

May 21, 2008

Mr. Michael Cannon  
Assistant Superintendent  
Natomas Unified School District  
1901 Arena Blvd.  
Sacramento, CA 95834

**SUBJECT: Notice of Preparation of a Draft EIR for the West Lakeside School Project SMAQMD # SAC200801251**

Dear Mr. Cannon:

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

#### **Possible conflict with 8-hr ozone attainment plan**

This project is located outside of the City of Sacramento and the County's Urban Service Boundary. Consequently, any future Vehicle Miles Traveled (VMT) and vehicle trips which could be attributed to the proposed school may not have been included in SACOG's Metropolitan Transportation Planning Scenario (MTP) which was the basis for the Air District's 8-hour State Implementation Plan (SIP). If that is the case, the project could be in conflict with the Air District 8-hour Attainment Plan. Because of that, we would need to require higher air quality mitigation for this project than normally required.

#### **Potential for Growth Inducement**

The Air District would like the DEIR to discuss the potential this project would have on growth inducement in the surrounding area. Our understanding is that the Natomas Joint Vision area is to be comprehensively planned. It's unclear to us why this school is being proposed in advance of that comprehensive planning effort. It appears the school could be used to provide justification for further housing development. The DEIR should discuss the possibility of growth inducement.

#### **Project Specific Air Quality Impacts**

As you know, the Air District has adopted CEQA thresholds of significance for use in preparing and reviewing environmental documents. Separate thresholds were established for the construction phase and operational phase of projects. Those thresholds are available at [www.airquality.org](http://www.airquality.org).

Because of the size of this project, we believe it may generate short term (construction) air quality impacts which may be in excess of the established District threshold for construction. An air quality analysis should be done on the project in order to determine if those impacts are significant. Grading activities and building construction inputs will be critical to an accurate analysis. Relative to the construction impacts, if those impacts are significant, the SMAQMD standard construction mitigation measures should be used. Those measures include both on-site strategies and the possibility of a mitigation fee. They can be found on our website.

An analysis of the operational impacts would also need to be performed. We understand this school is proposed to be a magnet or specialty school. Because of that, students, teachers and community members may come from further distances than they would if this were a more general type school. The air quality analyst should take care to explain the changes to URBEMIS default values and the specialized trip lengths used to accurately model the operational emissions.

If the project is found to be significant for operational impacts, we recommend the creation and implementation of an Air Quality Mitigation Plan (AQMP) which typically would seek to reduce emissions by 15%. **If the trips and VMT for the project are not included in the SACOG MTP Scenario, then the AQMP would need to reduce the operational impacts to zero.** This question would need to be resolved quickly. We recommend that the plan be endorsed by us and included in the DEIR. In order to achieve this timing, we recommend that the school District work with us as early as possible in order to create that plan. I would be the point of contact for that effort.

### **Greenhouse Gases/ Climate Change**

As you know, on September 27, 2006, the State of California passed into law AB32, the Global Warming Solutions Act of 2006 which requires the State to reduce its carbon emissions by approximately 25% by the year 2020. In addition, the California Attorney General has raised the issue of global warming in many comment letters on projects throughout California. These precedent-setting letters point out that one of the most important environmental impacts of vehicle emissions is greenhouse gases (GHG) and the resulting climate change. In addition to transportation sources, greenhouse gases are also generated by industry and agricultural activities.

On September 6, 2007, the Air District issued interim guidance to lead agencies on how to assist them in dealing with the issue of Greenhouse Gases and Climate Change in CEQA documents. A copy of that letter is attached. Basically, we recommend an inventory of the project's anticipated Greenhouse Gases, a discussion of the significance of those impacts and a discussion of and commitment to all feasible mitigation.

### **Purpose for school/ Design of school**

The NOP states the objective for the school is to meet the educational needs of up to 820 students in the Natomas Unified School District boundaries. Our understanding, though, is that in terms of student projections in the Natomas area, enrollment is actually less than originally anticipated. If so, it's unclear to us as to whether the school is truly justified.

The NOP also states this combined middle/high school should "provide safe and convenient access to educational facilities through public transit, special activity buses, or other means.." It's our understanding there is virtually no public transit for anyone in the North Natomas area. We have concerns about a proposed school that is outside the boundary of the City, with no public transit and which is designed to draw a significant portion of students from all over the region. The DEIR should discuss these concerns in the alternative analysis of the document.

### **Air District Rules**

All projects are subject to SMAQMD rules and regulations in effect at the time of construction. Please see the attached document describing SMAQMD Rules which may apply to this project.

**Mandated Consultation with Air District**

Section a2 of California Public Code 21151.8 mandates that prior to the approval of the environmental document, school districts must notify in writing and consult with the local air pollution control district regarding permitted facilities within one-fourth of a mile of the proposed school site. Your contact for that consultation is Jim Jester at the SMAQMD. He can be reached at [JJester@airquality.org](mailto:JJester@airquality.org) or 874-4817. That consultation is separate and distinct from this Air District review of the land use project.

Please send the environmental document, including the air quality analyses to me. 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        SMAQMD  
      Kacey Lizon            SACOG  
      Scot Mende            City of Sacramento  
      LE Buford              City of Sacramento  
      Don Lockhart         LAFCO  
      Michael O'Neill       CA Dept of Education

Enc:   SMAQMD Rules & Regulations Statement  
      Correspondence from Larry Greene, Sept 6, 2007, regarding GHG/Climate  
      Change in CEQA documents

## **SMAQMD Rules & Regulations Statement**

*The following statement is recommended as standard condition of approval or construction document language for **all** construction projects within the Sacramento Metropolitan Air Quality Management District (SMAQMD):*

All projects are subject to SMAQMD rules and regulations in effect at the time of construction. A complete listing of current rules is available at [www.airquality.org](http://www.airquality.org) or by calling 916.874.4800. Specific rules that may relate to construction activities may include, but are not limited to:

**Rule 201: General Permit Requirements.** Any project that includes the use of equipment capable of releasing emissions to the atmosphere may require permit(s) from SMAQMD prior to equipment operation. The applicant, developer, or operator of a project that includes an emergency generator, boiler, or heater should contact the District early to determine if a permit is required, and to begin the permit application process. Portable construction equipment (e.g. generators, compressors, pile drivers, lighting equipment, etc) with an internal combustion engine over 50 horsepower are required to have a SMAQMD permit or a California Air Resources Board portable equipment registration.

**Rule 403: Fugitive Dust.** The developer or contractor is required to control dust emissions from earth moving activities or any other construction activity to prevent airborne dust from leaving the project site.

**Rule 442: Architectural Coatings.** The developer or contractor is required to use coatings that comply with the volatile organic compound content limits specified in the rule.

**Rule 902: Asbestos.** The developer or contractor is required to notify SMAQMD of any regulated renovation or demolition activity. Rule 902 contains specific requirements for surveying, notification, removal, and disposal of asbestos containing material.

Other general types of uses that require a permit include dry cleaners, gasoline stations, spray booths, and operations that generate airborne particulate emissions.

September 6, 2007

Subject: **Addressing Climate Change in CEQA Documents**

To whom it may concern:

Global warming is one of the most significant environmental issues facing the business and environmental community today. We now have sufficient knowledge of both the role of greenhouse gases (GHG) and the availability of mitigation measures to properly analyze the potential global warming impacts of projects under the California Environmental Quality Act (CEQA). The purpose of this letter is to provide interim recommendations for local agencies to use in analyzing and mitigating global warming impacts pending development of guidelines by the Office of Planning and Research as directed by SB 97.

The major anthropogenic (man-made) GHGs are carbon dioxide, methane, and nitrous oxide, and the primary sources of these emissions are vehicles (including trains and planes), energy plants, and industrial and agricultural activities. Consequently, GHG emissions may be increased through the approval of a wide variety of projects, including residential, commercial, and mixed-use developments, transportation system expansions, and other construction and development activities. Applying energy efficient building components, design, and siting practices to these projects can reduce these impacts. Since current emissions are already significantly effecting global warming, it is critical that these new projects, and others like them, be analyzed to determine whether they will worsen the warming process and whether there are mitigation measures available to reduce any impacts identified.

To date, local decision-making agencies, the District, the state, and the federal government have not developed specific GHG thresholds of significance for use in preparing environmental analyses under the California Environmental Quality Act (CEQA). The absence of thresholds, however, does not negate the CEQA mandate to analyze all potentially significant impacts, including emissions of greenhouse gases.

Agencies have the discretion to determine, based on a variety of factors, whether a particular impact is significant.<sup>1</sup> To insure consistency and fairness, the CEQA Guidelines encourage agencies to adopt significance thresholds.<sup>2</sup> Neither the Act nor the Guidelines, however, require the adoption of thresholds as a prerequisite to analyzing impacts. To the contrary, significance criteria are commonly developed by the experts that prepare the CEQA analysis, based on their assessment of the technical evidence.<sup>3</sup> In fact, CEQA may require additional analysis even if a project meets an adopted standard, if other evidence indicates the project may nonetheless have a significant impact.<sup>4</sup>

---

<sup>1</sup> *National Parks & Conservation v. County of Riverside* (1999) 71 Cal.App.4th 1341, 1356-1357 (agency may apply different thresholds depending on the nature of the area affected).

<sup>2</sup> 14 CCR 15064.7

<sup>3</sup> 1 Kostka & Zischke, Practice Under the Cal. Environmental Quality Act (Cont. Ed. Bar 2006) § 31.2, p. 621, citing *Napa Citizens for Honest Govt. v. Napa County Bd. Of Supervisors* (2001) 91 Cal.App.4th 342, 362 (significance standard for traffic developed by EIR drafters).

<sup>4</sup> *Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners* (2001) 91 Cal.App.4th 1344, 1380-1382 (project that meet FCC noise standards could still have a significant effect if it caused a substantial increase in the ambient noise levels for adjoining areas); *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App. 4th 1099, 1109-1111 (project meeting hydrology significance thresholds could still have a potentially significant impact because thresholds did not address all hydrology and water impacts of the project); *Mejia v. City of Los Angeles*

Consequently, despite the lack of a GHG threshold, the District recommends that CEQA environmental documents include a discussion of anticipated GHG emissions during both the construction and operation phases of the project. This recommendation is consistent with comments made by the previous and current California Attorney Generals on Land Use projects undergoing CEQA review. Models are already available to estimate GHG emissions from projects, and the District staff can help agencies select and refine models to accommodate their specific projects.

Analysis of the impacts is not simply a technical exercise. If the analysis demonstrates that a project may have a significant impact, there are many practical climate change mitigation measures available to reduce or eliminate the project impacts. And avoiding feasible mitigation today will require other projects to implement more difficult and costly mitigation in the future as GHG levels increase in the atmosphere. Moreover, many projects include elements that mitigate GHG emissions (energy measures, solar roofs, mixed use housing, etc) and the benefits of these measures should be noted.

The District is available to help agencies in their analysis of GHG emissions. In addition, to aid local jurisdictions in identifying feasible mitigation, the District has attached a list of feasible mitigation measures drawn from comments made by the California Attorney General that will reduce GHG emissions by reducing the stationary and travel related energy use associated with the new development.<sup>5</sup> A copy of this list is attached to this letter. We have also attached a summary of recent agency and court decisions related to this topic. If you have any question regarding CEQA and climate change, please do not hesitate to contact Larry Robinson at <[lrobinson@airquality.org](mailto:lrobinson@airquality.org)>.

Sincerely,



Larry Greene  
Air Pollution Control Officer

Enclosures

---

(2005 130 Cal.App.4th 322, 342 (agencies can not apply standards or thresholds "in a way that forecloses the consideration of any other substantial evidence showing that there may be a significant effect)).

<sup>5</sup> California Attorney General. "Comments on Draft Environmental Impact Report for Coyote Valley Specific Plan." Letter to the City of San Jose. 19 Jun. 2007.

**Summary of current actions by other agencies and the courts related to Global Warming and Climate Change.**

The issue of climate change has gained a great deal of attention recently. Some of the pertinent developments include:

\* On September 27, 2006, the State of California adopted AB32, the Global Warming Solutions Act of 2006, which requires the State to reduce its carbon emissions by approximately 25% by the year 2020.

\* California Attorney General Bill Lockyer raised the issue of climate change in his comment letter (3/20/06) on the Orange County Transportation Authority's 2006 Long-Range Transportation Plan Draft Program EIR. This precedent-setting letter pointed out that GHG emissions, and their related global warming impacts, are one of the most important environmental impacts associated with vehicle emissions.

\* In April 2007, Attorney General Edmund G. Brown sued San Bernardino County for failing to account for the impacts of climate change in the county's recently adopted General Plan. On August 21, 2007, this lawsuit was settled with the adoption of an amendment to San Bernardino County General Plan. This amendment includes a Greenhouse Gas Emissions Reduction Plan that requires the county to establish current and future Green House gas emission baselines and set a target for the reduction of emissions attributable to the county's discretionary land use decisions and its own internal government operations.

\* On April 2, 2007 in the case of *Massachusetts v. EPA*, the Supreme Court ruled that the state of Massachusetts and its co-plaintiff's (which included the state of California) had legal standing to sue the Environmental Protection Agency (EPA) for its failure to regulate the emission of GHG by new automobiles. In this same decision, the court rejected the EPA's claim that it lacked authority to regulate CO<sub>2</sub> under the Clean Air Act.

## Mitigation Measures and Global Warming Resources

### **(1) Global Warming Mitigation Measures**

The following are some examples of the types mitigation that local agencies may consider under the California Environmental Quality Act (CEQA) to offset or reduce global warming impacts. The list, which is by no means exhaustive or obligatory, includes measures and policies that could be undertaken directly by the local agency, incorporated into the agency's own "Climate Action Plan," or funded by "fair share" mitigation fees; measures that could be incorporated as a condition of approval of an individual project; and measures that may be outside the jurisdiction of the local agency to impose or require but still appropriate for consideration in an agency's environmental document.

While the lead agency must determine which particular mitigation measures, or suite of measures, is appropriate and feasible for a particular project, proponents of individual private projects are encouraged to take an active role in developing and presenting to lead agencies new and innovative ways to address the impacts of global warming.

#### **Transportation**

- Coordinate controlled intersections so that traffic passes more efficiently through congested areas. Where signals are installed, require the use of Light Emitting Diode (LED) traffic lights.<sup>1</sup>
- Set specific limits on idling time for commercial vehicles, including delivery and construction vehicles.
- Require construction vehicles to use retrofit emission control devices, such as diesel oxidation catalysts and diesel particulate filters verified by the California Air Resources Board (CARB).<sup>2</sup>
- Promote ride sharing programs *e.g.*, by designating a certain percentage of parking spaces for high-occupancy vehicles, providing larger parking spaces to accommodate vans used for ride-sharing, and designating adequate passenger loading and unloading and waiting areas.
- Create car-sharing programs. Accommodations for such programs include providing parking spaces for the car-share vehicles at convenient locations accessible by public transportation.<sup>3</sup>
- Require clean alternative fuels and electric vehicles.
- Develop the necessary infrastructure to encourage the use of alternative fuel vehicles (*e.g.*, electric vehicle charging facilities and conveniently located alternative fueling stations).<sup>4</sup>
- Increase the cost of driving and parking private vehicles by imposing tolls, parking fees, and residential parking permit limits.

- Develop transportation policies that give funding preference to public transit.<sup>5</sup>
- Design a regional transportation center where public transportation of various modes intersects.
- Encourage the use of public transit systems by enhancing safety and cleanliness on vehicles and in and around stations.
- Assess transportation impact fees on new development in order to facilitate and increase public transit service.<sup>6</sup>
- Provide shuttle service to public transit.
- Offer public transit incentives.
- Incorporate bicycle lanes into street systems in regional transportation plans, new subdivisions, and large developments.
- Create bicycle lanes and walking paths directed to the location of schools and other logical points of destination and provide adequate bicycle parking.<sup>7</sup>
- Require commercial projects to include facilities on-site to encourage employees to bicycle or walk to work.
- Provide public education and publicity about public transportation services.<sup>8</sup>

#### **Energy Efficiency and Renewable Energy**

- Require energy efficient design for buildings.<sup>9</sup> This may include strengthening local building codes for new construction and renovation to require a higher level of energy efficiency.
- Adopt a “Green Building Program” to promote green building standards.<sup>10</sup>
- Fund and schedule energy efficiency “tune-ups” of existing buildings by checking, repairing, and readjusting heating, ventilation, air conditioning, lighting, hot water equipment, insulation and weatherization. (Facilitating or funding the improvement of energy efficiency in existing buildings could offset in part the global warming impacts of new development.)
- Provide individualized energy management services for large energy users.
- Require the use of energy efficient appliances and office equipment.<sup>11</sup>
- Fund incentives and technical assistance for lighting efficiency.<sup>12</sup>
- Require that projects use efficient lighting. (Fluorescent lighting uses approximately 75% less energy than incandescent lighting to deliver the same amount of light.)
- Require measures that reduce the amount of water sent to the sewer system. (Reduction in water volume sent to the sewer system means less water has to be treated and pumped to the end user, thereby saving energy.)<sup>13</sup>
- Incorporate on-site renewable energy production (through, *e.g.*, participation in the California Energy Commission’s New Solar Homes Partnership). Require project proponents to install solar panels, water reuse systems, and/or other systems to capture energy sources that would otherwise be wasted.<sup>14</sup>

- Streamline permitting and provide public information to facilitate accelerated construction of solar and wind power.
- Fund incentives to encourage the use of energy efficient equipment and vehicles.<sup>15</sup>
- Provide public education and publicity about energy efficiency programs and incentives.

### **Land Use Measures**

- Encourage mixed-use and high-density development to reduce vehicle trips, promote alternatives to vehicle travel and promote efficient delivery of services and goods. (A city or county could promote “smart” development by reducing developer fees or granting property tax credits for qualifying projects.<sup>16</sup>)
- Discourage “leapfrog” development. Enact ordinances and programs to limit sprawl.<sup>17</sup>
- Incorporate public transit into project design.<sup>18</sup>
- Require measures that take advantage of shade, prevailing winds, landscaping and sun screens to reduce energy use.
- Preserve and create open space and parks. Preserve existing trees and require the planting of replacement trees for those removed in construction.
- Impose measures to address the “urban heat island” effect by, *e.g.*, requiring light-colored and reflective roofing materials and paint; light-colored roads and parking lots; shade trees in parking lots; and shade trees on the south and west sides of new or renovated buildings.<sup>19</sup>
- Facilitate “brownfield” development. (Brownfields are more likely to be located near existing public transportation and jobs.)
- Require pedestrian-only streets and plazas within developments, and destinations that may be reached conveniently by public transportation, walking, or bicycling.<sup>20</sup>

### **Solid Waste Measures**

- Require projects to reuse and recycle construction and demolition waste.
- Implement or expand city or county-wide recycling and composting programs for residents and businesses.
- Increase areas served by recycling programs
- Extend the types of recycling services offered (*e.g.*, to include food and green waste recycling).
- Establish methane recovery in local landfills and wastewater treatment plants to generate electricity.<sup>21</sup>
- Provide public education and publicity about recycling services.

**(2) General Resources**

The following web sites and organizations provide general information about mitigating global warming impacts at the local level. These sites represent only a small fraction of the available resources. Local agencies are encouraged to conduct their own research in order to obtain the most current and relevant materials.

- The U.S. Conference of Mayors' Climate Action Handbook contains valuable information for the many local agencies that are joining the fight against global warming. The Handbook is available at the City of Seattle's Climate Action Plan website: <http://www.cityofseattle.net/climate/docs/ClimateActionHandbook.pdf>.
- Local Governments for Sustainability, a program of International Cities for Local Environmental Initiatives (ICLEI), has initiated a campaign called Cities for Climate Protection (CCP). The membership program is designed to empower local governments worldwide to take action on climate change. Many California cities have joined ICLEI. More information is available at the organization's website: <http://www.iclei.org/>.

**(3) Notes**

1. For a discussion of the use of LED traffic lights, see the City of Berkeley's Resource Conservation and Global Warming Abatement Plan at <http://www.baaqmd.gov/pln/GlobalWarming/BerkeleyClimateActionPlan.pdf>.
2. See [www.arb.ca.gov/diesel/verdev/verdev.htm](http://www.arb.ca.gov/diesel/verdev/verdev.htm) and [www.epa.gov/ispd/pdf/emission\\_0307.pdf](http://www.epa.gov/ispd/pdf/emission_0307.pdf).
3. There are a number of car sharing programs operating in California, including City CarShare <http://www.citycarshare.org/>, Zip Car <http://www.zipcar.com/> and Flexcar <http://www.flexcar.com/>.
4. See the City of Santa Monica's Green Building Program at <http://www.greenbuildings.santa-monica.org/transportation/parkingcharging.html>.
5. San Francisco's "Transit First" Policy is listed in its Climate Action Plan, available at <http://www.sfenvironment.com/aboutus/energy/cap.htm>.
6. San Francisco assesses a Downtown Transportation Impact Fee on new office construction and commercial office space renovation within a designated district. The fee is discussed in the City's Climate Action plan. See Note 5.
7. See Marin County's Safe Routes to Schools program at <http://www.saferoutestoschools.org/>.

8. The U.S. Conference of Mayors' Climate Action Handbook, cited above, lists education and outreach as key components to taking action against global warming.
9. Leadership in Energy and Environmental Design (LEED) administers a Green Building Ratings program that provides benchmarks for the design, construction, and operation of high-performance green buildings. More information about the LEED ratings system is available at <http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>.
10. The City of Santa Monica has instituted a Green Building Program. See <http://www.greenbuildings.santa-monica.org/>.
11. Energy Star is a joint program of the U.S. Environmental Protection Agency and the U.S. Department of Energy that certifies energy efficient products and provides guidelines for energy efficient practices for homes and businesses. More information about Energy Star certified products is available at <http://www.energystar.gov/>.
12. As described in its Climate Action Plan, the City of San Francisco uses a combination of incentives and technical assistance to reduce lighting energy use in small businesses such as grocery stores, small retail outlets, and restaurants. The program offers free energy audits and coordinated lighting retrofit installation. In addition, the City offers residents the opportunity to turn in their incandescent lamps for coupons to buy fluorescent units. See Note 5.
13. The City of Berkeley's Resource Conservation and Global Warming Abatement Plan includes information about strategies for promoting the use of low flush toilets and shower heads. See Note 1.
14. At the direction of Governor Schwarzenegger, the California Public Utilities Commission (CPUC) approved the California Solar Initiative on January 12, 2006. The initiative creates a \$3.3 billion, ten-year program to install solar panels on one million roofs in the State. See <http://www.gosolarcalifornia.ca.gov/nshp/index.html>.
15. In March 2007, the League of California Cities (LOCC) Climate Change Working Group drafted proposed Climate Change Policies and Guiding Principles for the League. The draft principles (March 30, 2007) can be found on the LOCC website at [http://www.cacities.org/resource\\_files/25656.EQ%20high3-07%20REVISED.pdf](http://www.cacities.org/resource_files/25656.EQ%20high3-07%20REVISED.pdf)
16. The City of Berkeley has endorsed this strategy in its Resource Conservation and Global Warming Abatement Plan. See Note 1.
17. Samples of local legislation to reduce sprawl are set forth in the U.S. Conference of Mayors' Climate Action Handbook, cited above.

18. The U.S. Conference of Mayors cites Sacramento's Transit Village Redevelopment as a model of transit-oriented development. More information about this project is available at <http://www.cityofsacramento.org/planning/projects/65th-street-village/>.
19. See Lawrence Berkeley National Laboratory's "Cool Roofing Materials Database" prepared by the Laboratory's Heat Island Project at <http://eetd.lbl.gov/coolroof/> and U.S. EPA's Heat Island site at [www.epa.gov/heatisland/](http://www.epa.gov/heatisland/).
20. Palo Alto's Green Ribbon Task Force Report on Climate Protection recommends pedestrian streets under its proposed actions. See <http://www.city.palo-alto.ca.us/greenribbon/index.html>.
21. San Diego's Metropolitan Wastewater Department installed eight "digesters" at one of its wastewater treatment plants. Digesters use heat and bacteria to break down the organic solids removed from the wastewater to create methane. See <http://www.sandiego.gov/mwwd/facilities/ptloma.shtml>.