



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,

**SUMMERFIELD COMMUNITY / ANNEXATION / GP AMENDMENT, 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 along with other concerns below.

1. CAP is Inadequate to Determine and Mitigate Summerfield 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. Using the CAP to assert potential Summerfield 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

¹ CAP. p. 4-1, Table 1

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 MND (p. 75) similarly states, "*The sustainability checklist includes certain requirements for new developments within the City to ensure compliance with the City's CAP*". 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. Similarly, the limitation of natural gas to cooking is a feature of the MND's Air Quality Management Plan, and no GHG-related substantiation is provided.

Because such deviations are not subject to CEQA analysis in the CAP's or in Summerfield's MNDs, their enforceability and regulatory significance are unclear. The fact that the Summerfield 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 already mandatory compliance with existing City code.

In addition, the MND asserts, "*With ... inclusion of the [six mandatory, below-discussed] design practices ... project would comply with ... [the Sustainable Design Options]*". This conflates existing mandates and "*sustainable design practices*" so that the project would fulfill one of the two required "options" simply by complying with its legal responsibilities.

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 E, Climate Action Plan- Draft Consistency Review Checklist, p. 1.

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

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 Summerfield 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 potential impact to a less-than-significant level”*.

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

Measure VIII-1 references Mitigation Measure III-1, which 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”*. This is true not only in Galt but 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 Summerfield 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”*.

Summerfield’s Air Quality Management Plan⁶, from which the above measure is drawn, provides thresholds, analysis, and mitigation for reactive organic gases (ROG) and nitrogen oxides (NO_x) but does not address GHG.

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

The MND variously reports (pp. 2 and 9) that Summerfield will add either 211 or 108 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 project is approximately one mile on County Road 104 from a Highway 99 interchange. It is reasonable to expect that a number of potential residents would find Summerfield 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 MND or its Appendices, which assume average ten mile round trip commutes.

⁶ Summerfield MND, Appendix B

b. GHG Reduction from Using Electric Landscaping Equipment is Speculative

Measure VIII-2 states, “... *the project applicant/developer shall demonstrate ... the incorporation of outdoor electrical outlets or other infrastructure ... for ... 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, “... *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 emissions⁷. 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.

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.

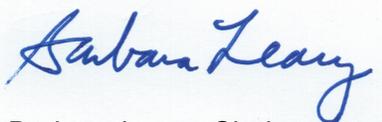
Sincerely,



Laurie Litman, President
350 Sacramento



Ralph Propper, President
Environmental Council of Sacramento



Barbara Leary, Chair
Sacrament Group, Sierra Club

⁷ USEPA. Regulatory Announcement, Clean Air Nonroad Diesel Rule, Table 1.

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
Council Member Curt Campion
Council Member Paige Lampson