ECOS
ENVIRONMENTAL
COUNCIL
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Via Electronic Mail

21 February 2012

Catherine Hack
Environmental Coordinator
County of Sacramento
Department of Environmental Review and Assessment
827 7th Street, Room 220
Sacramento, CA 95814

**Re: Cordova Hills Draft Environmental Impact Report,
Control Number 2008-GPB-SDP-ZOB-AHP-00142**

Dear Ms. Hack:

These comments are submitted on behalf of the Environmental Council of Sacramento (ECOS) on the Cordova Hills Draft Environmental Impact Report (DEIR), dated 9 January 2012. ECOS is a coalition of environmental and civic organizations with a combined membership of more than 12,000 citizens throughout the Sacramento Region. Our mission is to achieve regional and community sustainability and a healthy environment for existing and future residents.

ECOS was quite dismayed that this DEIR was proceeding without an accompanying EIS, as is typically the situation. We believe there may well be a considerable disparity between these two required documents and that it is highly probable that the EIS may require substantial changes to the Project. It is therefore inappropriate for these two documents to proceed independently.

ECOS remains unequivocally opposed to the Cordova Hills project given the lack of foreseeable demand and lack of demonstrated economic feasibility. We are also opposed to the project due to its negative impacts on biological resources, air quality, climate change and the sustainability of the Sacramento region. We will attempt however to limit our comments here to the adequacy of the draft environmental impact report with respect to land use and growth inducement, transportation, biological resources and climate change.

LAND USE AND GROWTH INDUCEMENT

The primary justification for the original acceptance of this application by the Board of Supervisors was that it would bring the sought after asset of a university to Sacramento. The university initially interested is no longer interested and the likelihood of finding another university, particularly a self-contained university of the type described, is highly unlikely. The Sacramento Council of Governments (SACOG) in its letter to the project proponent dated October 7, 2011 (Attachment 1), states, *"Finding, financing and constructing a private 6,000 student institution of higher learning rates very high on the degree of difficulty scale, especially in this economic environment. It has never been done in this region. Many of the short trips*

and multimodal trips from the project will turn into longer distance car trips if the university is not constructed early in the project, or at all."

The entire environmental analysis is based on the university as an integral part of the Project. Without the university, the Project is inconsistent with numerous additional General Plan policies, particularly the growth management criteria. Consistency with the growth management criteria is a requirement for the Project to be considered for approval. The project proponents are themselves now saying that it is more likely that a combination campus complex would locate here. This type of complex would be made up of a number of educational institutions, with different specialties, locating here and perhaps sharing some facilities. This would much more likely be a commuter college, rather than a self-contained university as currently proposed and analyzed in this document. Given the very remote potential for a university of the type proposed, this document should have also analyzed the project without the university. This would be necessary for the document to be totally adequate and complete.

The phasing of the Project as illustrated in Plate PD-16 is also totally unrealistic. By allowing significant commercial and residential development to occur prior to development of the university, the analysis of impacts in this document is totally compromised. Given the very speculative nature of the university, a "what if" scenario needs to be included which addresses the impacts of the Project without the university. Additionally, **a mitigation measure should be included that requires that 25% of the university complex be completed prior to more than 10 commercial units being issued building permits and 200 residential units being issued building permits for the remainder of the project.**

The document states that *in terms of internal community design, the Project appears to be an excellent example of "smart growth" development…., it must also be acknowledged that the Project conflicts with the principles with respect to preservation of open space and proximity to existing developed communities.* How can a project be considered "smart growth" development when it conflicts with some of the major foundation principles of "smart growth", contiguous development and open space preservation? Also, the remaining "smart growth" aspects of the project would be seriously compromised if a university is not constructed early in the project development, or at all.

The DEIR states that the Project is inconsistent with LU-1 related to growth inducement, but that a General Plan Amendment is included to address this conflict. This General Plan Amendment adds Policy LU-XX to the General Plan. This policy allows for limited public water service beyond the Urban Policy Area/Urban Services Boundary for the 251 acres located with the landfill buffer. What about sewer service? Are all the permitted facilities going to rely on porta-potties? The document goes on to say that this policy is specifically intended to avoid growth-inducing impacts but contains no explanation as to how the policy will actually do that. It does avoid the conflict with the original policy, but it does not avoid growth inducing impacts. By avoiding conflict with the original policy in this instance, it opens the door for future policies LU-XXX and LU- XXXX. As acknowledged in the document, the action of adopting this General Plan Amendment would set a precedent and encourage future amendments and further growth inducement. The Amendment cannot therefore be justified.

If the Amendment is to be approved, the uses and development standards proposed for this area are far too general. A Use Permit <u>should</u> be required for any development in this area to ensure it is appropriate and does not result in additional growth inducement. This should be considered as an additional mitigation measure.

Aside from this General Plan Amendment, the project, in and of itself, will have a significant impact on growth inducement as indicated in the Growth Inducing Impacts Section of the DEIR. Yet, no mitigation is proposed. We believe that feasible mitigation is available, and if not

applied, project applications to the north and south will soon appear. Perhaps more importantly, the Project is proposed immediately adjacent to the Urban Services Boundary (USB). Building up to the USB without providing mitigation for growth inducement beyond the USB is unacceptable. While the applicant has indicated to ECOS the intention to put restrictions on the property east of the project, we can find no reference to this important mitigation in the document.

Interestingly, the Summary of Impacts indicates that growth inducing impacts are less than significant, while the Growth Inducing Impacts Section indicates they are significant. Obviously the Summary of Impacts determination of less than significant needs to be corrected and as required by the California Environmental Quality Act (CEQA), feasible mitigation for growth inducing impacts applied.

The DEIR identifies the project to be in conflict with the Blueprint, the MTP/SCS and the State Implementation Plan, as well as some General Plan policies. ECOS believes that this document underestimates the seriousness of these conflicts. The health and sustainability of the entire region are jeopardized as a result of these conflicts.

TRANSPORTATION

The transportation analysis is seriously flawed because it does not base its significance determinations on the project without university scenario. As noted above, the university component is not realistic, and without it, many of the project characteristics that would have helped to reduce transportation and other impacts are not likely to occur.

Two specific examples of how including the university in the transportation analysis results in flawed impact analyses are 1) unrealistically high non-automobile mode share, and 2) improper trip internalization reduction. First, the DEIR states that a whopping 43 percent of the total university trips that stay within Cordova Hills will use non-automotive modes (DEIR, 16-38). For comparison, the rest of Cordova Hills is expected to have a non-automotive mode share of only 11 percent. Without a university campus with substantial on-campus housing, the project would result in a much higher automotive mode share, and this must be analyzed. Second, the DEIR claims that 36 percent of all vehicle trips will have their origin and destination within the project. Table TC-14 shows how internal trips are used in the traffic analysis to reduce the total vehicle trip rates. For example, single family dwelling units are expected to generate 9.4 trip ends per day, but after adjusting for the internal trips, the rate is reduced to only 7.2 trips per day. It is improper to apply this internalization factor because it is highly dependent on the university. These impacts must be analyzed, and all significance determinations must be based on these more realistic worst-case impacts. Failure to do so could result in unidentified significant impacts, as well as impacts that are more significant than shown in the DEIR.

The proposed limited transit service is not adequate to substantially reduce transportation, air quality, and climate change impacts. The Transit Analysis section of the DEIR (p. 16-81) claims that the project meets transit demand. However, nowhere does the DEIR disclose what the demand actually is. The only specific reference to transit demand is in tables 16 and 30 of the Traffic Impact Study in Appendix TR-1. However, transit demand is aggregated with bicycle and pedestrian demand, so it is impossible to determine if the proposed service actually meets transit demand, or if other options would provide better service. For example, Sacramento Regional Transit (RT) has no current plans to provide service in the area, which is easy to understand since there are no residents in the area now. Why didn't the EIR evaluate the potential for RT or another public transit provider to provide service? Many transit studies show that the need to transfer between services is a common reason that people chose to drive instead of taking transit. Would the proposed transit service require purchase of a transit ticket (for either Cordova Hills residents or the public in general)? Would people who work in Cordova

Hills but live elsewhere be required to purchase a ticket? Would students of elementary or high schools be able to use transit to get to and from school? It is important to note that the proposed service is very limited, with 15 minute headways only during peak commute periods on weekdays. In fact, much of the proposed service is only half hour or hourly headways, which is not sufficient to encourage substantial transit ridership. At a minimum, the DEIR must disclose what the specific transit demand projection is, the ridership assumptions relative to maximum capacity, and the amount of projected demand that can be satisfied by the proposed service. In addition, it is important that transit service is provided as soon as residents occupy the project and establish transportation routines. Therefore, the DEIR should include a mitigation measure that transit service becomes operational no later than completion of the first 200 residential units.

BIOLOGICAL RESOURCES

Environmental Setting

Consultations with the California Native Plant Society biologist Glen Holstein Phd have raised concerns as to the accuracy of the opening statement that: "The dominant vegetation is non-native grassland comprised of ripgut brome (*Bromus diandrus*), soft chess (*Bromus hordeaceus*), wild oats (*Avena fatua*), barley (*Hordeum* species), and ryegrass (*Lolium multiflorum*)." His understanding of the literature, and his personal site visits in the past, suggest that this California prairie ecosystem is dominated by the native species Holocarpa virgata, which is not a grass (Holstein 2001). This DEIR needs to substantially support its conclusions with evidence (CEQA 15064(f)(5). Dr. Holstein further pointed out the omission of Sacramento General Plan policy CO-135, to protect the ecological integrity of California Prairie habitat, in those policies listed in 6-3 to 6-6. The plan preparers need to include all relevant information and policies in order to meet a good faith effort standard for informing the public and decision makers about the true nature of the environmental impacts to be considered (CEQA 15003(i) and 15151). The development of the California prairie habitat in the project area would clearly violate CO-135.

Wetlands and Surface Waters

An important discussion and consideration of the particular vernal pools to be lost is missing from this environmental document. These vernal pool resources are some of the very finest remaining examples of their type within the USB. This project is not merely impacting vernal pool resources, it is impacting some the very highest quality pools and potentially threatening their connectivity to other vernal pool resources. The Recovery Plan for Vernal Ecosystems of California and Southern Oregon, prepared by the United States Fish and Wildlife Service, clearly identifies Cordova Hills as being within one of its highest priority core areas and as such is integral to attaining the goals set out in the recovery plan. This description of the particular significance of these pools needs to be included in the EIR in order for it to meet its good faith effort standard for informing the public and decision makers about the true nature of the environmental impacts to be considered (CEQA 15003(i) and 15151).

Given the extreme biological value of these vernal pool resources and their associated uplands, it is not made clear what the overall and cumulative impact of their removal will be. Consultations with USFWS and the Army Corps and compliance with the requirements of their permits are presented as mitigations, but no effort is made to address the question of the impact of removal of these pools, and further isolating those to be avoided, from the totality of the conservation effort in the Mather Core Recovery Area. It is

clear that the impact is great based on the effect this project and several others have had on the SSHCP and the creation of viable preserves in the Mather Core Recovery Area. The Plan has been stuck over this

very issue and these very resources. As part of a good faith effort, there needs to be a discussion of the significance of these vernal pool resources in terms of the process of creating viable preserves within the USB that have adequate size, to minimize edge effect, and connectivity, as well as a discussion of the problems this project has posed for the completion of the SSHCP (CEQA 15003(i) and 15151). 33% of the vernal pool resources in this project area are slated for destruction.

As well, there remain serious concerns as to the connectivity of these vernal pool resources to potential vernal pool reserves to the west of Grant Line Road. The formation of these resources west of Grant Line road into a preserve is as of yet unresolved, but flexibility must be retained within the Cordova Hills plan to allow for such connectivity if the preserve materializes, or both vernal pool complexes will be further isolated and have diminished viability. A good faith effort necessitates discussion of this issue (CEQA 15003(i) and 15151).

Special Status Species

The biological resource section misuses the CNDDB throughout by assuming that the data base is a record of absence (i.e. by assuming that if a species does not show up in the CNDDB, then it's not there). The CNDDB has a clear disclaimer for users on this point. This constitutes a bad faith effort (CEQA 15003(i) and 15151).

The abuse of the CNDDB leads to bizarre results such as the conclusion that, for example, there are no recorded incidences of Ferruginous Hawk within 5 miles of the project area, and no Golden Eagles or Northern Harriers within 10 miles, and so moderate potential for occurrences were provided for them despite the fact that suitable foraging habitat is available and despite the fact that the CNDDB is notoriously incomplete and often only has incidence listing for nesting birds. The Grasshopper sparrow and Loggerhead Shrike are also given a moderate potential for occurrence even though suitable habitat is available and there are recorded incidences within five miles, the definition of high potential for occurrence provided in this EIR. There is no mention whatsoever of the Rough Legged Hawk that is a likely forager in this project area. American Badgers are listed as having low potential for occurrence despite the recorded incidence within 2.5 miles of the project area and the availability of suitable habitat for this species which has a large home range.

Consultations with Glen Holstein Phd indicated some plant deficiencies as well. Tuolumne Button-celery (Eryngium pinnatisectum) is listed as “Not Present” despite the fact that it is known to occur in vernal pools and in Sacramento County (Tibor 2001), and as such its potential to occur at Cordova Hills is at least moderate and probably is high. Furthermore, five rare vernal pool annual plants Dwarf Downingia, Bogg’s Lake Hedge Hyssop, Ahart’s Dwarf Rush, Pincushion Navarretia, and Slender Orcutt Grass are listed as not present at Cordova Hills because plant surveys didn’t find them. Such vernal pool annuals may not appear every year, however, even though they are present as seeds undetectable by standard plant surveys (Holland & Jain 1981). One such California annual, although not a vernal pool species, apparently survived exclusively as seeds for 102 years. Long thought extinct, it was rediscovered when its seeds finally germinated (McCune 2005). Many other examples of such rediscoveries are known in California although the duration of their presumed extinction is usually not a century long (Tibor 2001). In all such cases soil profiles have remained intact so seeds could germinate when conditions were favorable. There is at least some potential that any or all of the five rare vernal pool annuals not found by Cordova Hills plant surveys may exist there as seeds. As long as the site’s natural soil conditions are intact they might reappear at any time. The project’s proposal to destroy 33% of the site’s vernal pools significantly diminishes this possibility.

CLIMATE CHANGE

Analysis is Flawed

1. CalEEMod is the most appropriate and current modeling tool suitable for measuring greenhouse gas (GHG) emissions from a project. Please use CalEEMod and eliminate patchwork analysis.

2. AQMP-2; SMAQMD 29: The Cordova Hills Master Plan requires all buildings to be constructed to at least 20 percent above 2008 Title 24 standards.

   This GHG reduction measure is specious and meaningless for any project permitted after 2015, and nearly useless for projects built between 2012 and 2015. Title 24 is updated every three years and is intended to become approximately 15 percent more stringent for each three year cycle.

   To remedy this deficiency, please revise the measure as follows:

   At the time of building permit issuance, buildings will be designed to be at least 20% more efficient than Title 24 requirements in force at the time of building permit issuance. Construction must start within one year of receiving building permit and construction is to be completed within two years of receiving building permit, or the Title 24 compliance demonstration must be revised relative to the updated requirements.

3. AQMP-2; SMAQMD 33: The TMA is speculative and cannot be counted on for the 5 points. It is difficult to understand whether the proposed transit system is economically justifiable without reviewing the proposed financial plan in parallel with the EIR. AQMP-2; SMAQMD 33 was too general and ECOS could find no specifics elsewhere in the EIR.
   - Will the transit system collapse due to inadequate funding?
   - Will parcels go unsold due to high cost of fees to fund transit?
   - What is guaranteed minimum level of service?
   - What is the definition of a peak-time period?
   - What are the proposed contribution rates for commercial and residential properties?
     i. How do these compare with other user-financed transit systems?

4. AQMP-2; SMAQMD-99B: The entropy of the Cordova Hills project is low (LUT-3 from CAPCOA Quantification of GHG Measures); this is not a well-mixed project as compared to an urban setting; there are clearly high- medium and low density housing areas with off-site commercial. It is unclear how a 25.32% VMT reduction can be claimed relative to BAU. The DKS analysis claimed approximately 15% VMT reduction and additional CAPCOA measures claimed 10.5% additional VMT reduction. Although AQMP indicates that double counting was not done, it is hard to believe that the interactions between all modeled and estimated measures could achieve a combined 25.32% VMT reduction.

5. AQMP-2; SMAQMD-99B: Table C identifies business as usual conditions and has been replicated as Attachment 2. ECOS has derived proposed project conditions using data on page 8 of AQ-2 and presented in the same format as Table C. There are several notable comments when comparing the 2 tables:
   a. It is unclear how the 8,006 dwelling units, 7,140 K-12 students in this table relate to the 2.54 people per rented dwelling unit and 2.71 people per owned dwelling unit mesh. ECOS has adjusted conversion factors to try and achieve 25,419 residential population. What are the differences in populations?

b. It is unclear how the 1,583 employees in Table C relate to the 6,548 employees from Table 3.
c. VMT between BAU and proposed drops 12.7% from 239 million mi/yr to 209 million mi/yr; Table D, page 8 indicates that the proposed VMT is 199 million miles
    i. Why is there a 10 million mile difference? (209 vs. 199)
d. VMT/capita per day drops from 29 under BAU conditions (Attachment 1) to 26 under proposed project (Attachment 3), both are high numbers and will make SACOG's effort to meet 2020 and 2035 goals difficult
    i. ECOS understands that attempting to assist SACOG in meeting their GHG reduction goals is voluntary, but the high VMT per capita calls into question the need for building such a large project on the urban fringe
e. The student population stands out as a tremendous VMT and GHG reduction measure, yet the University is a very speculative venture
    i. Recommend splitting University students into those living on-campus vs. those living off-campus to highlight the VMT differences

6. AQMP-2; SMAQMD-99B: Since the proposed development of a University has become a very speculative item and because the on-campus student population skews VMT and GHG emissions to a very low per capita level, ECOS believes that the GHG analysis is flawed. The analysis must either include:
    a. a complete analysis of what the project would consist of without a University that meets or exceeds Sacramento County suite of thresholds adopted 11/3/11 or
    b. a mitigation measure that does not allow construction of Cordova Hills to start until a University with a built out population of 6,000 with an on-campus population that is at least 67% shows good faith that it intends to occupy the space. Good faith might consist of [$147[1]] million in escrow that is forfeited to the SMAQMD for climate mitigation if a mutually agreed to timeline is not achieved. Timeline developed is to include input from public.
        i. 100% commuter type Universities will NOT be consistent with analysis that indicates 67% of students live on-campus and is not a viable option
        ii. This mitigation measure must be included in AQMP-2.

7. CC-1 below is not acceptable as worded. The 5.80 efficiency metric includes the contribution of a very low per capita University component- say 3.8 or so. The wording of CC-1 could allow the 6,000 person, GHG efficient University to be replaced by a 6,000 person GHG average tenant thus increasing the overall emissions of the project tremendously.

    CC-1. The following text shall be added to the Cordova Hills SPA: All amendments to the SPA shall include an analysis which quantifies, to the extent practicable, the effect of the Amendment on greenhouse gas emissions. The Amendment shall not increase greenhouse gas emissions above an average 5.80 metric tons per capita (including emissions from building energy usage and vehicles).

8. Cordova Hills proponents indicated at a meeting with ECOS on 2/16/12 that a University will be built at the site or that the land will be surrendered to the County at expiration of 30-year agreement. This is deferred mitigation which has been disallowed by the courts (*Communities for A Better Environment v. Richmond* (2010) 184 Cal.App.4th 70. (*CBE*).). Liquidated damages (LD) must begin flowing to the SMAQMD Indirect Source program (or other responsible agency) by 2017 if no University with significant on-campus population has not been committed to. Timelines and LD amounts need to be developed with public input.

[1] 147,000 MT/yr*$20/MT*50years = $147 million

Mitigation Does Not Include All Feasible Measures

1. ECOS could find nothing in chapters 7, 11, 15 or AQMP-2 on water, sewer, or storm drain efficiency measures that might be employed by the project to reduce loads on off-site water, sewer or storm drain infrastructure and thus also reduce effects on climate change.

   Water, sewer, and storm drain infrastructure is very expensive per unit. As an example, the high cost of the regional sewage treatment plant upgrade to tertiary status has been in the papers over the last 2 years. The proposed high sewer hook-up fees and hefty monthly rate increases that correspond to the need for capital cost recovery on the sewer plant upgrade are very costly on a unit basis and existing customers are blanching at the proposals. See http://ecosacramento.net/ClimateChange/?page_id=784 for more information.

   In many cases efficiency improvements at the loads (in this case Cordova Hills (CH)) can be achieved at a lower unit cost than upgrading infrastructure.

   Because of the disconnect between the economics of supply and demand of commodities (water, sewer and storm), please evaluate above-and-beyond-code water, sewer and storm drain efficiency measures such as:
   - gray water
   - local scalping plants: (i.e. small plants that take sewage and treat it to recycled water standards and distribute locally)
     - with recycled water to serve non-potable needs
   - low-impact storm water management
   - water efficiency in new development (would above and beyond Green Code Tier 2 water efficiency measures be cost effective?)
   - exemplary effort to keep storm water out of sanitary sewer system

By NOT including water, sewer and storm drain efficiency improvement measures in the project design that are similar to the unit cost of infrastructure, the project is unknowingly forcing utility providers to pass along unnecessary costs to existing ratepayers in the form of unnecessary infrastructure. The ratepayers of the County cannot keep being tapped for higher monthly fees when lower unit cost alternatives such as on-site efficiency can be employed to societies (i.e. rate payers) advantage.

CONCLUSION

As referenced in the preceding sections, this document is deficient in numerous areas. The most basic flaw is associated with the project description, which includes a 6,000 student self-contained university that is unlikely to ever materialize, at least in the form described, making the project description totally unrealistic. By including this hypothetical university the entire analysis is biased, does not represent the project, and therefore is flawed. In order for this document to be accurate and complete, the project needs to be analyzed without the university.

Additionally, we do not believe the necessary findings and statements of overriding considerations can be defensibly made to approve this project. There is no substantial evidence in the record that a self-contained 6,000 student university will ever exist at this location. Given these considerations, the DEIR should be redrafted and recirculated for public review.

If you have any questions regarding these comments please contact Ron Maertz ronmaertz@surewest.net for land use, Sean Wirth wirthsoscranes@yahoo.com for biological resources, Keith Roberts keithroberts@aol.com for climate change or Peter Christensen ecospeter@me.com for transportation.

Yours very truly,

Attachments
Attachment 1 – SACOG Letter
Attachments 2 & 3 – Climate Change Excel Spreadsheets