

March 20, 2023

Advocates for the Environment

A non-profit public-interest law firm
and environmental advocacy organization



Shelby Maples
Associate Planner
City of Roseville
401 Vernon Street
Roseville, CA 95678

Via U.S. Mail and email to smaples@roseville.ca.us

re: Comments on the Draft Environmental Impact Report on Roseville Industrial Park Project,
SCH No. 2021070186

Dear Ms. Maples:

Advocates for the Environment submits the comments in this letter regarding the Draft Environmental Impact Report (**DEIR**) for the Roseville Industrial Park Project (**Project**). The Project Site is 241 acres of undeveloped grazing land located at 6382 Phillip Road, within the City of Roseville (**City**), Placer County. The Project would affect approximately 191 acres of land, bisected by Pleasant Grove Creek. The Project entails up to fifteen buildings, including light manufacturing, warehousing, and distribution uses, for a total of 1,999,320 square feet of industrial buildings in the south parcel, and 2,430,000 square feet of industrial buildings in the north parcel. Other features include an electrical substation and a bridge across Pleasant Grove Creek. Approximately 80% of the Project's uses will be warehousing and distribution, which would operate "potentially 24 hours per day." (DEIR 2-18.) The resulting industrial park would employ approximately 1,938 employees, and is expected to be constructed in fall 2023 with plans to complete phase one by 2024 and full build-out by 2030. We have reviewed the DEIR released in February 2023 and submit comments regarding the sufficiency of the DEIR's Greenhouse-Gas (**GHG**) analysis under the California Environmental Quality Act (**CEQA**).

The Project's GHG Impacts Must be Fully Mitigated

The calculated project-related emissions level is 25,059 metric tons of carbon dioxide equivalent (**MTCO_{2e}**) per year, as well as 3,934 **MTCO_{2e}** of construction emissions which were not amortized nor added to the operational emissions. The City adopted a GHG significance threshold of 10,000 **MTCO_{2e}** and concluded that, because the Project was more than double the threshold, it would have significant and unavoidable GHG impact. CEQA requires fair-share mitigation for significant cumulative impacts, such as GHG impact, which is inherently cumulative. (See *Ctr. for Biological Diversity v. Dep't of Fish & Wildlife* (2015) 62 Cal.4th 204, 219.) To reduce the significant impact, the GHG mitigation section identified four feasible mitigation measures ("**MM**") (identified as MM 3.5-1a, MM 3.4-2a, MM 3.4-2a, and MM 3.5-1b). But these measures are not enough to

10211 Sunland Blvd., Shadow Hills, CA 91040 (818) 650-0030 X101 dw@aenv.org

effectively mitigate the GHG emissions from the Project to the fair-share extent. Despite an apparent availability of other GHG mitigation, the DEIR declared that the Project's quantified emissions were significant and "unavoidable." (DEIR 3.5-10.) But this is not true. There are other readily available mitigation measures that are feasible.

Since the Project's GHG emissions would be significant, CEQA requires that the Project include fair-share mitigation (*Napa Citizens for Honest Gov't v. Napa County Board of Supervisors* (2001) 91 Cal.App.4th 342, 364.) Here, this means mitigation of all of the Project's GHG impacts, which the EIR quantified at about 25,059 MTCO_{2e} per year. The reasonable lifespan of a warehouse project is longer than that of a residential building, averaging 50 to 60 years.¹ Therefore there is a quantifiable estimate of total Project emissions by multiplying the annual estimate by the average 55-yearlifespan, which would amount to 1,378,245 MTCO_{2e}.² This would be a good starting point from which to subtract the effect of non-offset mitigation measures, before implementing offset purchases. However, the DEIR only includes mitigation for a small fraction of this amount, only covering up to one year of the Project's estimated emissions. (DEIR ES-15.)

Infeasibility Finding Lacks Substantial Evidence

The conclusion that the Project will not be able to achieve any mitigation beyond the Project's mitigation measures is not supported with substantial evidence. Overall, as discussed in the next section of this letter, there are abundant options available to mitigate emissions to the full extent of project emissions. The lead agency carries the burden of including an adequate discussion of feasible mitigation measures, including identifying the reasons for infeasibility, and the failure to do so here is a violation of CEQA and insufficient to meet the City's burden.

By saying that GHG impact is unavoidable outside of the identified mitigation measures, the DEIR implies that further mitigation is not feasible. Yet, the Applicant has the capacity further mitigate the emissions directly and indirectly related to this project. For example, requiring vehicle fleets to be powered by alternative fuel types would effectively emit less GHGs; the City could require that the applicant's lease agreements included provisions to limit the use of heavy-duty diesel trucks or require that the tenant's vehicle fleet use non-diesel fuels such as gasoline, ethanol, or biofuels. Another feasible mitigation measure would require the applicant will enter a contract with future tenants to use zero-emission commercial vehicles upon reasonable availability by maintaining a fully-electric or hybrid vehicle fleet which powers itself through solar panels on the warehouse site. Such mitigation would be in alignment with the net zero significance threshold and would be necessary to bring them to the level of less than significant impact. Additionally, there are several features that

¹ <https://bciconstruction.us/which-factors-determine-the-lifespan-of-a-building/#:~:text=A%20warehouse%20used%20to%20produce,for%20major%20repairs%20or%20renovations.>

² (25,059 MTCO_{2e}/year) x (55 years average) = 1,378,245 MTCO_{2e}

could be installed to reduce GHG emissions, including more solar panels than currently proposed, solar water heaters, automatic light switches, among many other reduction strategies.

The City could also commit to offsets for more than one year and require the Applicant to enter into an agreement to buy clean power. The DEIR analysis indicates that achieving emissions at or below the significance threshold net zero is not feasible given the current regulatory setting, but CEQA allows offsets as a mitigation measure, which could be implemented to achieve net zero and reduce the Project's GHG impact to a less-than-significant level. Therefore, the conclusion that further mitigation would be infeasible has not been supported by substantial evidence.

Operational Emissions Reductions

The DEIR indicates that the Project would create a bicycle trail specifically for the purpose of adhering to the measures of the California Green Buildings Standards Code. However, the DEIR makes no other mention of the California Green Buildings Standards Code in any other area of the DEIR, and it is notably missing from the discussion of GHG emission significance. It would be feasible to incorporate the mandatory measures of the California Green Buildings Standards Code, as well as certain voluntary measures, beyond requirements of any applicable codes, as mitigation for GHG emissions. For example, all buildings on-site could include green roof strategies for all portions of the roof that are not utilized for solar panels, in order to contribute to energy savings and therefore GHG emissions reductions. Some examples of green roof features include the use of solar reflection or thermal emittance materials, and the construction of a thermal mass, such as vegetation on the roof.

This is just one example among many other strategies that can achieve operational GHG emissions reductions through building design measures and Project-related transportation infrastructure. The City should consider all feasible operational emissions reductions and include corresponding mitigation measures to achieve such reductions in the DEIR.

Solar Panel Installation is a Feasible Mitigation Measure

One of the most important feasible mitigation measures is installing solar panels or otherwise incorporating renewable energy production on-site, as to be less reliant on GHG-intense fuels which power the City's energy system. The DEIR indicates that solar panels will "eliminate" the use of natural gas and its associated emissions (DEIR 3.5-12.) It incorporates Appendix D by reference, but the calculations of solar panel energy production show that the on-site solar panels will produce much less than the level of energy needed by the Project.

The solar panels that the Project proposes to construct as part of the project's features would generate only 1,257 kWh solar energy per year, a tiny fraction of the approximately 23,392,700 kWh of electricity demand per year. Presuming that this demand would be met by non-renewable and GHG-emitting sources such as natural gas, this comes nowhere near the amount of solar panels needed to meet the Project's high energy demand (a mere 0.005% of total energy demand would be

met by the energy produced by the proposed amount of solar panels).³ Further, the DEIR has made no showing that it would be infeasible to add more solar panels as part of either the project's features or mitigation.

Additionally, there is no description of how many solar panels would be used, which does not give enough information for an accurate assessment to be made and lacks substantial evidence. The DEIR should make a showing of solar panel preparation or installation on the roofs of the 15 industrial buildings that the Project proposes to build. The DEIR does not comment on the feasibility of such measures. It would seem feasible, at the very least, to make the roofs of these buildings solar-ready, if not install solar panels on the maximum available roof space. It would also be possible to build canopies in the parking lots and install solar panels on them.

Furthermore, one of the Project objectives is to "utilize, wherever feasible, alternative energy sources, including solar panels when possible." (DEIR ES-2.) But the DEIR does not seem to incorporate solar panels to the extent feasible. So by achieving more solar panel installations, the Project would be able to advance one of its objectives while also maintaining CEQA compliance.

Offsets Are Feasible

Since there is no reason why CEQA-compliant offsets are infeasible, the City should require the Applicant to purchase offsets to the extent necessary to mitigate the Project's fair share of emissions. Here, there are two issues that make the offsets proposed by the DEIR insufficient. First, the calculation subtracted 10,000 MTCO_{2e} from the annual emissions to get the amount of GHG emissions to be offset. Yet, here the mitigation strategies were applied only until the point that the mitigated emissions were lower than the significant impact threshold. The DEIR proposes to mitigate up until the point of "no significant impact" (i.e., 10,000 MTCO_{2e}) without accounting for the full scope of the project's emissions. This is not representative of the Project's "fair share" emissions.

Cumulative impacts must be analyzed under CEQA using a heightened standard. The finding of Significant Cumulative Impact requires "fair share" mitigation, not just "all feasible" mitigation (*Napa Citizens for Honest Gov't v. Napa County Board of Supervisors* (2001) 91 Cal.App.4th 342, 364). As applied here, fair share is the entirety of the Project's emissions. Essentially, rather than mitigating only to the point of "no significant impact," the DEIR should include mitigation of *all* Project emissions.

The second issue with the proposed amount of GHG offsets is that it only accounts for a single operating year, rather than the full lifespan of the industrial park. To correct this error, the DEIR will either need to specify that the Project will offset the annual amount of emissions each year, or estimate based off the expected lifespan of the industrial park and offset the aggregate of all years of emissions for the entire operational period.

³ = $1,257 \div 23,392,700 = 0.000053 = \text{approx. } 0.005 \%$

Lastly, it is feasible to incorporate more offsets here, and the DEIR has not supported the conclusion that it is infeasible to offset the Project's fair share of emissions. Here there are numerous offsets available for purchase that could negate the Project's significant GHG emissions, and the failure to identify offsets as a mitigation measure while at the same time concluding unavoidable impact is misleading and not supported by substantial evidence.

Misleading and Confusing

The GHG significance analysis should be an accurate reflection of the Project's GHG emissions. Notably, there was no summary of CalEEMod inputs or outputs in Appendix D, Air Quality and Greenhouse Gas Modeling, which was incorporated into the DEIR by reference. Without access to the results of the CalEEMod simulation, it is impossible to be fully informed about the accuracy of the GHG emissions estimates and adequacy of the GHG significance analysis within the DEIR.

In fact, Appendix D does not include any calculations or supporting evidence regarding how the estimation of Project emissions was reached, which does not constitute substantial evidence, and does not allow decision makers or the public to be able to assess the Project's GHG impact, the validity of the analysis that was used, nor the effectiveness of the proposed mitigation measures. Therefore, the DEIR is missing "relevant, crucial information," which prevents informed decision making and public participation, ultimately causing the analysis to be misleading (*San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 738-739.)

Instead, Appendix D only includes brief charts which briefly and summarily address three areas of mitigation: 1) Solar Panel System, 2) EV Charging Station, and 3) Truck Idling. It is also misleading and confusing because "Loading Dock Electrification" appears for the first time in the final chart which presents "Combined Mitigation Measures," even though electrification of loading docks was not calculated or even mentioned anywhere else in Appendix D.

Overall, in order to make it an understandable source of information about the Project, Appendix D should have some explanation of how the numbers were reached, rather than just the results of relevant numbers put into a chart. The charts themselves are not intuitive and require some amount of interpretation, which is a potential source of confusion because it is lacking an adequate explanation, or any explanation at all.

Analysis of Anticipated Future Plans

An Environmental Impact Report should address "anticipated future uses and their environmental effects." *Laurel Heights Improvement Assn. v. Regents of Univ. of California* (1988) 47 Cal. 3d 376, 427.) Here, the DEIR was not complete in its analysis of the future anticipated uses of the warehouse, nor the 15 commercial buildings. The analysis of the warehouse component did not

include a meaningful discussion of refrigerated use, even though it was foreseen and partially accounted for in Mitigation Measure 3.4-2a.

Level of Detail Required by CEQA

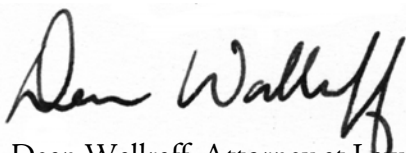
CEQA requires that a DEIR serve as an informational document for the public and decision makers; “The failure to include relevant information precludes informed decision making and informed public participation, thereby thwarting the statutory goals of the EIR process.” (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 712.) Accordingly, the significance analysis violates CEQA by omitting relevant information about how the GHG emissions estimations were reached, as well as missing analysis on the potential use of the warehouse as a refrigerated space.

Conclusion

CEQA requires the City to mitigate all of the Project’s significant GHG impacts to the fair share extent, because the City has concluded that the Project’s GHG emissions will be significant and unavoidable. But the DEIR fails to require this, although there are feasible mitigation measures that should be considered, such as offsets or solar panels on site. The lead agency has not met its burden of showing that such measures are infeasible, and therefore the DEIR should be amended to reflect all feasible mitigation, as well as a reasonable range of project alternatives, to mitigate all the Project’s “fair share” of GHG emissions.

Please put me on the interest list to receive updates about the progress of this project.

Sincerely,



Dean Wallraff, Attorney at Law
Executive Director, Advocates for the Environment