RECIRCULATED

DRAFT EIR

FOR THE

NORTH MANTECA ANNEXATION #1 PROJECT

APRIL 25, 2023

Prepared for:

City of Manteca
Development Services
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Manteca, CA 95337
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Prepared by:

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A Land Use Planning, Design, and Environmental Firm

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1.1 INTRODUCTION

The City of Manteca prepared and publicly circulated a Draft Environmental Impact Report (EIR) for the proposed North Manteca Annexation #1 Project (proposed Project) on September 2, 2022, inviting comment from the general public, agencies, organizations, and other interested parties. A Notice of Availability (NOA) was filed with the State Clearinghouse (SCH # 2021100441) and the County Clerk, and was published in a local newspaper pursuant to the public noticing requirements of CEQA. The Draft EIR was available for public review and comment from September 2, 2022 through October 17, 2022.

Pursuant to the Guidelines for California Environmental Quality Act (CEQA Guidelines) Section 15088.5 (a), a lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the EIR for public review under Section 15087 but before certification of the EIR. New "information" can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. As identified in Section 15088 (a) of the CEQA Guidelines, "Significant new information" requiring recirculation is defined to include disclosures of any of the following:

1. A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
2. A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
3. A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.
4. The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

1.2 SUMMARY OF THE REVISIONS TO THE DRAFT EIR

In accordance with CEQA Guidelines Section 15088.5 (c), if the revision is limited to a few chapters or portions of the EIR, the lead agency need only recirculate the chapters or portions that are new information. Chapter 3.7 Greenhouse Gases, Climate Change and Energy was inadvertently omitted from the Draft EIR, so this chapter is added as new information. This Recirculated Draft EIR includes the following chapters:

- Chapter 1.0: Introduction
- Chapter 3.7 Greenhouse Gases, Climate Change and Energy

1.3 COMMENTING ON THE RECIRCULATED DRAFT EIR

This Recirculated Draft EIR will be circulated for public comment for a period of 45 days. Pursuant to CEQA guidelines Section 15088.5(f), Section 15088.5(f) of the State CEQA Guidelines, recirculating an EIR can result in the lead agency receiving more than one set of comments from reviewers. The lead agency may identify the set of comments to which it will respond by: (1) requiring reviewers to submit new comments when an EIR is substantially revised and the entire document is recirculated; or (2) requesting that reviewers limit their comments to only the revised chapter or portions of the Recirculated EIR. In no case shall the lead agency fail to respond to pertinent comments on significant environmental issues. In this case, the City is requesting that reviewers limit their comments to only the new information provided in the Recirculated Draft EIR (i.e. Chapter 3.7).

Written public comments may be submitted to the Community Development Department, Planning Division during the specified public review and comment period. Written comments should be delivered in person or by courier service, or be sent by mail or email to:

Attn: Lea Simvoulakis, Senior Planner
Manteca Community Development Department, Planning Division
1215 W. Center Street, Suite 201
Manteca, CA 95337
Phone: (209) 456-8516
Email: lsimvoulakis@ci.manteca.ca.us

This section discusses regional greenhouse gas (GHG) emissions, climate change, and energy conservation impacts that could result from Project implementation. The analysis contained in this section is intended to be at a Project-level, and covers impacts associated with the conversion of the entire site to urban uses. This section provides a background discussion of greenhouse gases and climate change linkages and effects of global climate change. This section is organized with an existing setting, regulatory setting, approach/methodology, and impact analysis. The analysis and discussion of the GHG, climate change, and energy conservation impacts in this section focuses on the proposed Project's consistency with local, regional, and statewide climate change planning efforts and discusses the context of these planning efforts as they relate to the proposed Project. Disclosure and discussion of the Project's estimated energy usage and greenhouse gas emissions are provided.

There were no comments received during the NOP scoping process related to this environmental topic.

3.7.1 ENVIRONMENTAL SETTING

GREENHOUSE GASES AND CLIMATE CHANGE LINKAGES

Various gases in the Earth's atmosphere, classified as atmospheric GHGs, play a critical role in determining the Earth's surface temperature. Solar radiation enters Earth's atmosphere from space, and a portion of the radiation is absorbed by the Earth's surface. The Earth emits this radiation back toward space, but the properties of the radiation change from high-frequency solar radiation to lower-frequency infrared radiation.

Naturally occurring GHGs include water vapor (H_2O), carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), and ozone (O_3). Several classes of halogenated substances that contain fluorine, chlorine, or bromine are also GHGs, but they are, for the most part, solely a product of industrial activities. Although the direct GHGs CO_2, CH_4, and N_2O occur naturally in the atmosphere, human activities have changed their atmospheric concentrations. From the pre-industrial era (i.e., ending about 1750) to 2011, concentrations of these three GHGs have increased globally by 40, 150, and 20 percent, respectively (IPCC, 2013).

GHGs, which are transparent to solar radiation, are effective in absorbing infrared radiation. As a result, this radiation that otherwise would have escaped back into space is now retained, resulting in a warming of the atmosphere. This phenomenon is known as the greenhouse effect. Among the prominent GHGs contributing to the greenhouse effect are carbon dioxide (CO_2), methane (CH_4), ozone (O_3), water vapor, nitrous oxide (N_2O), and chlorofluorocarbons (CFCs).

Emissions of GHGs contributing to global climate change are attributable in large part to human activities associated with the industrial/manufacturing, utility, transportation, residential, and agricultural sectors. In California, the transportation sector is the largest emitter of GHGs, followed by the industrial and electricity generation sectors (California Energy Commission, 2020).

As the name implies, global climate change is a global problem. GHGs are global pollutants, unlike criteria air pollutants and toxic air contaminants, which are pollutants of regional and local concern, respectively. California produced 440 million gross metric tons of carbon dioxide equivalents ($MMTCO_2e$) in 2016 (California Air Resources Board, 2018a).

Carbon dioxide equivalents are a measurement used to account for the fact that different GHGs have different potential to retain infrared radiation in the atmosphere and contribute to the greenhouse effect. This potential, known as the global warming potential of a GHG, is also dependent on the lifetime, or persistence, of the gas molecule in the atmosphere. Expressing GHG emissions in carbon dioxide equivalents takes the contribution of all GHG emissions to the greenhouse effect and converts them to a single unit equivalent to the effect that would occur if only CO_2 were being emitted.

Consumption of fossil fuels in the transportation sector was the single largest source of California's GHG emissions in 2017, accounting for 41% of total GHG emissions in the State. This category was followed by the industrial sector (24%), the electricity generation sector (including both in-state and out of-state sources) (15%), the agriculture sector (8%), the residential energy consumption sector (7%), and the commercial energy consumption sector (5%) (California Air Resources Board, 2020c).

EFFECTS OF GLOBAL CLIMATE CHANGE

The effects of increasing global temperature are far-reaching and extremely difficult to quantify. The scientific community continues to study the effects of global climate change. In general, increases in the ambient global temperature as a result of increased GHGs are anticipated to result in rising sea levels, which could threaten coastal areas through accelerated coastal erosion, threats to levees and inland water systems and disruption to coastal wetlands and habitat.

If the temperature of the ocean warms, it is anticipated that the winter snow season would be shortened. Snowpack in the Sierra Nevada provides both water supply (runoff) and storage (within the snowpack before melting), which is a major source of supply for the State. The snowpack portion of the supply could potentially decline by 50% to 75% by the end of the 21st century (National Resources Defense Council, 2014). This phenomenon could lead to significant challenges securing an adequate water supply for a growing state population. Further, the increased ocean temperature could result in increased moisture flux into the State; however, since this would likely increasingly come in the form of rain rather than snow in the high elevations, increased precipitation could lead to increased potential and severity of flood events, placing more pressure on California's levee/flood control system.

Sea level has risen approximately seven inches during the last century and it is predicted to rise an additional 22 to 35 inches by 2100, depending on the future GHG emissions levels (California Environmental Protection Agency, 2010). If this occurs, resultant effects could include increased coastal flooding, saltwater intrusion and disruption of wetlands. As the existing climate throughout California changes over time, mass migration of species, or failure of species to migrate in time to adapt to the perturbations in climate, could also result. Under the emissions scenarios of the Climate

Scenarios report (California Environmental Protection Agency, 2010), the impacts of global warming in California are anticipated to include, but are not limited to, the following.

Public Health

Higher temperatures are expected to increase the frequency, duration, and intensity of conditions conducive to air pollution formation. For example, days with weather conducive to ozone formation are projected to increase from 25% to 35% under the lower warming range and to 75% to 85% under the medium warming range. In addition, if global background ozone levels increase as predicted in some scenarios, it may become impossible to meet local air quality standards. Air quality could be further compromised by increases in wildfires, which emit fine particulate matter that can travel long distances depending on wind conditions. The Climate Scenarios report indicates that large wildfires could become up to 55% more frequent if GHG emissions are not significantly reduced.

In addition, under the higher warming scenario, there could be up to 100 more days per year with temperatures above 90°F in Los Angeles and 95°F in Sacramento by 2100. This is a large increase over historical patterns and approximately twice the increase projected if temperatures remain within or below the lower warming range. Rising temperatures will increase the risk of death from dehydration, heat stroke/exhaustion, heart attack, stroke, and respiratory distress caused by extreme heat.

Water Resources

A vast network of man-made reservoirs and aqueducts capture and transport water throughout the State from northern California rivers and the Colorado River. The current distribution system relies on Sierra Nevada snow pack to supply water during the dry spring and summer months. Rising temperatures, potentially compounded by decreases in precipitation, could severely reduce spring snow pack, increasing the risk of summer water shortages.

The State's water supplies are also at risk from rising sea levels. An influx of saltwater would degrade California's estuaries, wetlands, and groundwater aquifers. Saltwater intrusion caused by rising sea levels is a major threat to the quality and reliability of water within the southern edge of the Sacramento/San Joaquin River Delta, a major State fresh water supply. Global warming is also projected to seriously affect agricultural areas, with California farmers projected to lose as much as 25% of the water supply they need; decrease the potential for hydropower production within the State (although the effects on hydropower are uncertain); and seriously harm winter tourism. Under the lower warming range, the snow dependent winter recreational season at lower elevations could be reduced by as much as one month. If temperatures reach the higher warming range and precipitation declines, there might be many years with insufficient snow for skiing, snowboarding, and other snow dependent recreational activities.

If GHG emissions continue unabated, more precipitation will fall as rain instead of snow, and the snow that does fall will melt earlier, reducing the Sierra Nevada spring snow pack by as much as 70% to 90%. Under the lower warming scenario, snow pack losses are expected to be only half as large as those expected if temperatures were to rise to the higher warming range. How much snow pack will be lost depends in part on future precipitation patterns, the projections for which remain

uncertain. However, even under the wetter climate projections, the loss of snow pack would pose challenges to water managers, hamper hydropower generation, and nearly eliminate all skiing and other snow-related recreational activities.

Agriculture

Increased GHG emissions are expected to cause widespread changes to the agriculture industry reducing the quantity and quality of agricultural products statewide. Although higher carbon dioxide levels can stimulate plant production and increase plant water-use efficiency, California's farmers will face greater water demand for crops and a less reliable water supply as temperatures rise.

Plant growth tends to be slow at low temperatures, increasing with rising temperatures up to a threshold. However, faster growth can result in less-than-optimal development for many crops, so rising temperatures are likely to worsen the quantity and quality of yield for a number of California's agricultural products. Products likely to be most affected include wine grapes, fruits and nuts, and milk.

Crop growth and development will be affected, as will the intensity and frequency of pest and disease outbreaks. Rising temperatures will likely aggravate ozone pollution, which makes plants more susceptible to disease and pests and interferes with plant growth.

In addition, continued global warming will likely shift the ranges of existing invasive plants and weeds and alter competition patterns with native plants. Range expansion is expected in many species while range contractions are less likely in rapidly evolving species with significant populations already established. Should range contractions occur, it is likely that new or different weed species will fill the emerging gaps. Continued global warming is also likely to alter the abundance and types of many pests, lengthen pests' breeding season, and increase pathogen growth rates.

Forests and Landscapes

Global warming is expected to alter the distribution and character of natural vegetation thereby resulting in a possible increased risk of large of wildfires. If temperatures rise into the medium warming range, the risk of large wildfires in California could increase by as much as 55%, which is almost twice the increase expected if temperatures stay in the lower warming range. However, since wildfire risk is determined by a combination of factors, including precipitation, winds, temperature, and landscape and vegetation conditions, future risks will not be uniform throughout the State. For example, if precipitation increases as temperatures rise, wildfires in southern California are expected to increase by approximately 30% toward the end of the century. In contrast, precipitation decreases could increase wildfires in northern California by up to 90%.

Moreover, continued global warming will alter natural ecosystems and biological diversity within the State. For example, alpine and sub-alpine ecosystems are expected to decline by as much as 60% to 80% by the end of the century as a result of increasing temperatures. The productivity of the State's forests is also expected to decrease as a result of global warming.

Rising Sea Levels

Rising sea levels, more intense coastal storms, and warmer water temperatures will increasingly threaten the State's coastal regions. Under the higher warming scenario, sea level is anticipated to rise 22 to 35 inches by 2100. Elevations of this magnitude would inundate coastal areas with saltwater, accelerate coastal erosion, threaten vital levees and inland water systems, and disrupt wetlands and natural habitats.

ENERGY CONSUMPTION

Energy in California is consumed from a wide variety of sources. Fossil fuels (including gasoline and diesel fuel, natural gas, and energy used to generate electricity) are most widely used form of energy in the State. However, renewable sources of energy (such as solar and wind) are growing in proportion to California's overall energy mix. A large driver of renewable sources of energy in California is the State's current Renewable Portfolio Standard (RPS), which requires the State to derive at least 33% of electricity generated from renewable resources by 2020, 60 percent by 2030, and to achieve zero-carbon emissions by 2045 (as passed in September 2018, under AB 100).

Overall, in 2018, California's per capita energy usage was ranked fourth-lowest in the nation (U.S. EIA, 2020b). California's per capita rate of energy usage has remained relatively constant since the 1970's. Many State regulations since the 1970's, including new building energy efficiency standards, vehicle fleet efficiency measures, as well as growing public awareness, have helped to keep per capita energy usage in the State in check.

The consumption of non-renewable energy (i.e. fossil fuels) associated with the operation of passenger, public transit, and commercial vehicles, results in GHG emissions that contribute to global climate change. Alternative fuels such as natural gas, ethanol, and electricity (unless derived from solar, wind, nuclear, or other energy sources that do not produce carbon emissions) also result in GHG emissions and contribute to global climate change.

Electricity Consumption

California relies on a regional power system composed of a diverse mix of natural gas, renewable, hydroelectric, and nuclear generation resources. In 2016, more than one-fourth of the electricity supply comes from facilities outside of the State. Much of the power delivered to California from states in the Pacific Northwest was generated by wind. States in the Southwest delivered power generated at coal-fired power plants, at natural gas-fired power plants, and from nuclear generating stations (U.S. EIA, 2020a). In 2016, approximately 50 percent of California's utility-scale net electricity generation was fueled by natural gas. In addition, about 25 percent of the State's utility-scale net electricity generation came from non-hydroelectric renewable technologies, such as solar, wind, geothermal, and biomass. Another 14 percent of the State's utility-scale net electricity generation came from hydroelectric generation, and nuclear energy powered an additional 11 percent. The amount of electricity generated from coal negligible (approximately 0.2 percent) (U.S. EIA, 2020a). The percentage of renewable resources as a proportion of California's overall energy portfolio is increasing over time, as directed by the State's Renewable Portfolio Standard (RPS).

According to the California Energy Commission (CEC), total statewide electricity consumption increased from 166,979 gigawatt-hours (GWh) in 1980 to 228,038 GWh in 1990, which is an estimated annual growth rate of 3.66 percent. The statewide electricity consumption in 1997 was 246,225 GWh, reflecting an annual growth rate of 1.14 percent between 1990 and 1997 (U.S. EIA, 2020b). Statewide consumption was 274,985 GWh in 2010, an annual growth rate of 0.9 percent between 1997 and 2010. In 2019, electricity consumption in San Joaquin County was 5,583 GWh (California Energy Commission, 2020).

Oil

The primary energy source for the United States is oil, which is refined to produce fuels like gasoline, diesel, and jet fuel. Oil is a finite, nonrenewable energy source. World consumption of petroleum products has grown steadily in the last several decades. As of 2016, world consumption of oil had reached 96 million barrels per day. The United States, with approximately five percent of the world's population, accounts for approximately 19 percent of world oil consumption, or approximately 18.6 million barrels per day (U.S. EIA, 2020c). The transportation sector relies heavily on oil. In California, petroleum-based fuels currently provide approximately 96 percent of the State's transportation energy needs.

Natural Gas/Propane

The State produces approximately 12 percent of its natural gas, while obtaining 22 percent from Canada and 65 percent from the Rockies and the Southwest (California Energy Commission, 2012). In 2006, California produced 325.6 billion cubic feet of natural gas (California Energy Commission, 2012). PG&E is the largest publicly-owned utility in California and provides natural gas for residential, industrial, and agency consumers within the San Joaquin County area. In 2018, natural gas consumption in San Joaquin County was 259 million therms (California Energy Commission, 2020).

3.7.2 REGULATORY SETTING

FEDERAL

Clean Air Act

The Federal Clean Air Act (FCAA) was first signed into law in 1970. In 1977, and again in 1990, the law was substantially amended. The FCAA is the foundation for a national air pollution control effort, and it is composed of the following basic elements: NAAQS for criteria air pollutants, hazardous air pollutant standards, State attainment plans, motor National Ambient Air Quality Standards (NAAQS) vehicle emissions standards, stationary source emissions standards and permits, acid rain control measures, stratospheric ozone protection, and enforcement provisions.

The EPA is responsible for administering the FCAA. The FCAA requires the EPA to set NAAQS for several problem air pollutants based on human health and welfare criteria. Two types of NAAQS were established: primary standards, which protect public health, and secondary standards, which protect the public welfare from non-health-related adverse effects such as visibility reduction.

On April 2, 2007, in the court case of *Massachusetts et al. vs. the USEPA et al*. (549 U.S. 497), the U.S. Supreme Court found that GHGs are air pollutants covered by the federal Clean Air Act (42 USC Sections 7401-7671q). The Supreme Court held that the Administrator of the United States Environmental Protection Agency must determine whether or not emissions of GHGs from new motor vehicles cause or contribute to air pollution, which may reasonably be anticipated to endanger public health or welfare, or whether the science is too uncertain to make a reasoned decision. In making these decisions, the Administrator is required to follow the language of Section 202(a) of the Clean Air Act. On December 7, 2009, the Administrator signed two distinct findings regarding GHGs under Section 202(a) of the Clean Air Act:

- Endangerment Finding: The Administrator finds that the current and projected concentrations of the six key well-mixed GHGs (carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride) in the atmosphere threaten the public health and welfare of current and future generations.

- Cause or Contribute Finding: The Administrator finds that the combined emissions of these well-mixed GHGs from new motor vehicles and new motor vehicle engines contribute to the GHG pollution, which threatens public health and welfare.

These findings do not themselves impose any requirements on industry or other entities. However, this action was a prerequisite for implementing GHG emission standards for vehicles. In collaboration with the National Highway Traffic Safety Administration (NHTSA) and CARB, the USEPA developed emission standards for light-duty vehicles (2012-2025 model years), and heavy-duty vehicles (2014-2027 model years).

Energy Policy and Conservation Act

The Energy Policy and Conservation Act of 1975 sought to ensure that all vehicles sold in the U.S. would meet certain fuel economy goals. Through this Act, Congress established the first fuel economy standards for on-road motor vehicles in the United States. Pursuant to the Act, the National Highway Traffic and Safety Administration, which is part of the U.S. Department of Transportation (USDOT), is responsible for establishing additional vehicle standards and for revising existing standards.

Since 1990, the fuel economy standard for new passenger cars has been 27.5 mpg. Since 1996, the fuel economy standard for new light trucks (gross vehicle weight of 8,500 pounds or less) has been 20.7 mpg. Heavy-duty vehicles (i.e., vehicles and trucks over 8,500 pounds gross vehicle weight) are not currently subject to fuel economy standards. Compliance with federal fuel economy standards is determined on the basis of each manufacturer's average fuel economy for the portion of its vehicles produced for sale in the U.S. The Corporate Average Fuel Economy (CAFE) program, which is administered by the EPA, was created to determine vehicle manufacturers' compliance with the fuel economy standards. The EPA calculates a CAFE value for each manufacturer based on city and highway fuel economy test results and vehicle sales. Based on the information generated under the CAFE program, the USDOT is authorized to assess penalties for noncompliance.

Energy Policy Act of 1992 (EPAct)

The Energy Policy Act of 1992 (EPAct) was passed to reduce the country's dependence on foreign petroleum and improve air quality. EPAct includes several parts intended to build an inventory of alternative fuel vehicles (AFVs) in large, centrally fueled fleets in metropolitan areas. EPAct requires certain federal, State, and local government and private fleets to purchase a percentage of light duty AFVs capable of running on alternative fuels each year. In addition, financial incentives are included in EPAct. Federal tax deductions will be allowed for businesses and individuals to cover the incremental cost of AFVs. States are also required by the act to consider a variety of incentive programs to help promote AFVs.

Energy Policy Act of 2005

The Energy Policy Act of 2005 was signed into law on August 8, 2005. Generally, the act provides for renewed and expanded tax credits for electricity generated by qualified energy sources, such as landfill gas; provides bond financing, tax incentives, grants, and loan guarantees for a clean renewable energy and rural community electrification; and establishes a federal purchase requirement for renewable energy.

Federal Climate Change Policy

According to the EPA, "the United States government has established a comprehensive policy to address climate change" that includes slowing the growth of emissions; strengthening science, technology, and institutions; and enhancing international cooperation. To implement this policy, "the Federal government is using voluntary and incentive-based programs to reduce emissions and has established programs to promote climate technology and science." The EPA administers multiple programs that encourage voluntary GHG reductions, including "ENERGY STAR", "Climate Leaders", and Methane Voluntary Programs. However, as of this writing, there are no adopted federal plans, policies, regulations, or laws directly regulating GHG emissions.

Mandatory Greenhouse Gas Reporting Rule

In 2009, EPA issued a final rule for mandatory reporting of GHGs from large GHG emissions sources in the United States. In general, this national reporting requirement will provide EPA with accurate and timely GHG emissions data from facilities that emit 25,000 metric tons or more of CO_2 per year. This publicly available data will allow the reporters to track their own emissions, compare them to similar facilities, and aid in identifying cost effective opportunities to reduce emissions in the future. Reporting is at the facility level, except that certain suppliers of fossil fuels and industrial GHGs along with vehicle and engine manufacturers will report at the corporate level. An estimated 85% of the total U.S. GHG emissions, from approximately 10,000 facilities, are covered by this final rule.

STATE

The California Legislature has enacted a series of statutes in recent years addressing the need to reduce GHG emissions all across the State. These statutes can be categorized into four broad categories: (i) statutes setting numerical statewide targets for GHG reductions, and authorizing CARB to enact regulations to achieve such targets; (ii) statutes setting separate targets for increasing

the use of renewable energy for the generation of electricity throughout the State; (iii) statutes addressing the carbon intensity of vehicle fuels, which prompted the adoption of regulations by CARB; and (iv) statutes intended to facilitate land use planning consistent with statewide climate objectives. The discussion below will address each of these key sets of statutes, as well as CARB "Scoping Plans" intended to achieve GHG reductions under the first set of statutes and recent building code requirements intended to reduce energy consumption.

Statutes Setting Statewide GHG Reduction Targets

ASSEMBLY BILL 32 (GLOBAL WARMING SOLUTIONS ACT)

In 2006, the California State Legislature enacted the California Global Warming Solutions Act of 2006 (Health & Safety Code Section 38500 et seq.), also known as Assembly Bill (AB) 32 (Stats. 2006, ch. 488). AB 32 establishes regulatory, reporting, and market mechanisms to achieve quantifiable reductions in GHG emissions and a cap on statewide GHG emissions. AB 32 requires that statewide GHG emissions be reduced to 1990 levels by 2020. This reduction will be accomplished through an enforceable statewide cap on GHG emissions that was phased in starting in 2012. To effectively implement the cap, AB 32 directs the California Air Resources Board (CARB) to develop and implement regulations to reduce statewide GHG emissions from stationary sources.

SENATE BILL 32

SB 32 (Stats. 2016, ch. 249) added Section 38566 to the Health and Safety Code. It provides that "[i]n adopting rules and regulations to achieve the maximum technologically feasible and cost-effective greenhouse gas emissions reductions authorized by [Division 25.5 of the Health and Safety Code], [CARB] shall ensure that statewide greenhouse gas emissions are reduced to at least 40 percent below the statewide greenhouse gas emissions limit no later than December 31, 2030." In other words, SB 32 requires California, by 2030, to reduce its statewide GHG emissions so that they are 40 percent below those that occurred in 1990.

Between AB 32 (2006) and SB 32 (2016), the Legislature has codified some of the ambitious GHG reduction targets included within certain high-profile Executive Orders issued by the last two Governors. The 2020 statewide GHG reduction target in AB 32 was consistent with the second of three statewide emissions reduction targets set forth in former Governor Arnold Schwarzenegger's 2005 Executive Order known as S-3-05, which is expressly mentioned in AB 32. (See Health & Safety Code Section 38501, subd. (i).) That Executive Branch document included the following GHG emission reduction targets: by 2010, reduce GHG emissions to 2000 levels; by 2020, reduce GHG emissions to 1990 levels; by 2050, reduce GHG emissions to 80 percent below 1990 levels. To meet the targets, the Governor directed several State agencies to cooperate in the development of a climate action plan. The Secretary of Cal-EPA leads the Climate Action Team, whose goal is to implement global warming emission reduction programs identified in the Climate Action Plan and to report on the progress made toward meeting the emission reduction targets established in the executive order.

In 2015, Governor Brown issued Executive Order, B-30-15, which created a "new interim statewide GHG emission reduction target to reduce GHG emissions to 40 percent below 1990 levels by 2030 is

established in order to ensure California meets its target of reducing GHG emissions to 80 percent below 1990 levels by 2050." SB 32 codified this target.

In 2018, the Governor issued Executive Order B-55-18, which established a statewide goal to "achieve carbon neutrality as soon as possible, and no later than 2045, and maintain and achieve negative emissions thereafter." The order directs the CARB to work with other State agencies to identify and recommend measures to achieve those goals.

Notably, the Legislature has not yet set a 2045 or 2050 target in the manner done for 2020 and 2030 through AB 32 and SB 32, though references to a 2050 target can be found in statutes outside the Health and Safety Code. Senate Bill 350 (SB 350) (Stats. 2015, ch. 547) added to the Public Utilities Code language that essentially puts into statute the 2050 GHG reduction target already identified in Executive Order S-3-05, albeit in the limited context of new state policies (i) increasing the overall share of electricity that must be produced through renewable energy sources and (ii) directing certain State agencies to begin planning for the widespread electrification of the California vehicle fleet. Section 740.12(a)(1)(D) of the Public Utilities Code now states that "[t]he Legislature finds and declares [that] … [r]educing emissions of [GHGs] to 40 percent below 1990 levels by 2030 and to 80 percent below 1990 levels by 2050 will require widespread transportation electrification." Furthermore, Section 740.12(b) now states that the California Public Utilities Commission (PUC), in consultation with CARB and the California Energy Commission (CEC), must "direct electrical corporations to file applications for programs and investments to accelerate widespread transportation electrification to reduce dependence on petroleum, meet air quality standards, … and reduce emissions of greenhouse gases to 40 percent below 1990 levels by 2030 and to 80 percent below 1990 levels by 2050."

Statute Setting Target for the Use of Renewable Energy for the Generation of Electricity

CALIFORNIA RENEWABLES PORTFOLIO STANDARD

In 2002, the Legislature enacted Senate Bill 1078 (Stats. 2002, ch. 516), which established the Renewables Portfolio Standard program, requiring retail sellers of electricity, including electrical corporations, community choice aggregators, and electric service providers, to purchase a specified minimum percentage of electricity generated by eligible renewable energy resources such as wind, solar, geothermal, small hydroelectric, biomass, anaerobic digestion, and landfill gas. (See Pub. Utilities Code, Section 399.11 et seq. [subsequently amended].) The legislation set a target by which 20 percent of the State's electricity would be generated by renewable sources. (Pub. Utility Code, Section 399.11, subd. (a) [subsequently amended].) As described in the Legislative Counsel's Digest, Senate Bill 1078 required "[e]ach electrical corporation … to increase its total procurement of eligible renewable energy resources by at least one percent per year so that 20 percent of its retail sales are procured from eligible renewable energy resources. If an electrical corporation fails to procure sufficient eligible renewable energy resources in a given year to meet an annual target, the electrical corporation would be required to procure additional eligible renewable resources in subsequent years to compensate for the shortfall, if funds are made available as described. An

electrical corporation with at least 20 percent of retail sales procured from eligible renewable energy resources in any year would not be required to increase its procurement in the following year."

In 2006, the Legislature enacted Senate Bill 107 (Stats. 2006, ch. 464), which modified the Renewables Portfolio Standard to require that at least 20 percent of electricity retail sales be served by renewable energy resources by year 2010. (Pub. Utility Code, Section 399.11, subd (a) [subsequently amended].)

Senate Bill X1-2 (Stats. 2011, 1st Ex. Sess., ch. 1) set even more aggressive statutory targets for renewable electricity, culminating in the requirement that 33 percent of the State's electricity come from renewables by 2020. This legislation applies to all electricity retailers in the State, including publicly owned utilities, investor-owned utilities, electricity service providers, and community choice aggregators. All of these entities must meet renewable energy goals of 20 percent of retail sales from renewables by the end of 2013, 25 percent by the end of 2016, and 33 percent by the end of 2020. (See Pub. Utility Code, Section 399.11 et seq. [subsequently amended].)

SB 350, discussed above, increases the Renewable Portfolio Standard to require 50 percent of electricity generated to be from renewables by 2030. (Pub. Utility Code, Section 399.11, subd (a); see also Section 399.30, subd. (c)(2).) Of equal significance, Senate Bill 350 also embodies a policy encouraging a substantial increase in the use of electric vehicles. As noted earlier, Section 740.12(b) of the Public Utilities Code now states that the PUC, in consultation with CARB and the CEC, must "direct electrical corporations to file applications for programs and investments to accelerate widespread transportation electrification to reduce dependence on petroleum, meet air quality standards, … and reduce emissions of greenhouse gases to 40 percent below 1990 levels by 2030 and to 80 percent below 1990 levels by 2050."

Executive Order, B-16-12, issued in 2012, embodied a similar vision of a future in which zero-emission vehicles (ZEV) will play a big part in helping the State meet its GHG reduction targets. Executive Order B-16-12 directed State government to accelerate the market for in California through fleet replacement and electric vehicle infrastructure. The Executive Order set the following targets:

- By 2015, all major cities in California will have adequate infrastructure and be "ZEV ready";
- By 2020, the State will have established adequate infrastructure to support 1 million ZEVs in California;
- By 2025, there will be 1.5 million ZEVs on the road in California; and
- By 2050, virtually all personal transportation in the State will be based on ZEVs, and GHG emissions from the transportation sector will be reduced by 80 percent below 1990 levels.

In 2018, Senate Bill 100 (Stats. 2018, ch. 312) revised the above-described deadlines and targets so that the State will have to achieve a 50% renewable resources target by December 31, 2026 (instead of by 2030) and achieve a 60% target by December 31, 2030. The legislation also establishes a State policy that eligible renewable energy resources and zero-carbon resources supply 100% of retail sales of electricity to California end-use customers and 100% of electricity procured to serve all State agencies by December 31, 2045.

In summary, California has set a statutory goal of requiring that, by the 2030, 60 percent of the electricity generated in California should be from renewable sources, with increased generation capacity intended to sufficiently allow the mass conversion of the statewide vehicle fleet from petroleum-fueled vehicles to electrical vehicles and/or other ZEVs. By 2045, all electricity must come from renewable resources and other carbon-free resources. Former Governor Brown had an even more ambitious goal for the State of achieving carbon neutrality as soon as possible and by no later than 2045. The Legislature is thus looking to California drivers to buy electric cars, powered by green energy, to help the State meet its aggressive statutory goal, created by SB 32, of reducing statewide GHG emissions by 2030 to 40 percent below 1990 levels. Another key prong to this strategy is to make petroleum-based fuels less carbon-intensive. A number of statutes in recent years have addressed that strategy. These are discussed immediately below.

Statutes and CARB Regulations Addressing the Carbon Intensity of Petroleum-based Transportation Fuels

ASSEMBLY BILL 1493, PAVLEY CLEAN CARS STANDARDS

In 2002, the Legislature enacted Assembly Bill 1493 ("Pavley Bill") (Stats. 2002, ch. 200), which directed the CARB to develop and adopt regulations that achieve the maximum feasible reduction of GHGs emitted by passenger vehicles and light-duty trucks beginning with model year 2009. (See Health and Safety Code Section 43018.5.) In September 2004, pursuant to this directive, CARB approved regulations to reduce GHG emissions from new motor vehicles beginning with the 2009 model year. These regulations created what are commonly known as the "Pavley standards." In September 2009, CARB adopted amendments to the Pavley standards to reduce GHG emissions from new motor vehicles through the 2016 model year. These regulations created are what are commonly known as the "Pavley II standards." (See California Code of Regulations, Title 13, Sections 1900, 1961, and 1961.1 et seq.)

In 2012, CARB adopted an Advanced Clean Cars (ACC) program aimed at reducing both smog-causing pollutants and GHG emissions for vehicles model years 2017-2025. This historic program, developed in coordination with the USEPA and NHTSA, combined the control of smog-causing (criteria) pollutants and GHG emissions into a single coordinated set of requirements for model years 2015 through 2025. The regulations focus on substantially increasing the number of plug-in hybrid cars and zero-emission vehicles in the vehicle fleet and on making fuels such as electricity and hydrogen readily available for these vehicle technologies. The components of the ACC program are the Low-Emission Vehicle (LEV) regulations that reduce criteria pollutants and GHG emissions from light- and medium-duty vehicles, and the Zero-Emission Vehicle (ZEV) regulation, which requires manufacturers to produce an increasing number of pure ZEVs (meaning battery electric and fuel cell electric vehicles), with provisions to also produce plug-in hybrid electric vehicles in the 2018 through 2025 model years. (See California Code of Regulations, Title 13, Sections 1900, 1961, 1961.1, 1961.2, 1961.3, 1965, 1968.2, 1968.5, 1976, 1978, 2037, 2038, 2062, 2112, 2139, 2140, 2145, 2147, 2235, and 2317 et seq.)

It is expected that the Pavley standards will reduce GHG emissions from California passenger vehicles by about 34 percent below 2016 levels by 2025, all while improving fuel efficiency and reducing motorists' costs.

Cap and Trade Program

In 2011, CARB adopted the final Cap-and-Trade Program for California (See California Code of Regulations, Title 17, Sections 95801-96022.) The California cap-and-trade program creates a market-based system with an overall emissions limit for affected sectors. The program is intended to regulate more than 85 percent of California's emissions and staggers compliance requirements according to the following schedule: (1) electricity generation and large industrial sources (2012); (2) fuel combustion and transportation (2015).

According to 2012 CARB guidance, "[t]he Cap-and-Trade Program will reduce GHG emissions from major sources (covered entities) by setting a firm cap on statewide GHG emissions while employing market mechanisms to cost-effectively achieve the emission-reduction goals. The statewide cap for GHG emissions from major sources, which is measured in metric tons of carbon dioxide equivalent (MTCO2e), will commence in 2013 and decline over time, achieving GHG emission reductions throughout the program's duration. Each covered entity will be required to surrender one permit to emit (the majority of which will be allowances, entities are also allowed to use a limited number of CARB offset credits) for each ton of GHG emissions they emit. Some covered entities will be allocated some allowances and will be able to buy additional allowances at auction, purchase allowances from others, or purchase offset credits."

The guidance goes on to say that "[s]tarting in 2012, major GHG-emitting sources, such as electricity generation (including imports), and large stationary sources (e.g., refineries, cement production facilities, oil and gas production facilities, glass manufacturing facilities, and food processing plants) that emit more than 25,000 $MTCO_2e$ per year will have to comply with the Cap-and-Trade Program. The program expands in 2015 to include fuel distributors (natural gas and propane fuel providers and transportation fuel providers) to address emissions from transportation fuels, and from combustion of other fossil fuels not directly covered at large sources in the program's initial phase." In early April 2017, the Third District Court of Appeal upheld the lawfulness of the Cap-and-Trade program as a "fee" rather than a "tax." (See *California Chamber of Commerce et al. v. State Air Resources Board et al.* (2017) 10 Cal.App.5th 604.)

AB 398 (Stats. 2017, ch. 135) extended the life of the existing Cap and Trade Program through December 2030.

Statute Intended to Facilitate Land Use Planning Consistent with Statewide Climate Objectives

CALIFORNIA SENATE BILL 375 (SUSTAINABLE COMMUNITIES STRATEGY)

This 2008 legislation built on AB 32 by setting forth a mechanism for coordinating land use and transportation on a regional level for the purpose of reducing GHGs. The focus is to reduce miles traveled by passenger vehicles and light trucks. CARB is required to set GHG reduction targets for

each metropolitan region for 2020 and 2035. Each of California's metropolitan planning organizations then prepares a sustainable communities strategy that demonstrates how the region will meet its GHG reduction target through integrated land use, housing, and transportation planning. Once adopted by the metropolitan planning organizations, the sustainable communities strategy is to be incorporated into that region's federally enforceable regional transportation plan. If a metropolitan planning organization is unable to meet the targets through the sustainable communities strategy, then an alternative planning strategy must be developed which demonstrates how targets could be achieved, even if meeting the targets is deemed to be infeasible.

Climate Change Scoping Plans

AB 32 SCOPING PLAN

In 2008, CARB adopted the Climate Change Scoping Plan, which contains the main strategies California will implement to achieve reduction of approximately 118 million metric tons (MMT) CO_2e, or approximately 22 percent from the State's projected 2020 emission level of 545 MMT of CO_2e under a business-as-usual scenario This is a reduction of 47 MMT CO_2e, or almost 10 percent, from 2008 emissions. CARB's original 2020 projection was 596 MMT CO_2e, but this revised 2020 projection takes into account the economic downturn that occurred in 2008. The Scoping Plan also includes CARB recommended GHG reductions for each emissions sector of the State GHG inventory. CARB estimates the largest reductions in GHG emissions would be by implementing the following measures and standards:

- improved emissions standards for light-duty vehicles (26.1 MMT CO_2e);
- the Low Carbon Fuel Standard (15.0 MMT CO_2e);
- energy efficiency measures in buildings and appliances (11.9 MMT CO_2e); and
- renewable portfolio and electricity standards for electricity production (23.4 MMT CO_2e).

In 2011, CARB adopted a Cap-and-Trade regulation. The Cap-and-Trade program covers major sources of GHG emissions in the State such as refineries, power plants, industrial facilities, and transportation fuels. The Cap-and-Trade program includes an enforceable emissions cap that will decline over time. The State distributes allowances, which are tradable permits, equal to the emissions allowed under the cap. Sources under the cap are required to surrender allowances and offsets equal to their emissions at the end of each compliance period. Enforceable compliance obligations started in 2013. The program applies to facilities that comprise 85 percent of the State's GHG emissions.

With regard to land use planning, the Scoping Plan expects that reductions of approximately 3.0 MMT CO_2e will be achieved through implementation of Senate Bill (SB) 375, which is discussed further below.

2014 SCOPING PLAN UPDATE

CARB revised and reapproved the Scoping Plan and prepared the First Update to the 2008 Scoping Plan in 2014 (2014 Scoping Plan). The 2014 Scoping Plan contains the main strategies California will implement to achieve a reduction of 80 MMT of CO_2e emissions, or approximately 16 percent, from

the State's projected 2020 emission level of 507 MMT of CO_2e under the business-as-usual scenario defined in the 2014 Scoping Plan. The 2014 Scoping Plan also includes a breakdown of the amount of GHG reductions CARB recommends for each emissions sector of the State's GHG inventory. Several strategies to reduce GHG emissions are included: the Low Carbon Fuel Standard, the Pavley Rule, the ACC program, the Renewable Portfolio Standard, and the Sustainable Communities Strategy.

2017 SB 32 SCOPING PLAN

With the passage of SB 32, the Legislature also passed companion legislation AB 197, which provides additional direction for developing the scoping plan. In response, CARB adopted an updated Scoping Plan in December 2017. The document reflects the 2030 target of reducing statewide GHG emissions by 40 percent below 1990 levels codified by SB 32. The GHG reduction strategies in the plan that CARB will implement to meet the target include:

- SB 350 - achieve 50 percent Renewables Portfolio Standard (RPS) by 2030 and doubling of energy efficiency savings by 2030;
- Low Carbon Fuel Standard - increased stringency (reducing carbon intensity 18 percent by 2030, up from 10 percent in 2020);
- Mobile Source Strategy (Cleaner Technology and Fuels Scenario) - maintaining existing GHG standards for light- and heavy-duty vehicles, put 4.2 million zero-emission vehicles on the roads, and increase zero-emission buses, delivery and other trucks;
- Sustainable Freight Action Plan - improve freight system efficiency, maximize use of near-zero emission vehicles and equipment powered by renewable energy, and deploy over 100,000 zero-emission trucks and equipment by 2030;
- Short-Lived Climate Pollutant Reduction Strategy - reduce emissions of methane and hydrofluorocarbons 40 percent below 2013 levels by 2030 and reduce emissions of black carbon 50 percent below 2013 levels by 2030;
- SB 375 Sustainable Communities Strategies - increased stringency of 2035 targets;
- Post-2020 Cap-and-Trade Program - declining caps, continued linkage with Québec, and linkage to Ontario, Canada;
- 20 percent reduction in GHG emissions from the refinery sector; and
- By 2018, develop an Integrated Natural and Working Lands Action Plan to secure California's land base as a net carbon sink.

Building Code Requirements Intended to Reduce GHG Emissions

CALIFORNIA ENERGY CODE

The California Energy Code (California Code of Regulations, Title 24, Part 6), which is incorporated into the Building Energy Efficiency Standards, was first established in 1978 in response to a legislative mandate to reduce California's energy consumption. Although these standards were not originally intended to reduce GHG emissions, increased energy efficiency results in decreased GHG emissions because energy efficient buildings require less electricity and thus less consumption of fossil fuels, which emit GHGs. The standards are updated periodically to allow consideration and possible

incorporation of new energy efficiency technologies and methods. The current 2019 Building Energy Efficiency Standards, commonly referred to as the "Title 24" standards, include changes from the previous standards that were adopted, to do the following:

- Provide California with an adequate, reasonably priced, and environmentally sound supply of energy.
- Respond to Assembly Bill 32, the Global Warming Solutions Act of 2006, which mandates that California must reduce its GHG emissions to 1990 levels by 2020.
- Pursue California energy policy that energy efficiency is the resource of first choice for meeting California's energy needs.
- Act on the California Energy Commission's Integrated Energy Policy Report, which finds that standards are the most cost effective means to achieve energy efficiency, states an expectation that the Building Energy Efficiency Standards will continue to be upgraded over time to reduce electricity and peak demand, and recognizes the role of the Building Energy Efficiency Standards in reducing energy related to meeting California's water needs and in reducing GHG emissions.
- Meet the West Coast Governors' Global Warming Initiative commitment to include aggressive energy efficiency measures into updates of State building codes.
- Meet Executive Order S-20-04, the Green Building Initiative, to improve the energy efficiency of non-residential buildings through aggressive standards.

The most recent Title 24 standards are the 2019 Title 24 standards. The 2019 Building Energy Efficiency Standards improve upon the 2016 Energy Standards for new construction of, and additions and alterations to, residential and nonresidential buildings. Buildings permitted on or after January 1, 2020, must comply with the 2019 Standards. The California Energy Commission updates the standards every three years.

Single-family homes built with the 2019 standards will use about 7 percent less energy due to energy efficiency measures versus those built under the 2016 standards. Once rooftop solar electricity generation is factored in, homes built under the 2019 standards will use about 53 percent less energy than those under the 2016 standards. This will reduce greenhouse gas emissions by 700,000 metric tons over three years, equivalent to taking 115,000 fossil fuel cars off the road. Nonresidential buildings will use about 30 percent less energy due mainly to lighting upgrades.

CALIFORNIA GREEN BUILDING STANDARDS CODE

The purpose of the California Green Building Standards Code (California Code of Regulations Title 24, Part 11) is to improve public health and safety and to promote the general welfare by enhancing the design and construction of buildings through the use of building concepts having a reduced negative impact or positive environmental impact and encouraging sustainable construction practices in the following categories: 1) planning and design; 2) energy efficiency; 3) water efficiency and conservation; 4) material conservation and resource efficiency; and 5) environmental quality. The California Green Building Standards, which became effective on January 1, 2011, instituted mandatory minimum environmental performance standards for all ground-up new construction of

commercial, low-rise residential uses, and State-owned buildings, as well as schools and hospitals. The mandatory standards require the following:

- 20 percent mandatory reduction in indoor water use relative to baseline levels;
- 50 percent construction/demolition waste must be diverted from landfills;
- Mandatory inspections of energy systems to ensure optimal working efficiency; and
- Low-pollutant emitting exterior and interior finish materials such as paints, carpets, vinyl flooring, and particle boards.

The voluntary standards require the following:

- **Tier I:** 15 percent improvement in energy requirements, stricter water conservation requirements for specific fixtures, 65 percent reduction in construction waste, 10 percent recycled content, 20 percent permeable paving, 20 percent cement reduction, and cool/solar reflective roof.
- **Tier II:** 30 percent improvement in energy requirements, stricter water conservation requirements for specific fixtures, 75 percent reduction in construction waste, 15 percent recycled content, 30 percent permeable paving, 30 percent cement reduction, and cool/solar reflective roof.

CEQA Direction

In 2008, the Office of Planning and Research (OPR), issued Guidance regarding assessing significance of GHGs in California Environmental Quality Act (CEQA) documents; that Guidance stated that the adoption of appropriate significance thresholds was a matter of discretion for the lead agency. The OPR Guidance states:

> "[T]he global nature of climate change warrants investigation of a statewide threshold of significance for GHG emissions. To this end, OPR has asked the CARB technical staff to recommend a method for setting thresholds which will encourage consistency and uniformity in the CEQA analysis of GHG emissions throughout the state. Until such time as state guidance is available on thresholds of significance for GHG emissions, we recommend the following approach to your CEQA analysis."
>
> **Determine Significance**
>
> - When assessing a project's GHG emissions, lead agencies must describe the existing environmental conditions or setting, without the project, which normally constitutes the baseline physical conditions for determining whether a project's impacts are significant.
> - As with any environmental impact, lead agencies must determine what constitutes a significant impact. In the absence of regulatory standards for GHG emissions or other scientific data to clearly define what constitutes a "significant impact," individual lead agencies may

undertake a project-by-project analysis, consistent with available guidance and current CEQA practice.

- The potential effects of a project may be individually limited but cumulatively considerable. Lead agencies should not dismiss a proposed project's direct and/or indirect climate change impacts without careful consideration, supported by substantial evidence. Documentation of available information and analysis should be provided for any project that may significantly contribute new GHG emissions, either individually or cumulatively, directly or indirectly (e.g., transportation impacts).
- Although climate change is ultimately a cumulative impact, not every individual project that emits GHGs must necessarily be found to contribute to a significant cumulative impact on the environment. CEQA authorizes reliance on previously approved plans and mitigation programs that have adequately analyzed and mitigated GHG emissions to a less than significant level as a means to avoid or substantially reduce the cumulative impact of a project.

The OPR Guidance did not require Executive Order S-3-05 to be used as a significance threshold under CEQA. Rather, OPR recognized that, until the CARB establishes a statewide standard, selecting an appropriate threshold was within the discretion of the lead agency.

In 2010, the California Natural Resources Agency added Section 15064.4 to the CEQA Guidelines, providing new legal requirements for how agencies should address GHG-related impacts in their CEQA documents. As amended in 2019, Section 15064.4 provides as follows:

> (a) The determination of the significance of greenhouse gas emissions calls for a careful judgment by the lead agency consistent with the provisions in section 15064. A lead agency shall make a good-faith effort, based to the extent possible on scientific and factual data, to describe, calculate or estimate the amount of greenhouse gas emissions resulting from a project. A lead agency shall have discretion to determine, in the context of a particular project, whether to:
>
> (1) Quantify greenhouse gas emissions resulting from a project; and/or
>
> (2) Rely on a qualitative analysis or performance-based standards.
>
> (b) In determining the significance of a project's greenhouse gas emissions, the lead agency should focus its analysis on the reasonably foreseeable incremental contribution of the project's emissions to the effects of climate change. A project's incremental contribution may be cumulatively considerable even if it appears relatively small compared to statewide, national or global emissions. The agency's analysis should consider a timeframe that is appropriate for the project. The agency's analysis also must reasonably reflect evolving scientific knowledge and state regulatory schemes. A lead agency should consider the following

> factors, among others, when determining the significance of impacts from greenhouse gas emissions on the environment:
>
> (1) The extent to which the project may increase or reduce greenhouse gas emissions as compared to the existing environmental setting;
>
> (2) Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project.
>
> (3) The extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions (see, e.g., section 15183.5(b)). Such requirements must be adopted by the relevant public agency through a public review process and must reduce or mitigate the project's incremental contribution of greenhouse gas emissions. If there is substantial evidence that the possible effects of a particular project are still cumulatively considerable notwithstanding compliance with the adopted regulations or requirements, an EIR must be prepared for the project. In determining the significance of impacts, the lead agency may consider a project's consistency with the State's long-term climate goals or strategies, provided that substantial evidence supports the agency's analysis of how those goals or strategies address the project's incremental contribution to climate change and its conclusion that the project's incremental contribution is not cumulatively considerable.
>
> (c) A lead agency may use a model or methodology to estimate greenhouse gas emissions resulting from a project. The lead agency has discretion to select the model or methodology it considers most appropriate to enable decision makers to intelligently take into account the project's incremental contribution to climate change. The lead agency must support its selection of a model or methodology with substantial evidence. The lead agency should explain the limitations of the particular model or methodology selected for use.

Section 15126.4, subdivision (c), provides guidance on how to formulate mitigation measures addressing GHG-related impacts:

> Consistent with section 15126.4(a), lead agencies shall consider feasible means, supported by substantial evidence and subject to monitoring or reporting, of mitigating the significant effects of greenhouse gas emissions. Measures to mitigate the significant effects of greenhouse gas emissions may include, among others:
>
> (1) Measures in an existing plan or mitigation program for the reduction of emissions that are required as part of the lead agency's decision;

(2) Reductions in emissions resulting from a project through implementation of project features, project design, or other measures, such as those described in Appendix F;

(3) Off-site measures, including offsets that are not otherwise required, to mitigate a project's emissions;

(4) Measures that sequester greenhouse gases;

(5) In the case of the adoption of a plan, such as a general plan, long range development plan, or plans for the reduction of greenhouse gas emissions, mitigation may include the identification of specific measures that may be implemented on a project-by-project basis. Mitigation may also include the incorporation of specific measures or policies found in an adopted ordinance or regulation that reduces the cumulative effect of emissions.

California Supreme Court Decisions

THE "NEWHALL RANCH" CASE

On November 30, 2015, the California Supreme Court released its opinion on *Center for Biological Diversity v. California Department of Fish and Wildlife* (2015) 62 Cal.4th 204 (hereafter referred to as the Newhall Ranch Case).

Because of the importance of the Supreme Court as the top body within the California Judiciary, and because of the relative lack of judicial guidance regarding how GHG issues should be addressed in CEQA documents, the opinion provides very important legal guidance to agencies charged with preparing EIRs.

The case involved a challenge to an EIR prepared by the California Department of Fish and Wildlife (CDFW) for the Newhall Ranch development project in Los Angeles County, which consists of approximately 20,000 dwelling units as well as commercial and business uses, schools, golf courses, parks and other community facilities in the City of Santa Clarita.

In relation to GHG analysis, the Newhall Ranch Case illustrates the difficulty of complying with statewide GHG reduction targets at the local level using CEQA to determine whether an individual project's GHG emissions will create a significant environmental impact triggering an EIR, mitigation, and/or statement of overriding consideration. The EIR utilized compliance with AB 32's GHG reduction goals as a threshold of significance and modelled its analysis on the CARB's business-as-usual (BAU) emissions projections from the 2008 Scoping Plan. The EIR quantified the project's annual emissions at buildout and projected emissions in 2020 under a BAU scenario, in which no additional regulatory actions were taken to reduce emissions. Since the Scoping Plan determined a reduction of 29 percent from BAU was needed to meet AB 32's 2020 reduction goal, the EIR concluded that the project would have a less-than-significant impact because the project's annual GHG emissions were projected to be 31 percent below its BAU estimate.

The Supreme Court concluded that the threshold of significance used by the EIR was permissible; however, the BAU analysis lacked substantial evidence to demonstrate that the required percentage reduction from BAU is the same for an individual project as for the entire State. The court expressed skepticism that a percentage reduction goal applicable to the State as a whole would apply without change to an individual development project, regardless of its size or location. Therefore, the Supreme Court determined that the EIR's GHG analysis was not sufficient to support the conclusion that GHG impacts would be less than significant.

In addition, the Supreme Court provided the following guidance regarding potential alternative approaches to GHG impact assessment at the project level for lead agencies:

1. The lead agency determination of what level of GHG emission reduction from business-as-usual projection that a new land development at the proposed location would need to achieve to comply with statewide goals upon examination of data behind the Scoping Plan's business-as-usual emission projections. The lead agency must provide substantial evidence and account for the disconnect between the Scoping Plan, which dealt with the State as a whole, and an analysis of an individual project's land use emissions (the same issues with CEQA compliance addressed in this case);

2. The lead agency may use a project's compliance with performance based standards – such as high building energy efficiency – adopted to fulfill a statewide plan to reduce or mitigate GHG emissions to assess consistency with AB 32 to the extent that the project features comply with or exceed the regulation (See Guidelines Section 15064.4(a)(2), (b)(3); see also Guidelines Section 15064(h)(3)). A significance analysis would then need to account for the additional GHG emissions – such as transportation emissions – beyond the regulated activity. Transportation emissions are in part a function of the location, size, and density or intensity of a project, and thus can be affected by local governments' land use decision making. Additionally, the lead agency may use a programmatic effort including a general plan, long range development plan, or a separate plan to reduce GHG emissions (such as Climate Action Plan or a SB 375 metropolitan regional transportation impact Sustainable Communities Strategy) that accounts for specific geographical GHG emission reductions to streamline or tier project level CEQA analysis pursuant to Guidelines 15183.5(a)-(b) for land use and Public Resources Code Section 21155.2 and 21159.28 and Guidelines Section 15183.5(c) for transportation.

3. The lead agency may rely on existing numerical thresholds of significance for GHG emissions (such as the Bay Area Air Quality Management District's proposed threshold of significance of 1,100 MT CO_2E in annual emission for CEQA GHG emission analysis on new land use projects). The use of a numerical value provides what is "normally" considered significant but does not relieve a lead agency from independently determining the significance of the impact for the individual project (See Guidelines Section 15064.7).

THE SANDAG CASE

In *Cleveland National Forest Foundation v. San Diego Association of Governments* (2017) 3 Cal.5th 497 (*SANDAG)*, the Supreme Court addressed the extent to which, if any, an EIR for a Regional Transportation Plan (RTP) with a Sustainable Communities Strategy (SCS) must address the proposed project's consistency with the 2050 target set forth in Executive Order S-03-05 (i.e., 80 percent below 1990 levels). The Court held that SANDAG did not abuse its discretion by failing to treat the 2050 GHG emissions target as a threshold of significance. The Court cautioned, however, that its decision applies narrowly to the facts of the case and that the analysis in the challenged EIR should not be used as an example for other lead agencies to follow going forward. Notably, the RTP itself covered a planning period that extended all the way to 2050.

The Court acknowledged the parties' agreement that "the Executive Order lacks the force of a legal mandate binding on SANDAG[.]" (*Id*. at p. 513.) This conclusion was consistent with the Court's earlier decision in *Professional Engineers in California Government v. Schwarzenegger* (2010) 50 Cal.4th 989, 1015, which held the Governor had acted in excess of his executive authority in ordering the furloughing of State employees as a money-saving strategy. In that earlier case, which is not mentioned in the *SANDAG* decision, the Court held that the decision to furlough employees was legislative in character, and thus could only be ordered by the Legislature, and not the Governor, who, under the State constitution, may only exercise executive authority. In *SANDAG*, the Court thus impliedly recognized that Governors do not have authority to set statewide legislative policy, particularly for decades into the future. Even so, however, the Court noted, and did not question, the parties' agreement that "the Executive Order's 2050 emissions reduction target is grounded in sound science." (3 Cal.5th at p. 513.) Indeed, the Court emphasized that, although "the Executive Order 'is not an adopted GHG reduction plan' and that 'there is no legal requirement to use it as a threshold of significance,'" the 2050 goal nevertheless "expresses the pace and magnitude of reduction efforts that the scientific community believes necessary to stabilize the climate.

This scientific information has important value to policymakers and citizens in considering the emission impacts of a project like SANDAG's regional transportation plan." (*Id*. at p. 515.) Towards the end of the decision, the Court even referred to "the state's 2050 climate goals" as though the 2050 target from E.O. S-03-05 had some sort of standing under California law. (*Id*. at p. 519.) The Court seemed to reason that, because the Legislature had enacted both AB 32 and SB 32, which followed the downward GHG emissions trajectory recommended in the Executive Order, the Legislature, at some point, was also likely to adopt the 2050 target as well: "SB 32 … reaffirms California's commitment to being on the forefront of the dramatic greenhouse gas emission reductions needed to stabilize the global climate." (*Id*. at p. 519.) Finally, the Court explained that "planning agencies like SANDAG must ensure that CEQA analysis stays in step with evolving scientific knowledge and state regulatory schemes." (*Ibid*.)

In sum, the Court recognized that the Executive Order did not carry the force of law, but nevertheless considered it to be part of "state climate policy" because the Legislature, in enacting both AB 32 and SB 32, seems to be following both the IPCC recommendations for reducing GHG emissions worldwide and evolving science. Nothing in the decision, however, suggests that all projects,

regardless of their buildout period, must address the 2050 target or treat it as a significance threshold.

LOCAL

City of Manteca General Plan

The City of Manteca General Plan includes several policies that are relevant to air quality. It is noted that the currently adopted General Plan is the 2023 General Plan; however, the City is currently undergoing an Update to the General Plan. Both the 2023 General Plan policies and the proposed General Plan Update policies applicable to the Project are identified below:

2023 GENERAL PLAN (EXISTING)

Policies: Air Quality- Regional Coordination

- AQ-P-1: Cooperate with other agencies to develop a consistent and coordinated approach to reduction of air pollution and management of hazardous air pollutants.

Implementation: Air Quality- Regional Coordination

- AQ-I-1. Work with the San Joaquin Valley Air Pollution Control District (APCD) to implement the Air Quality Management Plan (AQMP).
    - Cooperate with the APCD to develop consistent and accurate procedures for evaluating project-specific and cumulative air quality impacts.
    - Cooperate with the APCD and the California Air Resources Board in their efforts to develop a local airshed model.
    - Cooperate with the APCD in their efforts to develop a cost/benefit analysis of possible control strategies (mitigation measures to minimize short and long-term stationary and area source emissions as part of the development review process, and monitoring measures to ensure that mitigation measures are implemented.
- AQ-I-2. In accordance with CEQA, submit development proposals to the APCD for review and comment prior to decision.
- AQ-I-3. Cooperate with the San Joaquin County Environmental Health Department in identifying hazardous material users and in developing a hazardous materials management plan.

Policies: Air Quality- Land Use

- AQ-P-2: Develop a land use plan that will help to reduce the need for trips and will facilitate the common use of public transportation, walking, bicycles, and alternative fuel vehicles.
- AQ-P-3: Segregate and provide buffers between land uses that typically generate hazardous or obnoxious fumes and residential or other sensitive land uses.

Implementation: Air Quality- Land Use

- AQ-I-4. Encourage mixed-use development that is conveniently accessible by pedestrians and public transit.
- AQ-I-5. Locate employment, school, and daily shopping destinations near residential areas.

- AQ-I-6. Locate higher intensity development such as multi-family housing, institutional uses, services, employment centers and retail along existing and proposed transit corridors.
- AQ-I-7. Locate public facilities in areas easily served by current and planned public transportation.
- AQ-I-8. Prior to entitlement of a project that may be an air pollution point source, such as a manufacturing and extracting facility, the developer shall provide documentation that the use is located and appropriately separated from residential areas and sensitive receptors (e.g., homes, schools, and hospitals).

Policies: Air Quality- Transportation

- AQ-P-4: Develop and maintain street systems that provide for efficient traffic flow and thereby minimize air pollution from automobile emissions.
- AQ-P-5: Develop and maintain circulation systems that provide alternatives to the automobile for transportation, including bicycles routes, pedestrian paths, bus transit, and carpooling.
- AQ-P-6: Coordinate public transportation networks, including trains, local bus service, regional bus service and rideshare facilities to provide efficient public transit service.

Implementation: Air Quality- Transportation

- AQ-I-9. Maintain acceptable traffic levels of service (LOS) as specified in the Circulation Element.
- AQ-I-10. In new subdivisions, require the internal street system to include the installation of dedicated pedestrian/bicycle pathways connecting to adjacent residential and commercial areas as well as schools, parks and recreational areas.
- AQ-I-11. Provide adequate pedestrian and bikeway facilities for present and future transportation needs throughout the City.

Policies: Air Quality- Dust and Other Airborne Particulate Materials

- AQ-P-7: New construction will be managed to minimize fugitive dust and construction vehicle emissions.
- AQ-P-8: Woodburning devices shall meet current standards for controlling particulate air pollution.
- AQ-P-9: Burning of any combustible material within the City will be controlled to minimize particulate air pollution.

Implementation: Air Quality- Dust and Other Airborne Particulate Materials

- AQ-I-12. Construction activity plans shall include and/or provide for a dust management plan to prevent fugitive dust from leaving the property boundaries and causing a public nuisance or a violation of an ambient air standard.
    - Project development applicants shall be responsible for ensuring that all adequate dust control measures are implemented in a timely manner during all phases of project development and construction.

- AQ-I-13. All residences built in a new subdivision or housing development shall be equipped with conventional heating devices with sufficient capacity to heat all areas of the building without reliance on woodburning heating devices.
- AQ-I-14. All woodburning-heating devices installed shall meet EPA standards applicable at the time of project approval.

Policies: Air Quality- Reduce Emissions From Energy Generating Facilities

- AQ-P-10: Encourage energy efficient building designs.

Implementation: Air Quality- Reduce Emissions From Energy Generating Facilities

- AQ-I-15. Design review criteria shall include the following considerations, at a minimum:
  - The developer of a sensitive air pollution receptor shall submit documentation that the project design includes appropriate buffering (e.g., setbacks, landscaping) to separate the use from highways, arterial streets, hazardous material locations and other sources of air pollution or odor.
  - Promote the use of new and replacement fuel storage tanks at refueling stations that are clean fuel compatible, if technically and economically feasible.
  - The use of energy efficient lighting (including controls) and process systems beyond Title 24 requirements shall be encouraged where practicable (e.g., water heating, furnaces, boiler units, etc.)
  - The use of energy efficient automated controls for air conditioning beyond Title 24 requirements shall be encouraged where practicable.
  - Promote solar access through building siting to maximize natural heating and cooling, and landscaping to aid passive cooling and to protect from winds.

Policies: Air Quality – Greenhouse Gas Emissions

- AQ-P-11: Prepare and maintain a Climate Action Plan and community greenhouse gas emission inventory for sectors with the potential for control or influence by the City that demonstrates consistency with State of California targets.
- AQ-P-12: Development projects shall incorporate the applicable strategies of the City of Manteca Climate Action Plan as needed to demonstrate consistency with CAP reduction targets and AB 32.

Implementation: Air Quality – Greenhouse Gases

- AQ-I-16. Track and monitor aspects of development related to CAP strategies on an ongoing basis to measure progress in achieving CAP reduction targets.
- AQ-I-17. Track implementation of municipal and community projects and programs related to energy efficiency, transit service improvements, transportation facilities such as bicycle paths and lanes, pedestrian infrastructure, and other projects that reduce greenhouse gas emissions throughout the community.
- AQ-I-18. Update CAP emission inventories, targets, and strategies to reflect new State of California greenhouse gas reduction targets when adopted for later years and to reflect the benefits of any new State and federal regulatory actions that reduce greenhouse gas emissions to demonstrate continued consistency with State targets.

GENERAL PLAN UPDATE (PROPOSED)

Policies: Land Use Element

- LU-3.9: Locate residences away from areas of excessive noise, smoke, dust, odor, and lighting, and ensure that adequate provisions, including buffers or transitional uses, such as less intensive renewable energy production, light industrial, office, or commercial uses, separate the proposed residential uses from more intensive uses, including industrial, agricultural, or agricultural industrial uses and designated truck routes, to ensure the health and well-being of existing and future residents.

- LU-6.9: Require mixed-use development to provide strong connections with the surrounding development and neighborhoods through the provision of pedestrian and bicycle facilities and, where feasible, site consolidation.

- LU-6.10: Encourage the reuse of existing buildings within Downtown and in other developed locations designated for mixed-use development by utilizing the California Existing Building Code which provides flexibility in the retrofitting of buildings.

- LU-6.11: Promote the revitalization of underutilized, deteriorated areas and buildings within Downtown and in other developed locations designated for mixed-use development through development incentives, public/private partnerships, and public investments.

- LU-9.1: Require future planning decisions, development, and infrastructure and public projects to consider the effects of planning decisions on the overall health and well-being of the community and its residents, with specific consideration provided regarding addressing impacts to disadvantaged populations and communities and ensuring disadvantaged communities have equitable access to services and amenities.

- LU-9.2: As part of land use decisions, ensure that environmental justice issues related to potential adverse health impacts associated with land use decisions, including methods to reduce exposure to hazardous materials, industrial activity, vehicle exhaust, other sources of pollution, and excessive noise on residents regardless of age, culture, gender, race, socioeconomic status, or geographic location, are considered and addressed.

Implementation: Land Use Element

- LU-1b: Regularly review and revise, as necessary, the Zoning Code to accomplish the following purposes:

    - Ensure consistency with the General Plan in terms of zoning districts and development standards;

    - Provide for a Downtown zone that permits the vibrant mixing of residential, commercial, office, business-professional, and institutional uses within the Central Business District;

    - Ensure adequate buffers and transitions are required between intensive uses, such as industrial and agricultural industrial, and sensitive receptors, including residential uses and schools; and

    - Provide for an Agricultural Industrial zone that accommodates the processing of crops and livestock.

  - Ensure that land use requirements meet actual demand and needs over time as technology, social expectations, and business practices change.

- LU-6a: Consider implementing incentives to support developers who construct vertical mixed-use projects and/or who build housing above non-residential ground-floor uses within Downtown.

- LU-6d: Promote the intensified use and reuse of existing suites above ground floors.

- LU-9a: Review all development proposals, planning projects, and infrastructure projects to ensure that potential adverse impacts to disadvantaged communities, such as exposure to pollutants, including toxic air contaminants, and unacceptable levels of noise and vibration are reduced to the extent feasible and that measures to improve quality of life, such as connections to bicycle and pedestrian paths, community services, schools, and recreation facilities, access to healthy foods, and improvement of air quality are included in the project. The review shall address both the construction and operation phases of the project.

- LU-9c: Encourage and support local transit service providers to increase and expand services for people who are transit-dependent, including seniors, persons with mobility disabilities, and persons without regular access to automobiles by improving connections to regional medical facilities, senior centers, and other support systems that serve residents and businesses.

Policies: Circulation Element

- C-2.7: Provide access for bicycles and pedestrians at the ends of cul-de-sacs, where right-of-way is available, to provide convenient access within and between neighborhoods and to encourage walking and bicycling to neighborhood destinations.

- C-2.8: Signals, roundabouts, traffic circles and other traffic management techniques shall be applied appropriately at residential and collector street intersections with collector and arterial streets in order to allow bicyclists and pedestrians to travel conveniently and safely from one neighborhood to another.

- C-2.15: Ensure that development and infrastructure projects are designed in a way that provides pedestrian and bicycle connectivity to adjacent neighborhoods and areas (such as ensuring that sound walls, berms, and similar physical barriers are considered and gaps or other measures are provided to ensure connectivity).

- C-4.1: Through regular updates to the City's Active Transportation Plan, establish a safe and convenient network of identified bicycle and pedestrian routes connecting residential areas with schools, recreation, shopping, and employment areas within the city, generally as shown in Figure CI-2). The City shall also strive to develop connections with existing and planned regional routes shown in the San Joaquin County Bicycle Master Plan.

- C-4.2: Improve safety conditions, efficiency, and comfort for bicyclists and pedestrians by providing shade trees and controlling traffic speeds by implementing narrow lanes or other traffic calming measures in accordance with the City Neighborhood Traffic Calming Program on appropriate streets, in particular residential and downtown areas.

- C-4.3: Provide a sidewalk and bicycle route system that serves all pedestrian and bicycle

users and meets the latest guidelines related to the Americans with Disabilities Act (ADA).

- C-4.4: Provide bicycle parking facilities at commercial, business/professional and light industrial uses in accordance with Part 11 of the California Building Standards Code.

- C-4.5: Expand the existing network of off-street bicycle facilities as shown in the City's Active Transportation Plan to accommodate cyclists who prefer to travel on dedicated trails. Further, the City shall strive to develop: 1) a "city-loop" Class I bike path for use by both bicyclists and pedestrians that links Austin Road, Atherton Drive, Airport Way, and a route along or near Lathrop Road to the Tidewater bike path and its existing and planned extensions, and 2) an off-street bicycle trail extension between the Tidewater Bike Trail near the intersection of Moffat Boulevard and Industrial Park Drive to the proposed regional route between Manteca and Ripon.

- C.4-6: Provide on-street Class II bike lanes, Class IV protected bike lanes, or off-street Class I bike paths along major collector and arterial streets whenever feasible.

- C.4.7: Facilitate bicycle travel through residential streets through signage necessary to communicate the presence of Class III bicycle lanes on residential streets that have sufficiently low volumes as to not require bike lanes or have narrower street cross sections that assist in calming traffic.

- C.4.8: Provide sidewalks and/or walkways connecting to the residential neighborhoods, primary public destinations, major public parking areas, transit stops, and intersections with the bikeway system.

- C.4.9: Provide sidewalks along both sides of all new streets in the City.

- C-5.1: Encourage and plan for the expansion of regional bus service in the Manteca area.

- C-5.2: Promote increased commuter and regional passenger rail service that will benefit the businesses and residents of Manteca. Examples include Amtrak, the Altamont Commuter Express (ACE), and high-speed rail.

- C-5.3: Identify and implement means of enhancing the opportunities for residents to commute from residential neighborhoods to the ACE station or other transit facilities that may develop in the City.

- C-5.4: Include primary locations where the transit systems will connect to the major bikeways and pedestrian ways and primary public parking areas in the Active Transportation Plan (see C-4a).

- C-5.5: Encourage programs that provide ridesharing and vanpool opportunities and other alternative modes of transportation for Manteca residents.

- C-5.6: Promote the development of park-and-ride facilities near I-5, SR 120, SR 99, and transit stations.

- C-5.7: Maintain a working relationship between the City administration and the local management of the Union Pacific Railroad regarding expansion of freight and passenger rail

service and economic development of the region.

- C-5.8: Design future roadways to accommodate transit facilities, as appropriate. These design elements should include installation of transit stops adjacent to intersections and provision of bus turnouts and sheltered stops, where feasible.

- C-5.9: Encourage land uses and site developments that promote public transit along fixed route public transportation corridors, with priority given to those projects that will bring the greatest increase in transit ridership.

- C-5.10: Ensure that development projects provide adequate facilities to accommodate school buses, including loading and turn-out locations in multifamily and other projects that include medium and high density residential uses, and that the school districts are provided an opportunity to address specific needs associated with school busing.

- C-5.11: As new areas and neighborhoods of the City are developed, fund transit expansion (including capital, operations, and maintenance) to provide service levels consistent with existing development.

- C-7.1: Encourage employers to provide alternative mode subsidies, bicycle facilities, alternative work schedules, ridesharing, telecommuting, and work-at-home programs employee education and preferential parking for carpools/vanpools.

- C-7.2: Require development projects that accommodate or employee 50 or more full-time equivalent employees to establish a transportation demand management (TDM) program.

- C-7.3: Partner with SJCOG on the Dibs program, which is the regional smart travel program, including rideshare, transit, walking, and biking, operated by SJCOG.

- C-7.4: Require proposed development projects that could have a potentially significant VMT impact to consider reasonable and feasible project modifications and other measures during the project design and environmental review stage of project development that would reduce VMT effects in a manner consistent with state guidance on VMT reduction.

- C-7.5: Evaluate the feasibility of a local or regional VMT impact fee program, bank, or exchange. Such an offset program, if determined feasible, would be administered by the City or a City-approved agency, and would offer demonstrated VMT reduction strategies through transportation demand management programs, impact fee programs, mitigation banks or exchange programs, in-lieu fee programs, or other land use project conditions that reduce VMT in a manner consistent with state guidance on VMT reduction. If, through on-site changes, a subject project cannot eliminate VMT impacts, the project could contribute on a pro-rata basis to a local or regional VMT reduction bank or exchange, as necessary, to reduce net VMT impacts.

- C-7.6: Expand alternatives to driving by increasing opportunities to walk, bike, and use transit.

Implementation: Circulation Element

- C-1c: Develop a pedestrian, bicycle, and transit improvement plan for the Downtown area to facilitate implementation of level of service policy C-1.4. This plan will develop a list of

multi-modal improvements in the Downtown area to increase the viability and encourage the use of non-auto modes.

- C-2b: When planning roadway facilities, incorporate the concept of complete streets. Complete streets include design elements for all modes that use streets, including autos, transit, pedestrians, and bicycles. Complete streets shall be developed in a context-sensitive manner. For example, it may be more appropriate to provide a Class I bike path instead of bike lanes along a major arterial. Pedestrian districts like Downtown Manteca or areas near school entrances should have an enhanced streetscape (e.g., narrower travel lanes, landscape buffers with street trees, etc.) to better accommodate and encourage pedestrian travel.

- C-2f: Ensure that bicycle and pedestrian access is provided through walls and berms to minimize travel distances and increase the viability walking and bicycling.

- C-2i: Pursue funding to improve and address areas of traffic, bicycle, and pedestrian hazards and conflicts with vehicular traffic movements.

- C-4a: Periodically update the Active Transportation Plan to include all areas envisioned for development by this General Plan and to address pedestrian and bicycle facilities needed to provide a complete circulation system that adequately meets the needs of pedestrians and bicyclists.

- C.4b: Utilize the standards set forth in the latest editions of the California MUTCD and American Association of State Highway and Transportation Officials (AASHTO) Green Book for improvement and re-striping of appropriate major collector and arterial streets to accommodate Class II bike lanes or Class IV protected bikeways in both directions, where sufficient roadway width is available. This may include narrowing of travel lanes.

- C.4d: Add bicycle facilities whenever possible in conjunction with road rehabilitation, reconstruction, or re-striping projects.

- C-4e: Update the City's standard plans to accommodate pedestrians and bicyclists, including landscape-separated sidewalks where appropriate, and to include bike lanes on collector and arterial streets, as defined by the Active Transportation Plan.

- C-4f: Encourage and facilitate resident and visitor use of the bike trail system by preparing a map of the pedestrian and bike paths and implementing wayfinding signage.

- C-4g: Update the standard plans to specify a set of roadways with narrower lanes (less than 12 feet) and pedestrian bulb-outs to calm traffic and increase pedestrian and bicycle comfort. These narrow lane standards shall be applied to appropriate streets (e.g., they shall not be applied to outside lanes on major truck routes) and new development.

- C-5a: Periodically review transit needs in the city and adjust bus routes to accommodate changing land use and transit demand patterns. The City shall also periodically coordinate with the San Joaquin Regional Transit District to assess the demand for regional transit services.

- C-5b: Explore a transit connections study that would identify improvements to connections

and access to the existing ACE station, the Manteca Transit Center, and future planned transit stations.

- C-5c: Update the City's standard plans to include the option for bus turnouts at intersections of major streets.
- C-5d: Review and consider alternatives to conventional bus systems, such as smaller shuttle buses (i.e. micro-transit), on-demand transit services, or transportation networking company services that connect neighborhood centers to local activity centers with greater cost efficiency.
- C-5e: Work with the school districts to identify and implement opportunities for joint-use public transit that would provide both student transportation and local transit service.
- C-5f: Through the development review process, ensure that projects provide increased land use densities and mixed uses, consistent with the Land Use Element to enhance the feasibility of transit and promote alternative transportation modes.
- C-5g: Along fixed route corridors, require that new development to be compatible with and further the achievement of the Circulation Element. Requirements for compatibility may include but are not limited to:
    - Orienting pedestrian access to transit centers and existing and planned transit routes.
    - Orienting buildings, walkways, and other features to provide pedestrian access from the street and locating parking to the side or behind the development, rather than separating the development from the street and pedestrian with parking.
    - Providing clearly delineated routes through parking lots to safely accommodate pedestrian and bicycle circulation.
- C-5h: Review and update the City's funding programs to provide for adequate transit services, including funding for capital, operations, and maintenance, commensurate with growth of the City.
- C-7a: Provide information about transit services, ridesharing, vanpools, and other transportation alternatives to single occupancy vehicles at City Hall, the library, and on the City website.
- C-7b: Develop TDM program requirements with consideration of addressing CEQA vehicle miles traveled impact analysis requirements (i.e., SB 743) in accordance with implementation measure C-1c. TDM programs shall include measures to reduce total vehicle miles traveled and peak hour vehicle trips. A simplified version of the Air District's Rule 9410 could be used to implement this measure.
- C-7c: Coordinate with the San Joaquin Council of Governments on a Congestion/Mobility Management Program to identify TDM strategies to reduce VMT and mitigate peak-hour congestion impacts. Strategies may include: growth management and activity center strategies, telecommuting, increasing transit service frequency and speed, transit information systems, subsidized and discount transit programs, alternative work hours,

carpooling, vanpooling, guaranteed ride home program, parking management, addition of general purpose lanes, channelization, computerized signal systems, intersection or midblock widenings, and Intelligent Transportation Systems.

- C-7d: Proposed development projects shall consider the list of potential measures below. This list is not intended to be exhaustive, and not all measures may be feasible, reasonable, or applicable to all projects. The purpose of this list is to identify options for future development proposals, not to constrain projects to this list, or to require that a project examine or include all measures from this list. Potential measures, with possible ranges of VMT reduction for a project, include:*

    - *Increase density of development (up to 10.75 percent)*
    - *Increase diversity of land uses (up to 12 percent)*
    - *Encourage telecommuting and alternative work schedules (up to 4.5 percent)*
    - *Implement car-sharing programs (up to 5 percent)*
    - *Implement parking management and pricing (up to 6 percent)*
    - *Implement subsidized or discounted transit program (up to 0.7 percent)*
    - *Implement commute trip reduction marketing and launch targeted behavioral interventions (up to 3 percent)*

    **Note: VMT reduction ranges based on Quantifying Greenhouse Gas Mitigation Measures, California Air Pollution Control Officers Association (2010) and new research compiled by Fehr & Peers (2020). Additional engineering analysis is required prior to applying reductions to specific projects. Actual reductions will vary by project and project context.*

- C-7e: Partner with SJCOG, San Joaquin County, and neighboring cities to evaluate a potential regional VMT impact fee program, bank, or exchange.

- C-7f: Implement the Active Transportation Plan and other Bikeway and Pedestrian Systems goals and polices (C-4).

C-7g: Expand transit service and increase transit frequency and implement Public Transit goals and policies (C-5).

Policies: Community Facilities and Services Element

- CF-11.2: Implement and enforce the provisions of the City's Source Reduction and Recycling Program and update the program as necessary to meet or exceed the State waste diversion requirements.

- CF-11.3: Reduce municipal waste generation by increasing recycling, on-site composting, and mulching, where feasible, at municipal facilities, as well as using resource efficient landscaping techniques in new or renovated medians and parks.

- CF-11.4: Encourage residential, commercial, and industrial recycling and reuse programs and techniques.

- CF-11.5: Coordinate with and support other local agencies and jurisdictions in the region to develop and implement effective waste management strategies and waste-to-energy technologies.

Policies: Resource Conservation Element

- RC-4.1: Prepare for and respond to the expected impacts of climate change.
- RC-4.2: Assess and monitor the effects of climate change and the associated levels of risk in order to adapt to changing climate conditions and be resilient to negative changes and impacts associated with climate change.
- RC-5.1: Ensure that land use and circulation improvements are coordinated to reduce the number and length of vehicle trips.
- RC-5.2: Encourage private development to explore and apply non-traditional energy sources such as co-generation, wind, and solar to reduce dependence on traditional energy sources.
- RC-5.3: Require all new public and privately constructed buildings to meet and comply with construction and design standards that promote energy conservation, including the most current "green" development standards in the California Green Building Standards Code.
- RC-5.4: Support innovative and green building best practices including, but not limited to, LEED certification for all new development, and encourage public and private projects to exceed the most current "green" development standards in the California Green Building Standards Code.
- RC-5.5: Encourage the conservation of public utilities.
- RC-5.6: Encourage the conservation of petroleum products.
- RC-6.1: Coordinate with the San Joaquin Valley Air Pollution Control District (Air District), San Joaquin Council of Governments, and the California Air Resources Board (State Air Board), and other agencies to develop and implement regional and county plans, programs, and mitigation measures that address cross-jurisdictional and regional air quality impacts, including land use, transportation, and climate change impacts, and incorporate the relevant provisions of those plans into City planning and project review procedures. Also cooperate with the Air District, SJCOG, and State Air Board in:
    - Enforcing the provisions of the California and Federal Clean Air Acts, state and regional policies, and established standards for air quality.
    - Identifying baseline air pollutant and greenhouse gas emissions.
    - Encouraging economy clean fuel for city vehicle fleets, when feasible.
    - Developing consistent procedures for evaluating and mitigating project-specific and cumulative air quality impacts of projects.
- RC-6.2: Minimize exposure of the public to toxic or harmful air emissions and odors through requiring an adequate buffer or distance between residential and other sensitive land uses and land uses that typically generate air pollutants, toxic air contaminants, or obnoxious fumes or odors, including but not limited to industrial, manufacturing, and processing facilities, highways, and rail lines.

- RC-6.3: Ensure that new construction is managed to minimize fugitive dust and construction vehicle emissions.

- RC-6.4: Require appliances and equipment, including wood-burning devices, in development projects to meet current standards for controlling air pollution, including particulate matter and toxic air contaminants.

- RC-6.5: Require and/or cooperate with the Air District to ensure that burning of any combustible material within the City is consistent with Air District regulations to minimize particulate air pollution.

Implementation: Resource Conservation Element

- RC-4a: Continue to assess and monitor performance of greenhouse gas emissions reduction efforts, including progress toward meeting longer-term GHG emissions reduction goals for 2035 and 2050 by reporting on the City's progress annually, updating the Climate Action Plan and GHG inventory regularly to demonstrate consistency with State-adopted GHG reduction targets, including those targets established beyond 2020, and updating the GHG Strategy in the General Plan, as appropriate.

- RC-4b: When updating master plans for infrastructure, including water supply, flood control, and drainage, and critical facilities, review relevant climate change scenarios and ensure that the plans consider the potential effects of climate change and include measures to provide resilience.

- RC-4c: Incorporate the likelihood of climate change impacts into City emergency response planning and training.

- RC-5a: Implement development standards and best practices that promote energy conservation and the reduction in greenhouse gases, including:

    - Require new development to be energy-efficient through passive design concepts (e.g., techniques for heating and cooling, building siting orientation, street and lot layout, landscape placement, and protection of solar access;

    - Require construction standards which promote energy conservation including window placement, building eaves, and roof overhangs;

    - Require all projects to meet minimum State and local energy conservation standards;

    - Require best practices in selecting construction methods, building materials, project appliances and equipment, and project design;

    - Encourage and accommodate projects that incorporate alternative energy;

    - Encourage projects to incorporate enhanced energy conservation measures and other voluntary methods of reducing energy usage and greenhouse gas emissions; and

    - Require large energy users to implement an energy conservation plan as part of the project review and approval process, and develop a program to monitor compliance with and effectiveness of that plan.

- RC-5b: Continue to review development projects to ensure that all new public and private development complies with the California Code of Regulations, Title 24 standards as well as the energy efficiency standards established by the General Plan and the Municipal Code.

- RC-5c: Develop a public education program to increase public participation in energy conservation.

- RC-5d: Connect residents and businesses with programs that provide free or low-cost energy efficiency audits and retrofits to existing buildings.

- RC-5e: Update the Municipal Code to incentivize the use of small-scale renewable energy facilities and, where appropriate, to remove impediments to such uses.

- RC-5f: Cooperate with other agencies, jurisdictions, and organizations to expand energy conservation programs.

- RC-5g: Explore alternative energy sources, including co-generation, active solar energy, and wind generation, and identify opportunities for alternative energy to be used in public and private projects.

- RC-5h: Implement transportation measures, as outlined in the Circulation Element, which reduce the need for automobile use and petroleum products.

- RC-6a: Work with the Air District to implement the Air Quality Management Plan (AQMP).

    - Cooperate with the Air District to develop consistent and accurate procedures for evaluating project-specific and cumulative air quality impacts.

    - Cooperate with the Air District and the State Air Board in their efforts to develop a local airshed model.

    - Cooperate with the Air District in its efforts to develop a cost/benefit analysis of possible control strategies (mitigation measures to minimize short and long-term stationary and area source emissions as part of the development review process, and monitoring measures to ensure that mitigation measures are implemented.

- RC-6b: Review development, land use, transportation, and other projects that are subject to CEQA for potentially significant climate change and air quality impacts, including toxic and hazardous emissions and require that projects provide adequate, appropriate, and cost-effective mitigation measures reduce significant and potentially significant impacts. This includes, but is not limited to, the following:

    - *Use of the Air District "Guide for Assessing and Mitigating Air Quality Impacts", as may be amended or replaced from time to time, in identifying thresholds, evaluating potential project and cumulative impacts, and determining appropriate mitigation measures;*
    - *Contact the Air District for comment regarding potential impacts and mitigation measures as part of the evaluation of air quality effects of discretionary projects that are subject to CEQA;*
    - *Require projects to participate in regional air quality mitigation strategies, including*

Air District-required regulations, as well as recommended best management practices when applicable and appropriate ;

- *Promote the use of new and replacement fuel storage tanks at refueling stations that are clean fuel compatible, if technically and economically feasible;*
- *The use of energy efficient lighting (including controls) and process systems beyond Title 24 requirements shall be encouraged where practicable (e.g., water heating, furnaces, boiler units, etc.);*
- *The use of energy efficient automated controls for air conditioning beyond Title 24 requirements shall be encouraged where practicable; and*
- *Promote solar access through building siting to maximize natural heating and cooling, and landscaping to aid passive cooling and to protect from winds;*
- *The developer of a sensitive air pollution receptor shall submit documentation that the project design includes appropriate buffering (e.g., setbacks, landscaping) to separate the use from highways, arterial streets, hazardous material locations and other sources of air pollution or odor;*
- *Identify sources of toxic air emissions and, if appropriate, require preparation of a health risk assessment in accordance with Air District-recommended procedures; and*
- *Circulate the environmental documents for projects with significant air quality impacts to the Air District for review and comment.*

- RC-6c: Review area and stationary source projects that could have a significant air quality impact, either individually or cumulatively, to identify the significance of potential impacts and ensure that adequate air quality mitigation is incorporated into the project, including:

  - *The use of best available and economically feasible control technology for stationary industrial sources;*
  - *All applicable particulate matter control requirements of Air District Regulation VIII;*
  - *The use of new and replacement fuel storage tanks at refueling stations that are clean fuel compatible, if technically and economically feasible;*
  - *Provision of adequate electric or natural gas outlets to encourage use of natural gas or electric barbecues and electric gardening equipment; and*
  - *Use of alternative energy sources.*

- RC-6d: Maintain adequate data to analyze cumulative land use impacts on air quality and climate change. This includes tracking proposed, planned, and approved General Plan amendments, development, and land use decisions so that projects can be evaluated for cumulative air quality impacts, including impacts associated with transportation and land use decisions.

- RC-6e: Prior to entitlement of a project that may be an air pollution point source, such as a manufacturing and extracting facility, the developer shall provide documentation that the use is located and appropriately separated from residential areas and sensitive receptors (e.g., homes, schools, and hospitals).

- RC-6f: Construction activity plans shall include and/or provide for a dust management plan to prevent fugitive dust from leaving the property boundaries and causing a public nuisance or a violation of an ambient air standard.

Project development applicants shall be responsible for ensuring that all adequate dust control measures are implemented in a timely manner during all phases of Project development and construction.

City of Manteca Climate Action Plan

The City of Manteca adopted its Climate Action Plan (CAP) in October 2013. The purpose of the CAP is to: 1) outline a course of action for the City government and the community of Manteca to reduce per capita greenhouse gas emissions by amounts required to show consistency with AB 32 goals for 2020 and adapt to effects of climate change, and 2) provide clear guidance to City staff regarding when and how to implement key provisions of the CAP, and 3) provide a streamlined mechanism for projects that are consistent with the CAP to demonstrate that they would not contribute significant greenhouse gas impacts.

The GHG Plan is considered a "Qualified Plan," according to CEQA Guidelines Section 15183.5.2. The City's GHG Inventory is evaluated for baselines years 2005 and 2010 and is projected for years 2020 and 2035. The baseline and Business-As-Usual (BAU) emissions GHG inventories for the City of Manteca is summarized in Table 3.7-1. Table 3.7-2 provides a summary of the City's 2020 target, adjusted-BAU emissions, and the local reductions included within the CAP.

TABLE 3.7-1: CITY OF MANTECA BASELINE EMISSIONS INVENTORY AND BUSINESS-AS-USUAL (BAU) EMISSIONS INVENTORY PROJECTIONS (MT CO_2E)

EMISSIONS SECTOR	*2005*	*2010*	*2020*	*2035*
Transportation	214,075	210,901	275,507	368,297
Electricity – Residential	44,108	47,343	61,212	83,668
Electricity – Commercial	25,014	31,146	35,646	49,327
Natural Gas – Residential	45,527	50,466	65,249	89,186
Natural Gas – Commercial	9,856	11,818	13,526	18,717
Waste	42,305	30,454	21,586	29,505
Ozone Depleting Substance (ODS) substitutes	19,461	26,741	75,711	103,486
Total	**400,346**	**408,869**	**548,437**	**742,186**

NOTE: TOTALS MAY NOT ADD UP DUE TO ROUNDING.
SOURCE: MICHAEL BRANDMAN ASSOCIATES, 2013

TABLE 3.7-2: CITY OF MANTECA 2020 TARGET EMISSIONS INVENTORY (MT CO_2E)

INVENTORY	*COMMUNITY EMISSIONS*	*PER CAPITA EMISSIONS (MT CO_2E/PERSON)*
2020 BAU	548,437	6.27
2020 Adjusted	441,707	5.05
2020 Target	429,693	4.91
2020 Local Reductions Required	12,014	0.14
2020 Local Reductions Proposed	12,289	0.14
Target Achieved?	Yes	Yes

NOTE: TOTALS MAY NOT ADD UP DUE TO ROUNDING.
SOURCE: MICHAEL BRANDMAN ASSOCIATES, 2013

3.7.3 IMPACTS AND MITIGATION MEASURES

GREENHOUSE GAS EMISSIONS THRESHOLDS OF SIGNIFICANCE

Consistent with Appendix G of the CEQA Guidelines, climate change-related impacts are considered significant if implementation of the proposed Project would do any of the following:

1. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.

2. Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

The vast majority of individual projects do not generate sufficient GHG emissions to create a project-specific impact through a direct influence to climate change; therefore, the issue of climate change typically involves an analysis of whether a project's contribution towards an impact is cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, other current projects, and probable future projects (CEQA Guidelines, Section 15355).

For future projects, the significance of GHG emissions may be evaluated based on locally adopted quantitative thresholds, or consistency with a regional GHG reduction plan (such as a Climate Action Plan).

Prior to the Newhall Ranch decision, GHG analysis in CEQA documents often involved comparison of the project emissions to a "no action taken" (NAT) scenario. In the Newhall Ranch decision, the court found that, although comparison of a project to NAT (or "business as usual") may be appropriate in concept, the comparison of a specific local project against a statewide business as usual scenario is not an analogous comparison. Specifically, the Court stated that the business as usual approach would need to be based on a substantial evidence-supported link between data in the Scoping Plan and the project, at its proposed location, to demonstrate consistency of a project's reductions with statewide goals. It should be noted that, based on current data available, it is not possible, within the structure of the Scoping Plan sectors, to develop the evidence to reliably relate a specific land use development project's reductions to the Scoping Plan's statewide goal, as envisioned by the Court. Based on the court's finding, the NAT approach is now considered problematic and is no longer recommended. Therefore, this DEIR analysis replaces a former SJVAPCD threshold with a threshold that is consistent with the Newhall Ranch decision. This newer approach consists of evaluating the consistency of a project's GHG efficiency with California's GHG reduction targets. In light of the Newhall Ranch decision, an efficiency metric was developed to assess the Project's consistency with California's adopted GHG reduction targets for 2020 under AB 32, and 2030 under SB 32, and for 2050 under Executive Order S-3-05. Because this approach gives consideration to the 2050 target, it necessarily also considers the 2020 and 2030 targets created by AB 32 and SB 32.

It was found, based on this independent calculation, that a per capita threshold of 4.84 MT CO_2e/SP/year in 2020 would be the appropriate threshold for projects in California for the Year 2020.

De Novo Planning Group developed the 4.84 MT CO_2e/SP/year in 2020 threshold based on emissions for the land use-driven emission sectors in the CARB GHG Inventory. This approach to developing a GHG efficiency metric is only based on sectors that would accommodate projected growth (as indicated by population and employment growth) while allowing for consistency with the goals of AB 32. More specifically, this per service population efficiency target is based on the AB 32 GHG reduction target and GHG emissions inventory prepared for the CARB's AB 32 Scoping Plan. The land-used sector driven inventory for 1990 was divided by the population and employment projections for California in 2020. This efficiency metric allows the threshold to be applied evenly to all project types (residential, commercial/retail and mixed use) and uses an emissions inventory comprised only of sources from land-use related sectors. The efficiency approach allows lead agencies to assess whether any given project or plan would accommodate population and employment growth in a way that is consistent with the emissions limit established under AB 32.

Since this independently-generated GHG efficiency threshold for the State of California would be applicable statewide, this approach to establishing efficiency thresholds is utilized for this analysis for operational emissions.

However, full buildout of the proposed Project would not occur until well after 2020. Therefore, an efficiency threshold for Year 2025 and was also derived, following the same methodology as utilized to derive the 2020 efficiency threshold. The CARB has indicated that an average statewide GHG reduction of 5.2 percent per year from 2020 through 2050 would be necessary to achieve the State's 2050 target of an 80% reduction in GHGs below 1990 levels (CARB, 2016b). This annual percentage reduction was utilized as a basis for developing the per capita efficiency thresholds for Year 2025. Thresholds for this year was estimated by applying a uniform reduction from the CARB's 1990 emissions inventory and dividing the resultant value by the projected population and employment for each future year (see **Appendix B** of this EIR for detailed calculations). The derived per capita thresholds for Year 2025 is 3.56 MT CO_2e/SP/year. The City bases its post-2020 significance determination for this proposed Project on the Year 2025 analysis provided herein.

Conclusion

Based on the discussion above, the following thresholds are applied to this analysis:

- For the evaluation of operation-related emissions, for Year 2025, the independently derived per capita emissions threshold of 3.56 MT CO_2e/service population/year is used.

THRESHOLDS OF SIGNIFICANCE (ENERGY CONSERVATION)

Consistent with Appendices F and G of the CEQA Guidelines, energy-related impacts are considered significant if implementation of the proposed Project would do the following:

- Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during Project construction or operation;
- Conflict with or obstruct a state or local plan for renewable energy or energy efficiency;

In order to determine whether or not the proposed Project would result in a significant impact on energy use, this EIR includes an analysis of proposed Project energy use, as provided under *Impacts and Mitigation Measures* below.

IMPACTS AND MITIGATION MEASURES

Impact 3.7-1: Project implementation would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment to conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases. (Less than Significant)

Emissions of GHGs contributing to global climate change are attributable in large part to human activities associated with the industrial/manufacturing, utility, transportation, residential, and agricultural sectors. Therefore, the cumulative global emissions of GHGs contributing to global climate change can be attributed to every nation, region, and city, and virtually every individual on Earth. A project's GHG emissions are at a micro-scale relative to global emissions, but could result in a cumulatively considerable incremental contribution to a significant cumulative macro-scale impact. Implementation of the proposed Project would contribute to increases of GHG emissions that are associated with global climate change. Estimated GHG emissions attributable to future development would be primarily associated with increases of CO_2 and other GHG pollutants, such as methane (CH_4) and nitrous oxide (N_2O), from mobile sources and utility usage.

The proposed Project's short-term construction-related and long-term operational GHG emissions were estimated using the California Emission Estimator Model (CalEEMod)™ (v.2020.4.0). CalEEMod is a statewide model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify GHG emissions from land use projects. The model quantifies direct GHG emissions from construction and operation (including vehicle use), as well as indirect GHG emissions, such as GHG emissions from energy use, solid waste disposal, vegetation planting and/or removal, and water use. Emissions are expressed in annual metric tons of CO_2 equivalent units of measure (i.e., MT CO_2e), based on the global warming potential of the individual pollutants.

SHORT-TERM CONSTRUCTION GHG EMISSIONS

Estimated maximum mitigated GHG emissions associated with construction of the proposed Project are summarized in Table 3.7-3. These emissions include all worker vehicle, vendor vehicle, hauler vehicle, and off-road construction vehicle GHG emissions. For the purposes of this analysis, based on input from the Project Proponents, the proposed Project is assumed to commence construction in 2021 and finish in 2025. It should be noted that this schedule is an approximation and may change over time. A regularized construction schedule was utilized for modelling purposes for the sake of simplicity.

TABLE 3.7-3: MAXIMUM CONSTRUCTION GHG EMISSIONS (MITIGATED AVERAGE MT CO_2E/YEAR)

YEAR	BIO- CO_2	NON-BIO- CO_2	TOTAL CO_2	CH_4	N_2O	CO_2E
2023	0	1,213.0	1,213.0	0.1	0	1,238.8

SOURCES: CALEEMOD (V.2020.4.0)

As presented in the table, short-term construction emissions of GHGs are estimated at a maximum of approximately 1,239 MT CO_2e per year.

OPERATIONAL GHG EMISSIONS

The operational GHG emissions estimate for the proposed Project includes on-site area, energy, mobile, waste, and water emissions generated by the Project during its operation. Estimated GHG emissions associated with the proposed Project are summarized in Table 3.7-4, below. It should be noted that CalEEMod does not account for the Governor Newsom's Zero-Emission by 2035 Executive Order (N-79-20), which requires that all new cars and passenger trucks sold in California be zero-emission vehicles by 2035. This is anticipated to substantially reduce the operational emissions associated with passenger vehicles (i.e. mobile emissions) over time, including prior the 2035 final implementation year. Therefore, the operational emissions results are likely an overestimate for mobile emissions, assuming the Executive Order is implemented. As shown in the following table, the annual mitigated GHG emissions associated with the proposed Project would be approximately 9,682 MT CO_2e.

TABLE 3.7-4: OPERATIONAL GHG EMISSIONS AT BUILDOUT (MITIGATED METRIC TONS/YEAR)

	BIO- CO_2	NON-BIO- CO_2	TOTAL CO_2	CH_4	N_2O	CO_2E
Area	0	11.1	11.1	<0.1	<0.1	11.4
Energy	0	1,717.5	1,717.5	0.1	<0.1	1,730.1
Mobile	0	7,232.0	7,232.0	0.4	0.4	7,355.2
Waste	184.6	0	184.6	10.9	<0.1	457.3
Water	18.9	46.0	64.9	2.0	<0.1	127.6
Total	**203.5**	**9,006.6**	**9,210.1**	**13.4**	**0.1**	**9,681.6**

SOURCES: CALEEMOD (V.2020.4.0)

The significance thresholds for GHG emissions should be related to compliance with AB 32 and SB 32, and the City of Manteca, as lead agency, has chosen to utilize a threshold of significance for GHG emissions as required by the Newhall Ranch decision. This threshold was independently derived by De Novo Planning Group. The rationale for using this threshold is outlined in the previous subsection, entitled "Thresholds of Significance".

According to the Traffic Study prepared for the proposed Project (Fehr & Peers, 2022), and as described in more detail in Section 3.13 of this EIR, the Project would daily vehicle trips by approximately 8,090 per day, which would generate substantial GHG emissions. The proposed Project would also generate substantial emissions from on-site energy, waste, and water emissions.

Consistent with the modeling for CalEEMod, the proposed Project is estimated to generate approximately 2,910 residents during the Project's operational phase.[1] Dividing this number of estimated residents generated by the Project by the total annual operational GHG emissions at Project buildout yields approximately 3.33 MT CO_2e/SP/Year, which is below the 3.56 MT CO_2e/SP/year in Year 2025 threshold based on emissions for the land use-driven emission sectors in the CARB GHG Inventory. Construction emissions, when amortized[2], would equal approximately emissions 41.3 MT CO_2e, which is equivalent to approximately 0.01 MT CO_2e/SP/Year. Therefore, the total annual GHG emissions at Project buildout would still yield approximately 3.34 MT CO_2e/SP/Year, after inclusion of the amortized construction emissions, would not exceed the 3.56 MT CO2e/SP/year in Year 2025 threshold based on emissions for the land use-driven emission sectors in the CARB GHG Inventory.

CONCLUSION

GHG emissions associated with the proposed Project are below the derived GHG threshold; therefore, the proposed Project would not affect statewide GHG reduction goals. The proposed Project would generate GHG emissions, directly and indirectly, that would not exceed the 3.56 MT CO2e/SP/year in Year 2025 threshold based on emissions for the land use-driven emission sectors in the CARB GHG Inventory. Therefore, the proposed Project's greenhouse gas emissions would be considered to have a **less than significant** impact relative to this topic.

Impact 3.7-2: Project implementation would not result in the inefficient, wasteful, or unnecessary use of energy resources. (Less than Significant)

The CEQA Guidelines requires consideration of the potentially significant energy implications of a Project. CEQA requires mitigation measures to reduce "wasteful, inefficient and unnecessary" energy usage (Public Resources Code Section 21100, subdivision [b][3]). According to the CEQA Guidelines, the means to achieve the goal of conserving energy include decreasing overall energy consumption, decreasing reliance on natural gas and oil, and increasing reliance on renewable energy sources. In particular, the proposed Project would be considered "wasteful, inefficient, and unnecessary" if it were to violate State and federal energy standards and/or result in significant adverse impacts related to Project energy requirements, energy inefficiencies, energy intensiveness of materials, cause significant impacts on local and regional energy supplies or generate requirements for additional capacity, fail to comply with existing energy standards, otherwise result in significant adverse impacts on energy resources, or conflict or create an inconsistency with applicable plan, policy, or regulation.

The amount of energy used by the proposed Project during operation would directly correlate primarily with the amount of energy used by Project buildings and outdoor lighting, and the generation of vehicle trips associated with the proposed Project. Other Project energy uses include

[1] This estimate is based on the CalEEMod model's per-dwelling unit (du) estimate for Single Family Residences of approximately 3.17 persons per Single Family Residential du, and a total Project Single Family Residences count of 827.

[2] The amortization period used for this calculation is 30 years.

fuel used by vehicle trips generated during Project construction and operation, fuel used by off-road construction vehicles during construction activities, and fuel used by Project maintenance activities during Project operation. The following discussion provides a detailed calculation of energy usage expected for the proposed Project, as provided by applicable modelling software (i.e. CalEEMod v2020.4.0 and the CARB EMFAC2021). Additional assumptions and calculations are provided within Appendix B of this EIR.

ELECTRICITY AND NATURAL GAS

Electricity and natural gas used by the proposed Project would be used primarily to generate energy for outdoor parking lot lighting. As shown in the following tables, "Energy" is one of the categories that was modeled for GHG emissions. The total unmitigated and mitigated GHG emissions generated from the "Energy" category during Project operation is 1,730 CO_2e.

ON-ROAD VEHICLES (OPERATION)

The proposed Project would generate vehicle trips during its operational phase. A description of Project operational on-road mobile energy usage is provided below.

According to the Traffic Study prepared for the proposed Project (Fehr & Peers, 2022), and as described in more detail in Section 3.13 of this EIR, the Project would increase automobile VMT by approximately 8,090 new daily trips. In order to calculate operational on-road vehicle energy usage and emissions, De Novo Planning Group used fleet mix data from the CalEEMod (v2020.4.0) output for the proposed Project, Year 2025 gasoline and diesel MPG (miles per gallon) factors for individual vehicle classes as provided by EMFAC2021, weighted average MPG factors for gasoline and diesel were derived. Therefore, upon full buildout, the proposed Project would generate operational vehicle trips that would use a total of approximately 2,100 gallons of gasoline and 341 gallons of diesel per day, or 766,608 gallons of gasoline and 124,573 gallons of diesel per year.

ON-ROAD VEHICLES (CONSTRUCTION)

The proposed Project would also generate on-road vehicle trips during Project construction (from construction workers and vendors travelling to and from the Project site). De Novo Planning Group estimated the vehicle fuel consumed during these trips based the assumed construction schedule, vehicle trip lengths and number of workers per construction phase as provided by CalEEMod, and Year 2025 gasoline and diesel MPG factors provided by EMFAC2021 (year 2025 factors were used to represent a conservative analysis, as the energy efficiency of construction activities is anticipated to improve over time). For the sake of simplicity, it was assumed that all construction worker light duty passenger cars and truck trips use gasoline as a fuel source, and all medium and heavy-duty vendor trucks use diesel fuel. Table 3.7-5, below, describes gasoline and diesel fuel consumed during each construction phase (in aggregate). As shown, the vast majority of on-road mobile vehicle fuel used during the construction of the proposed Project would occur during the building construction phase. There is no feasible mitigation available that would reduce on-road mobile vehicle GHG emissions generated by the Project construction activities (requiring the use of electric construction vehicles

was deemed infeasible, given price and availability concerns). See Appendix B of this EIR for a detailed accounting of construction on-road vehicle fuel usage estimates.

TABLE 3.7-5: ON-ROAD MOBILE FUEL GENERATED BY PROJECT CONSTRUCTION ACTIVITIES – BY PHASE

CONSTRUCTION PHASE	*# OF DAYS*	*TOTAL DAILY WORKER TRIPS(A)*	*TOTAL DAILY VENDOR TRIPS(A)*	*TOTAL HAULER WORKER TRIPS(A)*	*TOTAL GALLONS OF GASOLINE FUEL(B)*	*TOTAL GALLONS OF DIESEL FUEL(B)*
Demolition	10	15	0	23	**82**	**80**
Site Preparation	60	18	0	0	**433**	**0**
Grading	60	20	0	0	**481**	**0**
Building Construction	600	591	172	0	**7,107**	**6,568**
Paving	100	15	0	0	**601**	**0**
Architectural Coatings	100	118	0	0	**236**	**0**
Total	**N/A**	**N/A**	**N/A**	**N/A**	**8,940**	**6,648**

NOTE: (A) PROVIDED BY CALEEMOD OUTPUT. (B)SEE APPENDIX B OF THIS EIR FOR FURTHER DETAIL

SOURCE: CALEEMOD (V.2020.4.0); EMFAC2021.

OFF-ROAD VEHICLES (CONSTRUCTION)

Off-road construction vehicles would use diesel fuel during the construction phase of the proposed Project. A non-exhaustive list of off-road constructive vehicles expected to be used during the construction phase of the proposed Project includes: forklifts, generator sets, tractors, excavators, and dozers. Based on the total amount of CO_2 emissions expected to be generated by the proposed Project (as provided by the CalEEMod output), and standard conversion factors (as provided by the U.S. Energy Information Administration), the proposed Project would use a total of approximately 38,393 gallons of diesel fuel for off-road construction vehicles. Detailed calculations are provided in Appendix B of this EIR.

CONCLUSION

The proposed Project would use energy resources for the operation of Project buildings (natural gas and electricity), outdoor lighting (electricity), for on-road vehicle trips (e.g. gasoline and diesel fuel) rerouted by the proposed Project, and from off-road and on-road construction activities associated with the proposed Project (e.g. diesel fuel). Each of these activities would require the use of energy resources. The proposed Project would be responsible for conserving energy, to the extent feasible, and relies heavily on reducing per capita energy consumption to achieve this goal, including through statewide and local measures.

The proposed Project would be in compliance with all applicable federal, State, and local regulations regulating energy usage. For example, PG&E, the electric and natural gas provider to the proposed Project, is responsible for the mix of energy resources used to provide electricity for its customers, and it is in the process of implementing the statewide RPS to increase the proportion of renewable energy (e.g. solar and wind) within its energy portfolio. PG&E has achieved at least a 33% mix of renewable energy resources in 2020 and is on track to achieve 60% mix of renewable energy by

2030. Other statewide measures, including those intended to improve the energy efficiency of the statewide passenger and heavy-duty truck vehicle fleet (e.g. the Pavley Bill and the Low Carbon Fuel Standard), would improve vehicle fuel economies, thereby conserving gasoline and diesel fuel. These energy savings would continue to accrue over time.

The proposed Project would comply with all existing energy standards and would not be expected to result in significant adverse impacts on energy resources. For these reasons, the proposed Project would not cause an inefficient, wasteful, or unnecessary use of energy resources nor cause a significant impact on any of the threshold as described by the *CEQA Guidelines*. This is a **less than significant** impact.

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