as conditions, we request the City send us a copy of the staff report which contains those conditions with enough lead time for us to review the document.

If you have questions, please contact me at 874-4885 or [jborkenhagen@airquality.org](mailto:jborkenhagen@airquality.org).

Sincerely,



Jeane Borkenhagen

Associate Air Quality Planner Analyst

CC: Larry Robinson  
Greg Thatch

SMAQMD  
Law Offices of Greg Thatch

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<sup>4</sup> FEIR, Ibid., Table 3-10 Commerce Station Greenhouse Gas Emissions Reduction Measures/Design Strategies, pg 3-58