

February 24, 2012

CEQA Guidelines Update  
c/o Christopher Calfee  
1400 Tenth Street  
Sacramento, CA 95815

**RE: CEQA Streamlining for Infill Projects (SB 226)**

Dear Mr. Calfee,

The Sacramento Metropolitan Air Quality Management District (SMAQMD or District) is required to “represent the citizens of the Sacramento district in influencing the decisions of other public and private agencies whose actions may have an adverse impact on air quality.”<sup>1</sup> Accordingly, the District reviewed the proposed CEQA guidelines and has the following comments.

Project Location

While the project location requirements may be appropriate for some locations in California, many valley jurisdictions, particularly within the boundaries of the SMAQMD, have appropriate infill locations that neither fall within the boundaries of an incorporated city nor are completely surrounded county islands. For example, the communities of Arden-Arcade, South Sacramento, La Rivera and Rosemont have low VMT but are unincorporated communities. Often, there is no appreciable difference in the urban form in these neighborhoods and their incorporated counter-parts, but this guidance would treat them differently. Conversely, there are incorporated jurisdictions with very high VMT neighborhoods that include sites inappropriate for CEQA streamlining such as farmland.

The statute does not support this restriction, as the definition of infill project is broad enough to encompass projects in urbanized counties. From the statute:

- (1) “Infill project” means a project that meets the following conditions:
  - (A) Consists of any one, or combination, of the following uses:
    - (i) Residential
    - (ii) Retail or commercial, where no more than one-half of the project area is used for parking.
    - (iii) A transit station.
    - (iv) A school.
    - (v) A public office building.

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<sup>1</sup> Health & Saf. Code, 40961.

- (B) In located within an urban area on a site that has been previously developed, or on a vacant site where at least 75 percent of the perimeter of the site adjoins, or is separated only by an improved public right-of-way from, parcels that are developed with qualified urban uses.

While the statute defines urban area as generally being in incorporated cities or completely surrounded dense county islands, being in an urban area is not a requirement of being an infill project; it is one of two ways of fulfilling condition (B). A project can either be (i) on a previously developed parcel in an urban area or (ii) on a vacant parcel at least 75 percent surrounded by existing urban development. By applying the more stringent contextual requirement to projects not meeting the definition of “urban area,” the legislature are providing a higher bar for urbanized counties, but they are not disqualifying them from the same CEQA streamlining that the incorporated cities and county islands are about to enjoy. The project location requirement in the guidelines should be amended to reflect the language in the statute.

### Performance Standards - Residential Projects

The District is concerned that the Office of Planning and Research is considering allowing high VMT residential projects the opportunity to take advantage of CEQA streamlining as an infill project. What is most concerning is that a conventional home in a low-VMT neighborhood has a lower greenhouse gas impact than an energy-efficient home in a high-VMT neighborhood. Using CalEEMod and the 2035 Sacramento Metropolitan Utility District (SMUD) carbon intensity factors, an 1800 square foot home built with 2008 Title 24 standards within the District the will generate about 19.5 lbs of CO<sub>2</sub>e per day in 2035. However, high VMT-homes can easily generate more than that amount just from their transportation emissions.

The Sacramento Area Council of Governments (SACOG) has produced a map (Figure 1) that demonstrates residential CO<sub>2</sub>e emissions by parcel associated with personal transportation. Homes in neighborhoods such as central Sacramento, North Oak Park, and Central Yuba City (low VMT neighborhoods) produce less than 10 lbs of CO<sub>2</sub>e per day from the tailpipes of their automobiles, but homes in high VMT neighborhoods such as Rancho Murieta or Wilton produce more than 30 lbs per day. This map clearly shows than even a net-zero home is not carbon-neutral, and that transportation emissions can dwarf emissions associated with building energy.

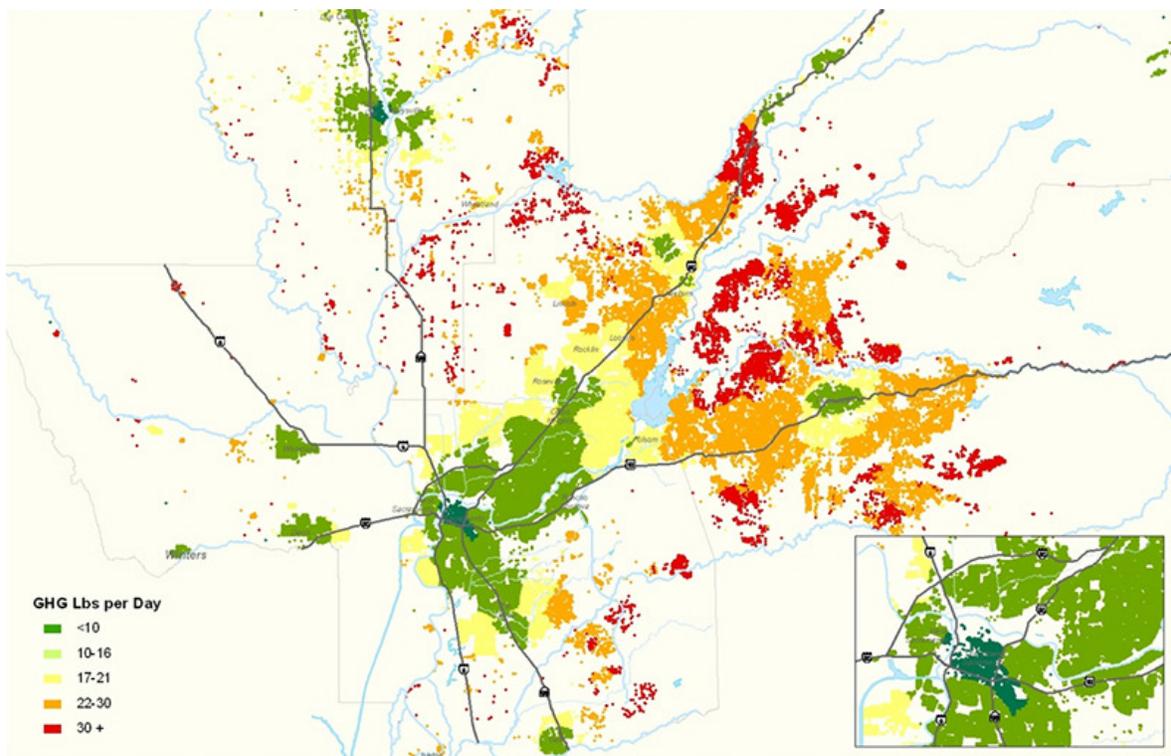


Figure 1: The expected pounds of greenhouse gases generated by personal transportation per household per day in the SACOG region in 2035

As can be seen, a conventional home located in central Sacramento or central Yuba City will have lower greenhouse gas emissions than even a net-zero home located in high VMT areas such as Rancho Murietta or Wilton. Considering the gap between CALGreen Tier 2 and carbon neutral households, the reliance on energy measures to replace transportation emissions can fall short if high VMT neighborhoods qualify for CEQA streamlining. The District recommends that the infill streamlining program not be available to any project that is above the average VMT for the region; it does not support SB 375 goals and is not infill development.

Regarding projects near high-volume roadways, the District recommends that the Office of Planning and Research take a more holistic approach to airborne toxics; rail yards, ports and other land uses can have just as much or greater impact on sensitive receptors than high-volume roadways, and applying best management practices to projects located next to these land uses is just as important as applying them to projects near high-volume roadways.

The California Air Pollution Control Officers Association (CAPCOA) has released a statewide guidance document “Health Risk Assessments for Proposed Land Use Projects” in July of 2009 and various air districts have adopted guidance for projects within their Districts. For projects not within air districts with adopted guidance, table three lists measures that projects potentially impacted may utilize to reduce risk. For those that are located in Districts with adopted protocols and guidance, a project adhering to said guidance should still be eligible for CEQA streamlining.

## Performance Standards - Commercial Projects

In Sacramento, the Regional Transit Provider is currently going through TransitRenewal, which may add and remove transit stops in the District. Indeed, many of our jurisdictions have transit stops which are labeled “no bus” due to the various operational and funding issues. Many low frequency suburban lines are in locations with high VMT; there, transit is a vanishingly small portion of the modal share and transit availability into the future is in doubt. The District would recommend that infill streamlining be used only at high-quality transit stops, places with higher use and on routes likely to continue into the future. To define a high-quality transit stop, the District would recommend that each Metropolitan Planning Organization create a definition that is appropriate for their region.

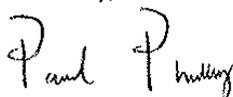
## General Comments

The Sacramento Metropolitan Air Quality Management District has established thresholds of significance for construction projects within the District. Construction projects that emit more than 85 pounds per day of NO<sub>x</sub> are required by the lead agencies to apply mitigation to reduce these emissions. It is the understanding of the District that nothing within this statute or guidance would exempt projects from applying appropriate mitigation if the construction emission threshold is exceeded and we request that it remain as such.

In addition, the Sacramento Metropolitan Air Quality Management District has established thresholds of significance for ozone precursors resulting in the operation of projects within the District. Projects that emit more than 65 pounds per day of NO<sub>x</sub> or ROG are required by the lead agencies to apply mitigation to reduce these emissions. It is the understanding of the District that nothing within this statute or guidance would exempt projects from applying appropriate mitigation if the operational emission threshold is exceeded and we request that it remain as such.

The SMAQMD thanks the Governor’s Office of Planning and Research for the opportunity to comment on this project. Questions regarding these comments may be directed me at [pphilley@airquality.org](mailto:pphilley@airquality.org) or 916-874-4882.

Sincerely,

A handwritten signature in black ink that reads "Paul Philley". The signature is written in a cursive style with a large initial "P".

Paul Philley, AICP  
Associate Air Quality Planner/Analyst  
Sacramento Metropolitan Air Quality Management District