



June 29, 2020

Chris Erias, Community Development Director
Planning Division
City of Galt
495 Industrial Drive, Galt, CA 95632

Sent via email to cerias@ci.galt.ca.us

Dear Mr. Erias,

ANNEXATION / SIMMERHORN RANCH MITIGATED NEG DEC: COMMENTS

We appreciate the opportunity to provide comments on the subject mitigated negative declaration (MND). Our comments focus on potential (Greenhouse Gas) GHG impacts, which the MND finds to be less than significant, based on:

1. The City's adopted climate action plan (CAP)
2. A checklist used to determine consistency with the CAP
3. Six listed measures incumbent on the project pursuant to State and City mandates\
4. Three project-specific mitigation measures.

We are concerned that the above provisions do not provide substantial evidence of less than significant impact, as discussed with other concerns below.

1. CAP is Inadequate to Determine and Mitigate Simmerhorn GHG Impacts

The MND does not set forth or establish compliance with any GHG threshold, relying on assertion of compliance with the City's recently adopted CAP, buttressed with several project-specific measures.

We question this approach because, while pursuant to CEQA a lead agency may rely on the findings of a prior CEQA analysis, it may do so only to the extent that the prior analysis adequately fulfills CEQA requirements.

We suggest that using the CAP to assert potential Simmerhorn GHG impacts are not significant is inappropriate on two counts:

a. The CAP's Thresholds are Inconsistent with CEQA Requirements

For CAP purposes, the City used the California Air Resources Board's statewide targets without modification or analysis.¹ However, using a statewide criterion requires evidence and explanation to substantiate that the effort required in a statewide context will suffice for a specific project; and a greater degree of GHG reduction may be needed from new land use projects than from the economy as a whole.²

b. Effectiveness of the CAP's GHG-Reduction Actions is Unsupported

Consistent with our earlier comments on the draft CAP,³ most or all of the adopted final CAP's 89 Actions are conceptual or aspirational and do not meet CEQA's enforceability requirements, rendering the CAP's purported GHG benefits moot:

"Quantifying GHG reduction measures is not synonymous with implementing them. Whether a measure is effective requires more than quantification, but an assessment of the likelihood of implementation".⁴

2. Checklist does Not Ensure Compliance with CEQA or the CAP

The City's CAP includes a Checklist which states, "*The ... Checklist will help the City and developers establish a project's compliance with the CAP and CEQA guidelines*". The Checklist's "Streamlined Review..." diagram indicates it is in fact intended to be the only means to determine GHG compliance.⁵

Insofar as the Checklist can be used to determine compliance with the CAP, it necessarily suffers the defects of the CAP's Action items, as discussed in section 1.b.above.

However, although the MND repeatedly emphasizes that the Checklist is meant to demonstrate compliance with the CAP, the Checklist's questions and explanatory text often have no basis in the CAP, e.g., in regard to mandatory language included in the Checklist but absent in the CAP itself. Such deviations are not subject to CEQA analysis in the CAP's or in Simmerhorn's MNDs, and their enforceability and regulatory significance are unclear. The fact that the Simmerhorn Checklist is denoted as "Draft" compounds this regulatory uncertainty.

Several of the non-conforming Checklist items require compliance with existing State mandates. Although these mandates are not reflected in the CAP's Action items, their effects are already factored into the CAP's claimed GHG reductions.

Section 2 of the Checklist presents eight "Sustainable Design Options". Few if any of these are based on the CAP; their mitigation efficacy has similarly not been subject to CEQA review; and at least one of them could be fulfilled through required compliance with existing City code.

3. Efficacy of Applying Six Specified, Already-Mandated Measures is Unsupported.

¹ CAP. p. 4-1, Table 1

² *Center for Biological Diversity supra; Sierra Club v County of San Diego* (2018) Cal App 4th.

³ 350 Sacramento, ECOS, Sierra Club: Draft CAP Comments, September 30, 2019

⁴ *Sierra Club v San Diego County, Ct. App. 4th, 10/29/2014*

⁵ *IS/MND Appendix C, p.1.*

The MND separately presents a list of six current mandates, which overlap those in the Checklist/ Sustainable Design Options. None of the six measures are included in the CAP, and their GHG-reduction benefits are not substantiated in the CAP or Simmerhorn MNDs.

4. Efficacy of Three Proposed Project-Specific Measures is Unsupported

The MND presents three project-specific mitigation measures discussed below, stating, *“Implementation of the following mitigation measures would reduce the above impacts to a less-than-significant level”*.

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a. Non-Significance of Mobile GHG Impacts is Not Established

Measure VIII-1 states, *“... the project applicant/developer shall incorporate traffic calming measures ... on 50 percent of project roadways and intersections ... for ... approval by the City ... features may include, but are not limited to, the following [specified measures].”*

The MND states, “The primary source of GHG emissions for the project would be mobile source emissions”, and this is also true statewide. State analysis and guidance are clear that local mitigation of mobile emissions is feasible and absolutely essential to reach California’s GHG goals. Galt has chosen to not voluntarily adopt vehicle miles traveled (VMT) as the metric for CEQA traffic analysis, as is mandatory beginning July 1, 2020. Nevertheless the potential impact of project-related mobile emissions must be documented, and if significant mitigated to the extent feasible.

No such “traffic calming” measure is included or analyzed in Galt’s CAP. The Simmerhorn MND does not identify a threshold or mention analysis to substantiate how this measure would *“reduce the above potential impact to a less-than-significant level”*.

In addition, the above-quoted approval of traffic calming measures, which are “not limited to” those specified, is unbounded by GHG-related or other criteria.

The Simmerhorn project will add 429 single-family homes to Galt’s housing stock, with no commercial, business, or industrial component to mitigate Galt’s already unfavorable jobs-housing balance. The City’s concurrently planned improvement and extension of Carillion Boulevard will afford Simmerhorn direct access to Highway 99 interchanges to the north and south. It is reasonable to expect that a number of potential residents would find Simmerhorn attractive because it facilitates work commutes to job centers in Stockton and Sacramento, with resulting substantial additions to GHG emissions. Such potential emissions are not considered by the proposed traffic calming measure; or discussed in the MND or its Appendices, which assume average ten mile round trip commutes.

b. GHG Reduction from Using Electrical Landscaping Equipment is Speculative

Measure VIII-2 states, “... *the project applicant/developer shall demonstrate ... the incorporation of outdoor electrical outlets or other infrastructure into project Improvement Plans for review and approval by the City Engineer*”.

The City has not substantiated GHG-reductions from this measure. Since there is no City requirement for use of electric landscaping equipment in new developments, or any other supporting analysis, any GHG reductions are speculative. Moreover the inclusion of undefined “other infrastructure”, approvable without reference to GHG-reduction or other stated criteria, renders this measure meaningless.

c. Efficacy of U.S. EPA Tier 4 Engine Requirements is Not Substantiated

Measure VIII-3 states, “*In the event that project construction occurs after the year 2025: ... the project applicant shall [comply] with U.S. EPA Tier 4 engine requirements....*”

USEPA Tier 4 standards for non-road diesel engines regulate nitrogen oxide and particulate matter pollution, and in no way address GHG emissions⁶. In any case, GHG emissions from diesel engines during the construction phase of the project, mitigated or not, would be trivial compared to annual and cumulative operational emissions over the many decades of the project’s life.

5. Simmerhorn and Carillion Boulevard Projects are Piecemealed

The Simmerhorn project would not be possible without road access provided by the extension of Carillion Boulevard mentioned in Comment 4.a above. Likewise, extending Carillion Boulevard for 1.5 miles through unincorporated, currently undeveloped land is undertaken for the purpose of bringing that area into urban development. The two projects support each other and neither would be feasible without the other. As one single and complete project they are most appropriately analyzed together in one CEQA document.

6. That Potential Simmerhorn Impacts are Evaluated in GP EIR is not Substantiated

The MND’s Mandatory Findings of Significance assert that, “... *the proposed project would not result in any significant environmental impacts peculiar to the project, and ... not previously analyzed in the General Plan [GP] EIR*”.

Given the inherent differences between general and specific plans and the dynamic nature of the CEQA *Guidelines*, it seems doubtful that Galt’s 2009 general plan EIR fully addresses potential GHG and other impacts of a major development such as Simmerhorn Ranch. Unfortunately the public is unable to evaluate this assertion because the full text of the general plan EIR is not posted on the Planning Department’s web page.

⁶ USEPA. Regulatory Announcement ,Clean Air Nonroad Diesel Rule, Table 1. Online: <https://nepis.epa.gov/Exe/ZyPDF.cgi/P10001RN.PDF?Dockey=P10001RN.PDF>.

Thank you for considering our comments, which we hope will support the City's efforts to achieve sustainable growth congruent with the threat of climate change and State requirements.

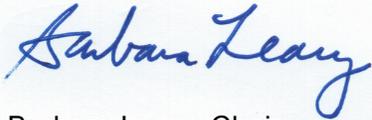
Sincerely,



Laurie Litman, President
350 Sacramento



Ralph Propper, President
Environmental Council of Sacramento



Barbara Leary, Chair
Sacramento Group, Sierra Club

cc:

Alberto Ayala, Executive Officer
Sacramento Metropolitan Air Quality Management District

City of Galt, City Council Members
Mayor Paul Sandhu
Vice-Mayor Rich Lozano
Council Member Shawn Farmer
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Council Member Paige Lampson