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February 18, 2011

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300 Richards Boulevard, Third Floor
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Subject: DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE NORTHWEST LAND PARK
File Number: P10-039
AQMD Number: SAC201001366

Dear Ms. Allen:

Thank you for providing the Northwest Land Park project to the Sacramento Metropolitan Air Quality Management District (District) for review. The District has comments on the project's design, the Criteria Pollutant Analysis, the Toxic Air Contaminants analysis, and the Global Climate Change analysis. These comments are listed below.

Project Design

It is the District's position that the project's density, design, and location are consistent with smart growth principals that will reduce the per capita vehicle miles travelled (VMT) and associated emissions of air pollutants. The project is also consistent with the goals of the SACOG Regional Blueprint and presents Sacramento City Council with an opportunity to approve a project that puts into practice essential policies from the General Plan.

Recognizing that 47 percent of our/the region's ozone precursor emissions come from on-road mobile sources¹, it is essential that new residential units minimize the need for use of personal motor vehicles. The Northwest Land Park Project has a compact design, minimum parking, and a transit-supportive density proximate to transit and the Sacramento River bike trail - features that have been linked to a reduction in personal motor vehicle use².

The District encourages the City and the project proponents to work with the California Department of Parks and Recreation to ensure that a pedestrian and bicycle pathway is built in the former railroad spur tunnel linking the project site to the Sacramento River trail to the west. District staff would be happy to provide assistance and analysis to support the implementation of this critical link.

¹ Sacramento Region 2005 Ozone-Precursor Emissions Inventory, available online at: <http://www.airquality.org/>

² Online TDM encyclopedia, Victoria Transportation Institute; <http://www.vtpi.org/tm/tm81.htm>

Criteria Pollutants (ROG and NOx)

The District notes that the project has an endorsed Air Quality Mitigation Plan that is anticipated to reduce the operation emissions of criteria pollutants by 18.99% from a business-as-usual scenario, which exceeds the 15% requirement by 3.99% and will reduce this impact to below the SMAQMD level of significance. The District also notes that the project will comply with General Plan policies E.R. 6.1.11 & 6.1.15; which require the implementation of the District's standard construction mitigation.

Toxic Air Contaminants (TACs)

The District would like to thank project proponents and City staff for consulting with us early in regards to the SMAQMD expectations for TAC analysis of this project.

The discussion of Standards of Significance on page 5.1-14 states:

"AAQS have not been established for TACs. TAC exposure is deemed to be significant by the SMAQMD if: TAC exposures create a risk of 10 in 1 million for stationary sources, or Substantially increase the risk of exposure to TACs for mobile sources."

Please note that the District's *CEQA Guide to Air Quality Assessment* does not establish a threshold of significance for TAC emissions. While the *SMAQMD Recommended Protocol for Evaluating the Location of Sensitive Land Uses Adjacent to Major Roadways* (Protocol) does include a screening table that establishes an exposure level at which we recommend a site specific health risk assessment (HRA), it does not establish a threshold of significance.

The third bullet point on page 5.1-23 states:

"The housing constructed at the project site would be multi-family, and would not result in exposure encountered in single family residential including adjacent outdoor recreational space. While multi-family development may include outdoor recreational areas, residents of multi-family development may include outdoor recreational areas, residents of multi-family developments are more likely to utilize either interior recreational or outdoor recreational areas off-site."

Please provide a reference or citation that supports this conclusion.

The forth bullet point on page 5.1-23 describes a plan to include a tiered planting of vegetation, incorporating redwood and/or deodar cedar trees into the landscape area's adjacent to the freeway. Please augment this discussion with a description of the anticipated implementation schedule for these plantings in comparison to the build-out schedule for the project.

Global Climate Change

Background: The NWLP DEIR analyzes the construction and operational GHG emissions of the proposed project and of the current land uses. It determines that the operational emissions of the proposed project, including amortized construction emissions, are 12,271 MTCO₂e/yr. The analysis then subtracts

the GHG emissions from the current land use, 2,720.04 MTCO₂e/year, to come to a net emissions figure for the proposed project of 9,551 MTCO₂/year. Finally, the DEIR claims some emissions reductions based on PUD Guidelines and General Plan policies. The DEIR claims these reductions will reduce the project's impact to 6,690 MTCO₂/year.

The DEIR does not formulate its own GHG Threshold of Significance against which it could judge the 6,690 MTCO₂e /yr. Instead, it tiers off of the City's General Plan analysis of the City's GHG emissions; it references the City's Sustainability Master Plan and it employs a 29% reduction strategy which we assume is based upon ARB's Scoping Plan's reduction target.

The DEIR then comes to the following two conclusions regarding the construction and operation emissions of the proposed project:

*"the proposed project **would not have any additional significant effect** related to global climate change that was not addressed as a significant effect in the Master EIR."³*

*"the proposed project **will not conflict with applicable plans, policies and regulations** adopted by the City of Sacramento and the State of California for the purpose of reducing GHG emissions."*

Because of these conclusions reached by the DEIR, there is no mitigation listed in the Mitigation Monitoring Report for the project.

Discussion: SMAQMD has concerns about the treatment of global climate change in the DEIR on several fronts which will be discussed in turn, the most important of which is the last bulleted concern.

- Dependence on the General Plan which still lacks a Climate Action Plan and meaningful mitigation
- Reference to PUD Guidelines for mitigation
- Analysis of emissions reductions claimed in Appendix L
- Lack of adequate, enforceable, GHG mitigation required of this project.

Dependence on the General Plan: The DEIR discussion relies heavily on the analysis of the significance determination for GHG emissions foreseen by the General Plan. The General Plan FEIR found the City's GHG emissions to be "significant and unavoidable" and the NWLP project DEIR understandably finds the project's emissions (9,542MTCO₂e) to be within those anticipated by the General Plan.

The DEIR discussion also relies heavily on the policies of the General Plan for actual mitigation. It states

"The following 2030 General Plan Policies are specifically outlined here because they are used to quantify emissions reductions for the proposed project."

³ NWLP DEIR, Dec 2010, chapter 5.4 Global Climate Change, pg. 5.4-27.

Unfortunately, all six of the referenced relevant General Plan policies use permissive verbs like “encourage,” “shall work,” “discourage,” “shall promote” and “educate.” This policy language is not enforceable or measurable. THE DEIR also states

“The only 2030 General Plan measures [sic] with a specified reduction, Policy U 6.1.5, requires the reduction of energy usage by 25 percent; that has been accounted for in the emission inventories.”⁴

This is a misstatement: policy U6.1.5 actually states:

U6.1.5 Energy Consumption Per Capita. *The City shall encourage residents and businesses to consume 25 percent less energy by 2030 compared to the baseline year of 2005. (SO)*

Again, the policy itself uses the more permissive “shall encourage” which provides no actual prescriptive commitment, and therefore, no quantifiable emission reduction. The policy also speaks to a goal for 2030, which would not necessarily be in place by the project’s build out year. In addition, Appendix K, General Plan Consistency Tables, indicates Policy U6.1.5 is “N/A” (not applicable) for this project. It’s inconsistent that the policy is listed as “N/A” in the Appendix but is relied upon for emissions reductions in Appendix L. The District believes it’s inappropriate to depend on any of the referenced General Plan policies, including U6.1.5, for actual quantifiable emission reductions for subsequent projects, including NWLP. The General Plan’s intent to reduce emissions is stated in the policies, but none of the policies require actual emission reductions.

Unfortunately, The Climate Action Plan which was referenced as mitigation by the General Plan (over a year ago) for the Plan’s significant GHG impact is not yet complete. We believe this constitutes deferred mitigation since there are currently no specific, enforceable GHG mitigation measures for the General Plan but they were committed to by The General Plan’s FEIR. Because of that, it’s inappropriate for the NWLP DEIR to reference any General Plan mitigation.

Reference to PUD Development Guidelines for mitigation: The DEIR includes a discussion of project specific PUD Guidelines which address about 21 project “development styles and standards” which could have an effect on the project’s GHG emissions. The DEIR states the guidelines “support GHG emission reduction” and yet the language of the guidelines is not regulatory nor quantifiable. For example, the guideline that addresses how roof areas should be oriented states that “through an aggressive sales program, [the project] shall encourage and provide solar systems as an option with every unit.” Because the guidelines’ language is vague and permissive, the District believes these guidelines cannot be treated as actual mitigation.

Analysis of emissions reductions claimed in Appendix L: The analysis of project GHG emissions and reductions in Appendix L is very difficult to follow and seems to contain some flaws. One of the requirements of CEQA is that CEQA documents be understandable for the reader and especially decision makers who want to be informed. We suggest some additions to Appendix L: an introduction, the use of page numbers and the insertion of more text among the spreadsheets would be helpful. For example,

⁴ NWLP DEIR chapter 5.4 Global Climate Change, pg. 5.4-26.

on the page entitled “Northwest Land Park- Greenhouse Gas Emission Worksheet Operational Emissions,” two mitigation measures were included which will affect indirect GHG from electricity use: “reduction for installation of solar” (2.5% of electricity) and “City regulated reduction in consumption” (25%). It is not clear where these two mitigation measures are required of the project such that they can be claimed in this analysis. Reference notes in the spreadsheet would be helpful. If the 25% mitigation is related to Policy U6.1.5, please refer to our prior comment. If the installation of solar mitigation measure is related to the PUD Guideline discussed above, then please justify how 2.5% of the project’s electricity related emissions will be reduced through “an aggressive sales campaign.” On the next page of the analysis, there’s a similar claim for 25% reduction in natural gas indirect GHG emissions. If that reduction is based on General Plan Policy U.6.1.5, we believe that claim would be speculative as well.

In addition, there seems to be an oversight in the discounting of the project’s GHG emissions relative to electricity because SMUD’s portfolio of energy contains 15% hydroelectric. The SMUD emission factor should already factor into their portfolio mix.

Regarding the mobile sector emissions, we believe more clarification about the 36.4% GHG emissions reductions is needed. A footnote on the Mobile Emissions Table⁵ states “*reduction included in this spreadsheet is beyond what is accounted for in the URBEMIS model.” We are unclear as to the nature of the additional reductions and how they would be assured. This table includes a column which states “reductions from Energy Efficiency standard.” We do not see where these reductions come from. On one line in the table, it appears the low carbon fuel standard was used to discount the project’s emissions. Would the other unknown reductions be attributable to Pavley? If so, that information should be supplied in the document. It appears no VMT-reducing mitigation was claimed for any project feature such as the dense, walkable nature of the project. Nor was a “pass-by” trip feature employed by the analyst. We believe that it’s an unfortunate oversight.

The construction related emission analysis contained in the URBEMIS run for Appendix L contains mitigation for those pieces of construction equipment. The use of Diesel Particulate Filters, 1st Tier reduces the emissions specified in the analysis. However, that mitigation is not specified in the Mitigation Monitoring Report. We believe if a project claims credit for mitigation in the analysis, that the mitigation should be required of those who build the project. Such requirements occur in the Mitigation Monitoring Report.

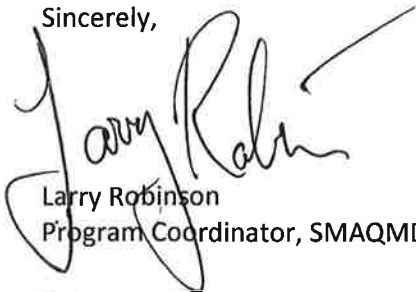
Finally, Table 5.4-1 shows the project’s annual GHG emissions in terms of the “existing industrial” project, the project’s “business as usual” emissions, the project’s “business as usual” emissions less the existing project and, finally, the project emissions with its “project design” features. The table states that the project’s emissions are reduced by 29.95%. The District believes there are serious issues with the mitigation claimed in the electricity and natural gas sectors. Because it’s unclear how reductions were achieved in the transportation sector, we reserve judgment on that sector but suggest the document provide a more thorough justification of the mitigation. Because of these issues, we question the claim for 29.95% mitigation.

⁵ NWLP DEIR Appendix L, “Greenhouse Gas Emission Worksheet, Mobile Emissions,” no page number

Lack of adequate, enforceable GHG mitigation required of this project: The DEIR's "Summary of Environmental Effects Table 3-1 states that impact 5.4-1 (*GHG could have significant impact on the environment*) and impact 5.4-2 (*project may conflict with applicable GHG reduction plan*) are both less than significant. The Table also states that no mitigation is required. However, the DEIR's Appendix L clearly states that mitigation is required.⁶ The District believes that specific mitigation should be required to support the reductions claimed by the DEIR and that the mitigation should be fully specified in the Mitigation Monitoring Report (MMRP). For example, if the project intends to mitigate 25% of the project's indirect energy emissions, the mitigation should be written in terms of exceeding Title 24 standards. Such a measure would be quantifiable and enforceable. A General Plan policy is not. If the project intends to mitigate indirect electricity related emissions by 2.5% from solar, then there should be a mitigation measure that mandates the installation of solar on a specific number of units. In addition, the construction mitigation measures should also be included. Such mandates need to be included in the MMRP to ensure the actions will occur.

Please contact Joseph James Hurley at (916) 874-2694 or jjhurley@airquality.org if you have any questions regarding the District's comments on this project. SMAQMD looks forward to the projects successful implementation.

Sincerely,



Larry Robinson
Program Coordinator, SMAQMD

Cc: Joseph James Hurley, Air Quality Planner/Analyst
Jeane Berry, Climate Change coordinator
Tim Taylor, Division Manager

⁶ NWLP DEIR Appendix L, "Greenhouse Gas Emission Worksheet, Project Summary- New Land Use," no page number