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City of Galt
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Sent via email to cerias@ci.galt.ca.us

December 4, 2019

Subject: Follow Up to Comments on the City of Galt's draft Climate Action Plan (CAP)

Dear Mr. Erias,

This letter augments our September 30, 2019 comments on the City of Galt's draft Climate Action Plan (CAP). We have concerns about the City's proposed California Environmental Quality Act (CEQA) compliance strategy for the CAP and its two related plans. These comments are submitted informally outside of an established public review period, in the hope they may assist the City frame its environmental review strategy.

The CAP Requires Environmental Impact Report (EIR) Analysis

The draft CAP states,

This CAP is intended to streamline future environmental review of development projects in the City of Galt by following the California Environmental Quality Act (CEQA) Guidelines for a Qualified GHG Reduction Strategy.

CAP development is funded under a California Energy Commission (CEC) *Small Government Leadership Challenge (SGLC) Grant* agreement, which states the City will,

... prepare an Initial Study / Mitigated Negative Declaration (IS/MND) to analyze the potential environmental impacts associated with adoption of the CAP.

We believe preparing an MND for the CAP would be inconsistent with CEQA requirements. Our previous letter demonstrated that the City's draft CAP does not meet the requirements for a qualified GHG reduction plan or for mitigation enforceability, per *CEQA Guidelines* 14 CCR §15183.5 and §15126.4(a)(2). We cited unsupported use of statewide targets, failure to meet the State's 2050 target, non-enforceability of virtually all proposed mitigation measures, inadequate monitoring and update protocol, and lack of implementation funding.

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We suggest the above would support a fair argument that adopting the draft CAP as a qualified GHG reduction plan which could streamline (i.e., diminish) CEQA review for future projects may have a significant effect on the environment. Pursuant to 14 CCR §15064 such a potential impact requires environmental analysis via an EIR.

CEQA's Enforceability Requirements. Enforceable and otherwise credible GHG-reduction mitigation is incumbent on lead agencies, whether CEQA-compliance is tiered or project-specific, and lead agencies are prohibited from approving projects if feasible mitigation measures would reduce impacts (14 CCR §15021[a][2]; §15096(g)[2]). If CAP measures are not fully enforceable, they must be made so at the project level, and if there is substantial evidence that the measures would be inadequate, GHG impacts must be analyzed in the project EIR (14 CCR §15183.5[b][2]). A CAP proposing non-enforceable or ineffective measures thus fails its streamlining function, and CAPs which are arguably "non-qualified" create process uncertainty ill-serving the lead agency, project proponents, and general public.

The Proposed Environmental Review is Segmented. The City's grant agreement provides for concurrent development of three planning documents:

- Climate Action Plan. The CAP is reviewed in our previous letter and above. As noted, the City anticipates complying with CEQA via a Negative Declaration.
- Transportation Corridor Management Plan. SGLC grant, Task 3.2, states that this Management Plan will "*identify future development in the Northeast Galt area and ... forecast future traffic conditions along the corridor.... [to] fully evaluate both Carillion Boulevard and its parallel roadways....*" Based on the grant agreement, the City anticipates complying with CEQA via a Negative Declaration.
- Master Plan. This Plan, published as the draft *Carillion Boulevard Complete Street Corridor Study* (Study) presents two alternatives, both of which include traffic calming measures along Carillion Boulevard and improved bicycle lanes. The plan also indicates anticipated extension of Carillion Boulevard for 1.5 miles through currently undeveloped land outside of the City's jurisdiction, to intersections with State Route 99 at the "A" Street Extension/Boessow Road, and near Glendale Avenue (Study Figure ES-1 and p. 15). The Study notes this road extension through County land is consistent with the City's General Plan, but does not cite previous project-level environmental review. Based on the SGLC grant agreement, the City anticipates preparing an EIR for the Study.

Pursuant to 14 CCR §15378, these three planning efforts appear to be one whole project. The latter two are directly related. The CAP, if adopted as a qualified greenhouse gas reduction plan as intended, would have "a potential ... reasonably foreseeable indirect physical change in the environment" by reducing or obviating future GHG analysis of the urban development made possible by extending Carillion Boulevard. We suggest that analyzing the direct and indirect potential environmental effects of these three plans together in one document would fall more properly within CEQA's regulatory requirements.

It is imperative for the success of California's climate program that CEQA GHG requirements are honored, whether through qualified CAPs or project-specific GHG analysis and mitigation. We encourage the City's efforts to reduce GHG emissions, and the draft CAP has many good ideas which can provide a framework for developing measures that are actionable and certain.

We welcome discussion of these issues, we reiterate our commitment to working with Galt productively, and we look forward to participating in further development of the documents. Towards this end, please advise our respective organizations of future formal review opportunities.

Thank you very much for your review of these comments.

Sincerely,



Ralph Propper, President
Environmental Council of Sacramento



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cc:

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