



## **PRESS RELEASE**

**March 1st, 2013**

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### **ECOS and Sierra Club File Lawsuit Challenging Cordova Hills Project Approval**

The Environmental Council of Sacramento (ECOS) and the Sierra Club filed suit today challenging the County of Sacramento's approval of Cordova Hills, a massive residential and commercial development that is inconsistent with the region's efforts to control sprawl. The project would also undermine the region's efforts to reduce emissions of federally regulated air pollutants and greenhouse gases, as well as efforts to protect what remains of the state's richest vernal pools.

ECOS, a coalition of environmental organizations in the Sacramento area, and the Sierra Club have consistently pushed for responsible urban development that maximizes benefits to the region and protects habitat values.

Cordova Hills as approved consists of 2,667 acres, of which 2,120 acres will be urbanized, 302 acres will be avoided or used for agriculture or recreation and 247 acres which will be reserved for a university/college campus center. 1.3 million square feet of retail are planned. 8000 homes are also planned with a population of 21,379.

Sean Wirth, conservation chair for the Mother Lode Chapter of the Sierra Club, stated "This project is classic leapfrog sprawl development that utilized an enticement of a major regional amenity, namely the university, to give the Sacramento County Board of supervisors cover to approve the destruction of some of the finest remaining vernal pools in our region. And there isn't even a university on the hook to locate there."

"ECOS presented convincing evidence that securing a university at Cordova Hills is at best very unlikely," Wirth continued. . "The environmental impact report's failure to analyze the project's greater impacts without a university is a key factor in our legal challenge".

ECOS and the Sierra Club consider the approval of this project to be a large step backward in regional planning. It ignores the Sacramento Area Council of Governments (SACOG) Blueprint and the Regional Transportation Plan's Sustainable Communities Strategy (SCS), as well as the State Implementation Plan (SIP) for air quality.

"It adds to urban sprawl and undercuts efforts to promote infill development near existing jobs," Rick Guerrero, ECOS president stated. "If this approval stands, it will signify a failure in statewide efforts to engender and incentivize smart growth planning principals as a way to reduce greenhouse gases. Given the serious ramifications of this project, it is not surprising to see the broad opposition that is building even beyond the boundaries of the state,"

"We need to bolster the efficacy of SB375, which ties transportation dollars to smart growth development, not allow it to be openly flouted with business as usual sprawl projects that have negative impacts that are regional in scope," said Wirth.

"Allowing a new development the size of a city on the fringe of the county is going to result in very negative consequences for the entire region, including impacts to health, habitat, endangered and threatened species, traffic, value of existing homes, the ability to make infill development financially feasible, funding for communities at risk, as well as regional planning efforts like the SCS and the SACOG Blueprint."

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**Background:**

The project site is within the Mather Core Recovery Area for vernal pools, an area designated as the highest priority for vernal pool conservation. The mitigation for these vernal pools is anticipated to occur through the South Sacramento Conservation Plan (SSHCP) which has yet to be adopted, and it should be noted that a significant compromise was achieved in the SSHCP that balanced the loss of these and related pools with the regional benefits of the SSHCP. As such there remain uncertainties as to how effective the mitigation will be both within the SSHCP as well as in the absence of the SSHCP, if it is never finished and implemented.

The broader issue with the project relates to its satellite location and the elevated vehicle miles traveled (VMT) and air pollution associated with living in and driving from that location. The remote location of the Project creates difficulties for the region to meet its obligations under AB 32 and SB 375 as well as the SIP for ozone. The Project proponents, realizing this problem, had earlier included a 6000 student self contained university (College of Sacramento, a religious university that was to be operated by the Legionaries of Christ) as part of the project that reduced calculated VMT based on a greater number of local trips associated with either attending or working at the University. The College of Sacramento has since folded and no new university candidate has been located. All of the analysis in the environmental impact report (EIR) for air

pollutants and greenhouse gases were calculated based on the assumption the Project would include a self contained university. The comments on the draft EIR submitted by the Sierra Club (see attached) and others identified the omission of an analysis of a “no university” scenario as a significant problem with the report because there was no certainty of a university ever locating there. Without the presence of the university being directly tied to development (through phasing or other mechanisms) the proposed analysis including the university did not reflect the likely reality of how the project would develop.

In 2011, SACOG completed its first SCS for inclusion in its Municipal Transportation Plan (MTP) update. The SCS is the implementation of SB375 which ties transportation dollars to smart growth development. SB375 is the urban development piece of the pie that is needed to meet the greenhouse gas (GHG) reductions required by AB32. The SCS is a sophisticated analysis and strategy designed to meet those GHG reductions. California Environmental Quality Act (CEQA) streamlining is used as a carrot to drive development into infill and other smart growth development areas. Whereas the SCS does not have any regulatory teeth, it does represent a development scenario that will allow the SACOG region to meet its GHG reductions. Dramatic deviations from the SCS, though not inhibited by any specific regulatory requirement, impact the strategy such that the options for successfully meeting the regional GHG reductions become increasingly limited. SACOG has made clear that it sees the Cordova Hills project as premature and will result in elevated levels of GHG. The project site is located far outside the boundary of the SCS, which addresses growth demand up until 2035

While there are no regulatory teeth yet for GHG, this is not the case for ozone. The project is also inconsistent with the State Implementation Plan (SIP) for ozone. While the project proponents did prepare a best case 35% air quality mitigation plan, which was endorsed by the Air Quality Management District, the project would need to mitigate its reactive organic gas (ROG) and oxides of nitrogen (NO<sub>x</sub>) emissions by 100% for the project to be consistent with the SIP. The project’s inconsistency with the SIP and the SCS could jeopardize the approval of projects already in the SIP and SCS, which are more appropriately located from a VMT and emissions perspective, since the emissions from the project inevitably will need to be made up elsewhere. And that is the best case scenario with the university in place. The situation deteriorates much further as relates the SIP with the absence of the university.

The SCS was designed to incentivize growth in appropriate locations. It acknowledges that allowing premature fringe developments such as Cordova Hills will drive development and resource focus away from smart growth infill areas such as the inner cities of our region. The presence of large tracts of undeveloped entitled lands will adversely affect the prognosis for success of infill developers contemplating inner city and developed urban area infill projects.

Serious deficiencies in the EIR were presented in comment letters and public testimony to little or no effect. The lawsuit challenges, among other causes, the lack of analysis for a “no university” scenario in the EIR. The analysis of impacts in the EIR relied upon the

presence of a large self-contained university. No such university is extant or likely and, therefore, the actual impacts were not identified or mitigated. Similarly, the 1.3 million square feet of retail space included and analyzed in the project appear unrealistic given its geographic isolation and the significant obstacles to future growth there. At issue, as well, are the sensitive and rare vernal pools and other habitat that will be destroyed without adequate mitigation measures.