

**Sutter Greens 2.0 Project**  
**Initial Study/Mitigated Negative Declaration**  
**Responses to Comments**  
**September 8, 2021**

The Initial Study/Mitigated Negative Declaration for the Sutter Greens 2.0 Project was circulated for public comment from August 17, 2021 to September 7, 2021. Written comments were received as follows:

<b>Date</b>	<b>Commenter</b>
9/7/2021	Molly Wright, Sacramento Metropolitan Air Quality Management District

The written comments are attached. The comments are acknowledged by the City and have been considered as part of the project planning and its implementation. The comments received did not identify any new significant effect, increase in severity of an impact identified in the Mitigated Negative Declaration, or any significant new information. Recirculation of the Mitigated Negative Declaration is not required.

RESPONSES TO COMMENTS

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The Responses to Comments below include responses to the comment letter submitted regarding the proposed project. Where revisions to the IS/MND text are required in response to a comment, new text is double underlined and deleted text is ~~struck through~~.

SACRAMENTO METROPOLITAN



Letter 1

September 7, 2021

Ron Bess, Associate Planner  
City of Sacramento Community Development Department  
300 Richards Boulevard, 3<sup>rd</sup> Floor, Sacramento, CA 95811

**Subject: Sutter Greens 2.0 Project Mitigated Negative Declaration (P21-013)**

Dear Ron Bess:

1-1

Thank you for providing the Sacramento Metropolitan Air Quality Management District (Sac Metro Air District) with the opportunity to review the Mitigated Negative Declaration (MND) under the California Environmental Quality Act (CEQA) for the Sutter Greens 2.0 Project, which proposes a 190-unit apartment community with a clubhouse and pool on 9.06 acres within the Creekside Oaks plan area, including demolition of the existing Natomas Sports Club. We offer the comments below on CEQA review of project air quality and greenhouse gas emissions.

1-2

**Greenhouse Gases**

The MND states that "Human-caused emissions of these GHGs [greenhouse gases] in excess of natural ambient concentrations are believed responsible for intensifying the greenhouse effect and leading to a trend of unnatural warming of the earth's climate, known as global climate change or global warming." Use of the word "believed" may be misleading. There is strong scientific agreement on the anthropogenic causes of climate change. [Approximately 97 percent of climate scientists hold consensus that anthropogenic emissions of GHGs in excess of natural ambient concentrations, resulting from activity such as fossil fuel combustion, deforestation, agriculture, and other activities, have driven a rapid, unprecedented rise in global temperatures.](#)

- Sac Metro Air District recommends that the discussion of the causes of global climate change be amended to fully reflect the agreement among climate scientists on the anthropogenic causes of climate change.

1-3

Further, the MND does not address a critical question on CEQA's "Appendix G," a checklist of questions to address in project CEQA review. This question is on whether the project would generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.

1-4

- Sac Metro Air District recommends that the final MND explicitly address the Appendix G GHG questions, including whether project greenhouse gas emissions may have as significant impact on the environment, by comparing project greenhouse gas emissions to a threshold of significance. The MND currently says "A project is considered to have a significant effect relating to greenhouse gas emissions if the project fails to satisfy the requirements of the City's [Climate Action Plan]," and this standard could be incorporated into the discussion that addresses the Appendix G question.

- 1-5** **Construction**
- Sac Metro Air District recommends that the final MND include mitigation from our [Guidance for Construction GHG Emissions Reductions](#).
- Construction-related GHG emissions are not quantified in the text of the MND, and inclusion of this mitigation will help reduce any impacts from construction-related GHG emissions.
- Sac Metro Air District recommends that the final MND include our [Basic Construction Emission Control Practices](#) (BCECP) as construction mitigation.
- Please be advised that projects must implement the BCECP in order to use Sac Metro Air District's non-zero particulate matter [thresholds of significance](#) for CEQA review. The BCECP are also helpful to ensure compliance with Sac Metro Air District's [Rule 403, Fugitive Dust](#).
- Sac Metro Air District recommends that the final MND supplement mitigation measure 2-1 with the following italicized language:
- The project representative shall submit to the lead agency and Sac Metro Air District a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that will be used an aggregate of 40 or more hours during any portion of the construction project.*
- *The inventory shall include the horsepower rating, engine model year, and projected hours of use for each piece of equipment.*
  - *The project representative shall provide the anticipated construction timeline including start date, and name and phone number of the project manager and on-site foreman.*
  - *This information shall be submitted at least 4 business days prior to the use of subject heavy-duty off-road equipment.*
  - *The inventory shall be updated and submitted monthly throughout the duration of the project, except that an inventory shall not be required for any 30-day period in which no construction activity occurs.*
- Sac Metro Air District and/or other officials may conduct periodic site inspections to determine compliance. Nothing in this mitigation shall supersede other Sac Metro Air District, state or federal rules or regulation*
- 1-6**
- 1-7** Finally, all projects are subject to Sac Metro Air District rules and regulations at the time of construction. Please visit our website to find [a list of the most common rules that apply at the construction phase of projects](#).
- 1-8** **Criteria Pollutants**
- Sac Metro Air District commends the MND's use of [CalEEMod](#), a statewide land use emissions computer model, in its review of [pollutants regulated by the Clean Air Act](#) ("criteria pollutants") for project operations. The MND indicates that "The model applies inherent default values for various land uses, including trip generation rates based on the Institute of Transportation Engineers (ITE) Manual, vehicle mix, trip length, average speed, etc. However, where project-specific data is available, such data should be input into the model. Accordingly, based on information provided by the City of Sacramento Public

1-8  
Cont'd

Works Department for the proposed project, trip generation rates were updated to reflect project details.”

- For full public disclosure, Sac Metro Air District recommends that the final MND include a brief explanation of why the trip generation rates provided by the City are lower than the CalEEMod default value.

**Conclusion**

1-9 Thank you for your attention to our comments. If you have questions about them, please contact me at [mwright@airquality.org](mailto:mwright@airquality.org) or (279) 207-1157.

Sincerely,



Molly Wright  
Air Quality Planner / Analyst

cc: Paul Philley, Program Supervisor

**LETTER 1: MOLLY WRIGHT, SACRAMENTO METROPOLITAN AIR QUALITY  
MANAGEMENT DISTRICT, SEPTEMBER 7, 2021**

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**Response to Comment 1-1**

The comment is an introductory statement and does not address the adequacy of the IS/MND.

**Response to Comment 1-2**

In response to the comment, page 22 of the IS/MND is hereby revised as follows:

[...] Prominent GHGs contributing to the greenhouse effect are carbon dioxide (CO<sub>2</sub>), methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. Approximately 97 percent of climate scientists hold consensus that anthropogenic emissions of GHGs in excess of natural ambient concentrations, resulting from activity such as fossil fuel combustion, deforestation, agriculture, and other activities, have driven a rapid, unprecedented rise in global temperatures.<sup>[1]</sup> Thus, human-caused emissions of these GHGs in excess of natural ambient concentrations are ~~believed~~ responsible for intensifying the greenhouse effect and leading to a trend of unnatural warming of the earth's climate, known as global climate change or global warming [...]

<sup>[1]</sup> National Aeronautics and Space Administration. *Scientific Consensus: Earth's Climate Is Warming*. Available at: <https://climate.nasa.gov/scientific-consensus/>. Accessed September 2021.

The above change is to reflect the growing scientific consensus regarding climate change, and does not alter the analysis or conclusions presented within the IS/MND.

**Response to Comment 1-3**

Pursuant to CEQA Guidelines Section 15064.7(b), lead agencies have discretion to formulate their own significance thresholds. As a result, an environmental document is not required to explicitly address the Appendix G questions when the lead agency is utilizing different thresholds of significance, as is the case for the City of Sacramento.

Furthermore, as noted on page 3 of the IS/MND and consistent with CEQA Guidelines Section 15150(a), the IS/MND incorporates by reference the 2035 General Plan Master EIR and the analysis therein. Impacts related to GHG emissions are evaluated in Chapter 4.14, Climate Change, of the 2035 General Plan Master EIR. As noted therein, buildout of the General Plan pursuant to the regulations established in the City's Climate Action Plan (CAP) and in compliance with the applicable policies of Appendix B of the 2035 General Plan would result in less-than-significant impacts related to GHG emissions.

**Response to Comment 1-4**

As noted in Response to Comment 1-3, the CEQA lead agency may modify the Appendix G checklist and applicable thresholds of significance based upon City-specific considerations. In fact, the Sacramento Metropolitan Air Quality Management District (SMAQMD) released a document entitled *Greenhouse Gas Thresholds for Sacramento County* in June 2020 which includes the following information:

In addition, Section 15064.7(c) of the CEQA Guidelines amendments specifies “[w]hen adopting thresholds of significance, a lead agency may consider thresholds of significance previously adopted or recommended by other public agencies, or recommended by experts, provided the decision of the lead agency to adopt such thresholds is supported by substantial evidence”<sup>16</sup>. Similarly, the revision to Appendix G, Environmental Checklist Form, which is often used as a basis for lead agencies’ selection of significance thresholds, does not prescribe specific thresholds. Rather, Appendix G asks whether the project would:

1. Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment? or
2. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs?

This indicates that the determination of what is a significant effect on the environment should be left to the lead agency [...] Therefore, SMAQMD CEQA thresholds of significance are needed to support jurisdictions which have not yet adopted a qualified CAP or GHG reduction plan with the appropriate horizon year for given projects. Even for jurisdictions with adopted CAP or GHG reduction plans, the jurisdiction may also choose to pursue projects that do not demonstrate consistency with a local agency’s CAP, so the ability to instead show compliance with the SMAQMD thresholds would allow flexibility.

Accordingly, the City of Sacramento, in their discretion as the CEQA lead agency for the proposed project, has elected to rely on consistency with the City’s CAP as the threshold of significance related to GHG impacts, as opposed to the standard questions included in Appendix G or the SMAQMD thresholds.

Furthermore, as noted on page 29 of the IS/MND, emissions from operations of the proposed project were quantified and would equal approximately 980.46 MTCO<sub>2</sub>e/yr, and the SMAQMD considers operational GHG emissions of less than 1,100 MTCO<sub>2</sub>e/yr to be less than significant. Thus, even if the analysis presented in the IS/MND were to rely on the SMAQMD’s thresholds of significance, as suggested by the commenter, the significance conclusion for GHG emissions would remain less than significant.

### **Response to Comment 1-5**

Construction-related GHG emissions were quantified and included in the IS/MND as part of Appendix A. As presented in Appendix A, construction would result in maximum annual GHG emissions of 566.62 MTCO<sub>2</sub>e/yr, which is below the SMAQMD’s 1,100 MTCO<sub>2</sub>e/yr threshold of significance for construction. Because construction emissions do not exceed the threshold, a nexus for requiring mitigation does not exist. The foregoing information was not presented in the text of the IS/MND because, as discussed above, the City’s approach to analysis of GHG emissions focuses on consistency with the City’s CAP rather than consistency with the SMAQMD thresholds of significance. Nonetheless, in response to the comment, page 29 of the IS/MND is hereby revised as follows:

#### Question H

Emissions from construction and operations of the proposed project were quantified and would equal approximately 566.62 and 980.46 metric tons of CO<sub>2</sub> equivalent units per year, respectively. It is noted that the SMAQMD considers construction and operational GHG emissions of less than 1,100 metric tons of CO<sub>2</sub> equivalent units per year to be less than significant. However, the City of Sacramento does not assess potential impacts related to GHG emissions on the basis of total emissions of GHGs. Rather, the City of Sacramento has

integrated a CAP into the City's General Plan, and, thus, potential impacts related to climate change from development within the City are assessed based on the project's compliance with the City's adopted General Plan CAP Policies and Programs set forth in Appendix B of the General Plan Update. The majority of the policies and programs set forth in Appendix B are citywide efforts in support of reducing overall citywide emissions of GHG. However, various policies related to new development within the City would directly apply to the proposed project. The project's general consistency with City policies that would reduce GHG emissions from buildout of the City's General Plan is discussed below.

The above change is for clarification purposes and does not introduce significant new information (the modeling results were included in the IS/MND Appendix A), alter the analysis, or change any conclusions presented within the IS/MND.

### Response to Comment 1-6

The comment regarding the required implementation of Basic Construction Emission Control Practices (BCECP) has been noted and was discussed on page 25 of the IS/MND.

In response to the comment, Mitigation Measure 2-1 is hereby revised as follows:

2-1 *Prior to the initiation of ground disturbance, the project applicant shall show on the plans via notation that the contractor shall ensure that the heavy-duty off-road vehicles (50 horsepower or more) to be used in the construction project, including owned, leased, and subcontractor vehicles, shall not generate PM<sub>2.5</sub> emissions in excess of 0.00133 tons PM<sub>2.5</sub> per year. The PM<sub>2.5</sub> reduction shall be achieved by requiring a combination of engine Tier 3 or Tier 4 off-road construction equipment or the use of hybrid, electric, or alternatively fueled equipment.*

*The project representative shall submit to the lead agency and SMAQMD a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that will be used an aggregate of 40 or more hours during any portion of the construction project.*

- *The inventory shall include the horsepower rating, engine model year, and projected hours of use for each piece of equipment.*
- *The project representative shall provide the anticipated construction timeline including start date, and name and phone number of the project manager and on-site foreman.*
- *This information shall be submitted at least 4 business days prior to the use of subject heavy-duty off-road equipment.*
- *The inventory shall be updated and submitted monthly throughout the duration of the project, except that an inventory shall not be required for any 30-day period in which no construction activity occurs.*

*SMAQMD and/or other officials may conduct periodic site inspections to determine compliance. Nothing in this mitigation shall supersede other SMAQMD, State or federal rules or regulation.*

*In addition, all off-road equipment working at the construction site must be maintained in proper working condition according to manufacturer's specifications. Idling shall be limited to five minutes or less in accordance with the Off-Road Diesel Fueled Fleet Regulation as required by CARB. Portable equipment over 50 horsepower must have either a valid District*

*Permit to Operate (PTO) or a valid statewide Portable Equipment Registration Program (PERP) placard and sticker issued by CARB.*

*The aforementioned requirements shall be noted on Grading Plans and submitted for review and approval by the City of Sacramento Community Development Department.*

The foregoing revision does not alter the analysis or conclusions presented within the IS/MND.

### **Response to Comment 1-7**

As demonstrated in the following excerpt, the commenter's concerns have been addressed on pages 24 and 25 of the IS/MND:

[...] all projects under the jurisdiction of SMAQMD are required to comply with all applicable SMAQMD rules and regulations (a complete list of current rules is available at [www.airquality.org/rules](http://www.airquality.org/rules)). Rules and regulations related to construction include, but not limited to, Rule 201 (General Permit Requirements), Rule 402 (Nuisance), Rule 403 (Fugitive Dust), Rule 404 (Particulate Matter), Rule 414 (Water Heaters, Boilers and Process Heaters Rated Less Than 1,000,000 British Thermal Units per Hour), Rule 417 (Wood Burning Appliances), Rule 442 (Architectural Coatings), Rule 453 (Cutback and Emulsified Asphalt Paving Materials), Rule 460 (Adhesives and Sealants), Rule 902 (Asbestos) and California Code of Regulations (CCR) requirements related to the registration of portable equipment and anti-idling. Furthermore, all projects are required to implement the SMAQMD's Basic Construction Emission Control Practices (BCECP). Compliance with SMAQMD rules and regulations and BCECP would ensure that construction emissions are minimized to the extent practicable, and would reduce emissions below the level presented in Table 3.

### **Response to Comment 1-8**

The CalEEMod default trip rates are based on the Institute of Transportation Engineers (ITE) 10<sup>th</sup> edition average trip rates for the respective land use category.<sup>1</sup> As a result, the default value does not represent a project's target population nor account for surrounding land uses. The City of Sacramento Public Works Department provided anticipated trip generation rates which were determined by the City to be most appropriate for the proposed project. Nevertheless, in response to the comment, page 24 of the IS/MND is hereby revised as follows:

However, where project-specific data is available, such data should be input into the model. Accordingly, based on information provided by the City of Sacramento Public Works Department for the proposed project, trip generation rates were updated to reflect project details.<sup>[2]</sup>

<sup>[2]</sup> The CalEEMod default trip rates have been adjusted by the City of Sacramento Public Works Department to provide trip generation rates which were determined by the City to be most appropriate for the proposed project.

The above change is for clarification purposes, and does not alter the analysis or conclusions presented within the IS/MND.

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<sup>1</sup> California Air Pollution Control Officers Association. *CalEEMod User's Guide Version 2020.4.0* [pg 36]. May 2021.

**Response to Comment 1-9**

The comment is a concluding statement and does not address the adequacy of the IS/MND.