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By Electronic Mail and Telecopy

BEN RITCHIE, ENVIRONMENTAL COORDINATOR
CITY OF RANCHO CORDOVA
2729 PROSPECT PARK DRIVE
RANCHO CORDOVA, CA 95670

RE: Notice of Preparation of EIR for Westborough at Easton -- SCH Number: 2007102084

Dear Mr. Ritchie:

The Attorney General submits these comments on the Notice of Preparation of an environmental impact report ("EIR") for the Westborough at Easton Specific Plan ("the project"). Although the deadline for filing comments on the Notice of Preparation has passed, we request that you consider these comments in preparing the draft EIR.

The project is a mixed use development on 1,137 acres that will include residential (3,485 units), commercial, office, recreation, open space, three new schools, new roads and road improvements and natural preserves. The Notice of Preparation states that the project will be reviewed for consistency with AB 32, which will include an analysis of climate change and GHGs. The development is located near a planned extension of the light rail system serving downtown Sacramento. Therefore, this is a good location for a well-planned mixed use development. We believe this development provides an excellent opportunity for the City, its consultant and the property owner to produce an exemplary EIR and a model green project. Therefore, we encourage the City to fully evaluate mitigation measures to reduce GHG emissions in the EIR.

Climate Change Background

Emissions of GHG on the Earth's surface accumulate in the atmosphere: the increased atmospheric concentration of these same gases in turn adversely affects the climate.¹ The atmospheric concentration of carbon dioxide (CO₂), the leading GHG, is now 379 parts per

¹(Intergovernmental Panel on Climate Change, Fourth Assessment Report (IPCC 4th) (2007), Working Group (WG) I, Frequently Asked Question 2.1, *How do Human Activities Contribute to Climate Change and How do They Compare with Natural Influences?* http://ipcc-wg1.ucar.edu/wg1/Report/AR4WG1_Pub_FAQs.pdf.)

million (ppm), higher than any time in the preceding 650,000 years.² According to some experts, an atmospheric concentration of CO₂ “exceeding 450 ppm is almost surely dangerous” because of the climate changes it will effect, “and the ceiling may be even lower.”³

Currently, atmospheric GHG concentrations are far from stable. “The recent rate of change is dramatic and unprecedented[.]”⁴ Over just the last 17 years, atmospheric concentrations of CO₂ have risen 30 ppm, a rate of change that, in pre-industrial times, would have taken 1,000 years.⁵ Experts are clear that if we continue our “business as usual” emissions trend, atmospheric concentrations of CO₂ will likely exceed 650 ppm by the end of the century.⁶

In short, our past and current GHG emissions have pushed us to a climatic “tipping point.” If we continue our business-as-usual emissions trajectory, dangerous climate change will become unavoidable. According to NASA’s James Hansen, proceeding at the emissions rate of the past decade will result in “disastrous effects, including increasingly rapid sea level rise, increased frequency of droughts and floods, and increased stress on wildlife and plants due to rapidly shifting climate zones.”⁷ And, the experts tell us, we have very little time to take decisive action.⁸ Rajendra Pachauri, Chairman of the United Nations Intergovernmental Panel on Climate Change (“IPCC”) recently declared: “If there’s no action before 2012, that’s too late. What we do in the next two to three years will determine our future.”⁹

The need to make substantial cuts in emissions drives the global targets embodied in the

²(IPCC 4th, WG I, Frequently Asked Question 7.1, *Are the Increases in Atmospheric Carbon Dioxide and Other Greenhouse Gases During the Industrial Era Caused by Human Activities?* http://ipcc-wg1.ucar.edu/wg1/Report/AR4WG1_Pub_FAQs.pdf.)

³(http://www.nasa.gov/centers/goddard/news/topstory/2007/danger_point.html.)

⁴(IPCC 4th, WG I, Frequently Asked Question 7.1, *Are the Increases in Atmospheric Carbon Dioxide and Other Greenhouse Gases During the Industrial Era Caused by Human Activities?* http://ipcc-wg1.ucar.edu/wg1/Report/AR4WG1_Pub_FAQs.pdf.)

⁵(*Id.*)

⁶(<http://www.epa.gov/climatechange/science/futureac.html>.)

⁷(<http://www.giss.nasa.gov/research/news/20070530/>; see also Hansen *et al.*, *Dangerous Human-Made Interference with Climate* (2007) 7 *Atmos. Chem. Phys.* 2287–2312 http://pubs.giss.nasa.gov/docs/2007/2007_Hansen_etal_1.pdf.)

⁸(*Id.*) For further discussion of dangerous climate change, see IPCC 4th, WG III, Ch. 1 at pp. 6-7 http://www.mnp.nl/ipcc/pages_media/FAR4docs/chapters/CH1_Introduction.pdf.

⁹ Rosenthal, *U.N. Chief Seeks More Leadership on Climate Change*, *N.Y. Times* (November 18, 2007).

Kyoto Protocol and the State's targets established by Governor Schwarzenegger's Executive Order S-3-05, and AB 32, California's Global Warming Solution Act of 2006. In California, by these authorities, we are committed to reducing emissions to 1990 levels by 2020, and 80% below 1990 levels by 2050. To achieve the 2020 target, California must reduce its current emissions by 25%.¹⁰

CEQA Requirements

As the legislature recently recognized, global warming is an "effect on the environment" as defined by the California Environmental Quality Act ("CEQA"), and a project's contribution to global warming can be significant.¹¹ CEQA was enacted to ensure that public agencies do not approve projects unless they include feasible alternatives or mitigation measures that substantially reduce the significant environmental effects of the project.¹² CEQA requires that "[e]ach public agency shall mitigate or avoid the significant effects on the environment of projects that it carries out or approves whenever it is feasible to do so."¹³ This requirement is extremely important and is recognized as "[t]he core of an EIR"¹⁴

Potential Mitigation Measures

There are many siting, design and construction measures that could be incorporated into the project to reduce future GHG emissions from buildings and transportation.¹⁵ While this is not intended to be an exhaustive list, some of the measures that should be considered and evaluated in the EIR include the following:

¹⁰(Office of the Governor, *Gov. Schwarzenegger Signs Landmark Legislation to Reduce Greenhouse Gas Emissions*, Press Release (Sept. 27, 2006) <http://gov.ca.gov/index.php?/press-release/4111/>.)

¹¹ See Pub. Res. Code section 21083.05, subd. (a); see also Sen. Rules Com., Off. of Sen. Floor Analyses, Analysis of Sen. Bill No. 97 (2007-2008 Reg. Sess.) Aug. 22, 2007.

¹²Public Resources Code § 21002.

¹³Public Resources Code §§ 21002.1(b) and 21081; see also, *Mountain Lion Foundation v. Fish and Game Commission*, 16 Cal.4th 105, 134 (1997).

¹⁴*Citizens of Goleta Valley v. Board of Supervisors of Santa Barbara County* (1990) 52 Cal.3d 553, 564-65.

¹⁵ Buildings are responsible for about 37% of energy-related GHG emissions in North America. See, *First State of the Carbon Cycle Report: The North American Carbon Budget and Implications for the Global Carbon Cycle*, U.S. Climate Change Science Program (May 2006) at 96. This recent report found that "[c]urrent best practices can reduce carbon emissions for buildings by at least 60% for offices and up to 70% for homes." (*Id.*)

- all retail and commercial buildings shall be LEED Silver initially, and LEED Gold beginning in 2012
- all residential buildings shall be Green Point Rated (under the “Build It Green” system; www.builditgreen.org/greenpointrated) with a minimum of 90 points (or use an equivalent rating system for homes)
- participate in the California Energy Commission New Solar Homes Partnership and include onsite solar photovoltaic systems in at least 50% of the residential units
- for residences, use solar hot water systems with booster heating that is either full-condensing natural gas (or propane) or tankless electric (or electric heat pump) water heating technology; locate water heater and all hot water fixtures in close proximity; follow structured plumbing guidelines to layout hot water distribution piping¹⁶
- include onsite solar generation of electricity on retail/commercial building roofs and in parking lots (solar carports); install combined heat and power systems
- reduce the urban heat island effect by using “cool” roofs with the highest commercially available solar reflectance and thermal emittance; use lighter-colored pavements when feasible;¹⁷ plant shade trees
- use the most efficient commercially available heating and heating and cooling systems; use solar heating, automatic covers, and the most efficient pumps and motors for pools and spas
- design and locate pedestrian routes and bikepaths and minimize road crossings to allow safe walking and bicycling to school
- provide funding to the school district to expand the area where bus service to and from the project’s schools is provided
- establish free parking spaces in retail/commercial areas reserved for electric cars and free parking spaces at the transit station reserved for carpools
- use parking pricing to discourage driving to the light rail station and discourage shopping trips by car, and to encourage walking and biking

¹⁶ See www.gothotwater.com/D'MAND/Guidelines%20for%20Structured%20Plumbing%202007-01-05.pdf.

¹⁷ See <http://eetd.lbl.gov/HeatIsland/> and www.epa.gov/heatisd/images/extra/level3_pavingproducts.html

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- develop and follow “green construction guidelines” that require the following: use lowest-emitting off-road construction vehicles; use cement blended with the maximum feasible amount of flyash or other materials that reduce GHG emissions from cement production; and recycle construction and demolition waste
- develop and follow a “green streets guide” that requires LED street lights and traffic lights, minimal amount of concrete and asphalt, permeable pavement, and incorporating shade trees where feasible (see Irvine Sustainable Travelways “Green Street” Guidelines (www.ci.irvine.ca.us/civica/filebank/blobload.asp?BlobID=8934) and CoolHouston Plan (www.harc.edu/Projects/CoolHouston))
- install graywater systems in residential development; include plumbing for graywater systems (see www.owue.water.ca.gov/docs/graywater_guide_book.pdf)

Accordingly, it appears there are numerous feasible mitigation measures that the City should evaluate and adopt in the EIR for the project. We urge the City, in this EIR and Specific Plan, to take the opportunity to show leadership in the state’s efforts to avoid catastrophic climate change.

Thank you for your consideration of these comments. We would appreciate the opportunity to meet with you at your convenience if you would like to discuss how this project could be a model “green” development.

Sincerely,

/S/

SANDRA GOLDBERG
Deputy Attorney General

For EDMUND G. BROWN JR.
Attorney General