

May 21, 2009

SENT VIA EMAIL

Joyce Horizumi
Environmental Coordinator
Department of Environmental Review and Assessment
827 7th Street, Room 220
Sacramento, CA 95814

**RE: Florin Vineyard GAP Community Plan Project Draft EIR; 04-GPB-CPB-0096;
SMAQMD# SAC200400141**

Dear Ms. Horizumi:

Thank you for the opportunity for the Sacramento Metropolitan Air Quality Management District (District) to review and comment on the Draft EIR for the Florin Vineyard GAP Community Plan. Staff comments are as follows:

General:

1. Based upon discussions with Regional Transit staff, the District has concerns about the densities of the plan area being sufficient to successfully support the implementation of the transit related mitigation measures for both criteria and greenhouse gas emissions. In addition, more specifics regarding the transit facilities and amenities proposed for the Plan area should be described and included in design guidelines. These efforts can be facilitated by ongoing coordination with Regional Transit staff.

Air Quality, Chapter 10:

1. On Page 10-14, Mitigation Measure AQ-1 includes mitigation that the District recommends DERA staff consider replacing, either specifically or by reference, with our newly drafted *Basic Construction Emission Control Practices* (all projects) or *Enhanced Fugitive PM Dust Control Practices* (significant projects) can be found on our website at <http://www.airquality.org/ceqa/ceqaguideupdate.shtml> and will be forwarded to Department of Review and Assessment (DERA) staff via separate email.
2. On page 10-15, Mitigation Measure AQ-2 correctly foretells of a possible change to District screening standards (Table AQ-3). Consideration should be given to using the new construction screening table, to replace Table AQ-3, which is available on our website as part of the CEQA Guide Update found at <http://www.airquality.org/ceqa/cequguideupdate/Ch3ConstructionNOxScreeningLevelsFINAL.pdf> and will be provided to DERA staff via separate email.
3. On page 10-15, in order to adequately address future changes to construction mitigation the District recommends the inclusion of our new *Enhanced Exhaust Control Practices* (f.k.a. Standard Construction Mitigation) which includes new language addressing the development of a regulation to address construction emissions. This language is available on our website at <http://www.airquality.org/ceqa/cequguideupdate/Ch3EnhancedExhaustControlPracticesFINAL.pdf> and will be forwarded to DERA staff via separate email.

4. On page 10-19, the first sentence reads "The SMAQMD has already approved the FVGCP area's AQ-15 Plan...;" however, the District does not have approval authority and recommends that "approved" be replaced with "endorsed".
5. On page 10-19, Mitigation Measure AQ-3 incorrectly notes the date of the Florin Vineyard GAP Community Plan Air Quality Mitigation Program (March 26, 2008), the date should read March 26, 2007.

Climate Change, Chapter 11:

1. Impacts to the Project from Climate Change

The general discussion of the effects of climate change on the Sacramento region is fairly exhaustive and detailed. Understandably, it is difficult, at this time, to look in the future and foresee the exact impact of climate change on the project. The DEIR determines these impacts are "potentially significant" and no mitigation is required. The District believes it would be more prudent to call for mitigation which monitors the effects of climate change on the project over the build out of the project.

2. Impact of the Project to Climate Change: Construction Emissions Discussion

The DEIR does not model the construction-related GHG emissions of the project, but determines they are a **significant and unavoidable impact** on climate change. The District recommends that these emissions be modeled using the same estimated construction information that was used for the NOx analysis. Those results should be included in the FEIR.

The DEIR cites two construction-related GHG mitigation measures for this project (pg 11-29):

1. Reduction of construction waste and building materials recycling
2. Use of zero-emission construction equipment

The reduction of construction waste measure (#1 above) is listed as a project-specific measure. Indicating that proponents may choose to implement this measure or not. However, the District recommends both of these measures be applied Plan-wide and; further, that a performance standard be included similar to the ARB December, 2008 draft performance based thresholds. Those measures were:

- Recycle and or salvage at least 75% of non-hazardous construction and demolition debris by weight (residential) or by weight and volume (commercial)
- Use recycled materials for at least 20% of construction materials, based on costs for building materials, based on volume for roadway, parking lot, sidewalk and curb materials. Recycled materials may include salvaged, reused, and recycled content materials.

3. Impact of the Project to Climate Change: Operational GHG emissions Discussion

The DEIR states there will be a "**Substantial increase**" in operational emissions when compared with existing conditions¹. Table CC-3 indicates the two versions of the project would generate 303,306 MT CO2/year or 355.432 MT CO2/year. The actual supporting analysis, however, is not referenced. We suggest there be a reference to the analysis in Appendix B so that readers will know where to find supporting details.

¹ DEIR, Florin-Vineyard Gap, pg 11-30

Since the threshold of significance is 100% mitigation, the District recommends that a discussion of the feasibility of utilizing an offset mitigation program be included in this section.

4. **Operational Mitigation for GHG**

The mitigation measure for the significant and unavoidable GHG emissions states²:

MM CC1:

All development projects within the FVGCP shall comply with the requirements of the FVGCP Climate Change Plan, dated 11-06-08. Individual development projects shall provide the County of Sacramento Department of Environmental Review and Assessment with written documentation demonstrating compliance with the FVGCP-wide greenhouse gas reduction measures and incorporation of the project-specific measures that achieve a minimum of ten points from the list of approved greenhouse gas reduction measures.

This measure needs to be much more specific to be enforceable. For example, it does not state a trigger at which time compliance to the Plan needs to be determined. Would compliance be determined when tentative maps come through or when a construction permit is pulled or some other time? The measure states that DERA would receive some "written documentation". In order to assist DERA, the District recommends that the individual GHG Reduction Plans be required to have District endorsement. It may be that new measures and/or new ways of assessing them become available over time and the District would be an excellent source for that information and judgment. In addition, the measure should speak to some consequence if an individual GHG Reduction Plan is not approved. Consequences could be that the tentative map cannot be approved or the construction permit cannot be pulled if endorsement by the District and approval by the County is not received.

Finally, we suggest that DERA seek District endorsement of the overall GHG Reduction Plan much in the same way it seeks endorsement of the overall Air Quality Mitigation Plan for criteria pollutant reduction.

5. **Florin Vineyard Community Plan Area Plan Addressing Climate Change (GHG Reduction plan)**

The District appreciates the fact that the DEIR contains a separate GHG Reduction Plan and that efforts have been made to identify appropriate mitigation. However, we recommend that the Plan be revised, strengthened, and endorsed by the District. Specifically:

Section I- A: Measures #1-9 of the GHG Reduction Plan rely on version 1.1 of the District "Recommended Guidance for Land Use Emission Reductions" for criteria pollutants, a document which was updated in August 2007. This resulted in a number of measures being discarded or revised and point values updated. These changes were discussed with the proponent and the County at the meeting on May 4, 2009. Copies of the current Guidance were provided. To the extent the GHG Reduction Plan relies on the District guidance, the Plan should use the current District measures and point values. The use of the new measures and associated point values may result in a different emission reduction point value than the current 12.5.

Section I-B: The GHG Reduction Plan then uses a measure in the District's current Guidance which is appropriate.

Section II: This section contains mitigation measures from the Attorney General's list of recommended measures. Points have been assigned to all measures. However, it is not clear

² Ibid, pg 11-35

how the points were derived. The District recommends that there should be a clear demonstration of the nexus between the chosen measures and the percentage points given.

There is no appendix with an analysis that demonstrates that these measures actually will reduce the GHG project emissions by the amounts claimed. For example, why did the measure about developing an underused property receive 15%? That implies a reduction of $.15 \times 320,000$ MT/year or 48,000 MT CO₂. Using the "Recommended Guidance for Land Use Emission Reductions" point values at the beginning of the GHG Reduction Plan sets the expectation that the points claimed actually correspond to a percentage of reduction of the GHG impact. If there is no analysis of the points awarded for the measures in Section II, the District recommends it be clearly stated that the points in the plan are not related to percentages of actual emission reductions. The District cannot endorse a Plan that claims quantifiable emission reductions but does not provide an analysis of those conclusions.

6. **Plan-wide vs Project-specific measures**

Measures in the GHG Reduction Plan are identified either as Plan-wide measures or Project-specific measures, ones which a proponent could pick or abandon.

The Plan-wide measures in the GHG Reduction Plan are:

- 1) District measures from "Recommended Guidance for Land Use Emission Reductions"
- 2) installation of cool roofs (#3) 1 point
- 3) maintain hydrologic character (#20) .5 points
- 4) incorporate public transit into project design (#29) 8 points
- 5) preservation of open space (#30) 2 points
- 6) development of underused properties near existing public transportation and jobs (#31) 15 points

The current Plan-wide measures seem appropriate; however, many other measures could conceivably be included as Plan-wide measures, particularly if incorporated into design guidelines. We recommend the proponents reconsider all the measures, including the following as Plan-wide measures:

- The two construction material recycling measures referenced above
- Energy efficiency measures- #1, 2, 5, 6³
- Water conservation and efficiency measures- # 13, 14, 15, 18, 21⁴
- Solid waste measures- # 24
- Transportation measures - # 34, 35, 36, 37, 38, 41
- Public outreach- # 49

Project level comments, Volumes 2 and 4

1. The URBEMIS results for Florin Vineyard Retail 04-0143 and for Florin Vineyards 04-0207, were mistakenly confused and placed in the wrong order in Volume 4. In addition, URBEMIS runs for Taylor Properties at Gerber and Bradshaw Roads 04-0226; Caselman Ranch 04-0233; and Gasnakis & Kumar 04-0247 were inadvertently left out. As of this writing, District staff has obtained all missing URBEMIS runs from DERA staff for review.
2. Florin Vineyards 04-0207, beginning on Page Vol.2 8-25, this reference (and all others) to \$14,300/ton for the off site construction mitigation fee should be replaced with language referring to "... the current rate of \$16,000/ton of NO_x or the prevailing rate in effect at time of construction." Also Appendix FV-2, the Construction Emissions Mitigation Fee Calculation spreadsheet, should be replaced with the more current version which uses the \$16,000/ton rate.

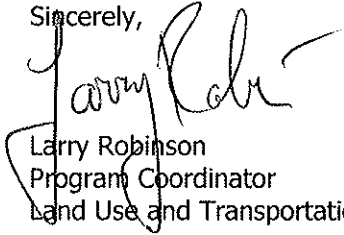
³ Florin Vineyard Community Plan Area Plan Elements Addressing Climate Change, pg. C-6

⁴ Ibid, pg C-9 – C-10

In addition, all development projects are subject to any applicable District Rules that may be in affect at the time of construction. An attachment outlining some of those rules is attached for your information. For further details regarding all District rules refer to our website at www.airquality.org or contact our Compliance Assistance Hotline at (916) 874-4884.

Please contact the following members of my staff for questions: Charlene McGhee, cmcghee@airquality.org for any general questions and Jeane Berry Borkenhagen, jborkenhagen@airquality.org for questions regarding Climate Change.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry Robinson". The signature is written in a cursive style with a large, sweeping initial "L".

Larry Robinson
Program Coordinator
Land Use and Transportation Section

Attachment

c: Roy Brewer, Brewer Lofgren, LLP
Steve T. Johns, Brewer Lofgren, LLP
Cathy Hack, County of Sacramento, DERA
Charlene McGhee, Sacramento Metropolitan AQMD
Jeane Berry Borkenhagen, Sacramento Metropolitan AQMD

SMAQMD Rules & Regulations Statement (revised 1/07)

*The following statement is recommended as standard condition of approval or construction document language for **all** development 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 or by calling 916.874.4800. Specific rules that may relate to construction activities or building design 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.

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

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 417: Wood Burning Appliances. Effective October 26, 2007, this rule prohibits the installation of any new, permanently installed, indoor or outdoor, uncontrolled fireplaces in new or existing developments.

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.