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Subject:	[CAPCOA Planning Managers] July Planning Managers Meeting
Date:	Wednesday, July 09, 2014 1:52:16 PM
Attachments:	July 2014 Planning Managers Agenda.docx CAPCOA Planning Managers - DRAFT June Minutes -06042014 and 06052014.docx ARB Conformity SIP White Paper.pdf

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Hello Planning Managers,

Please see the attached agenda for this Thursday's PM conference call and June 2014 PM minutes. I have also attached a white paper from ARB related to the conformity SIP backlog discussion that is on the agenda. Below is some discussion of a recent appellate court decision with potentially major CEQA implications for lead agencies and air districts. I don't have a link to share with you right now for the decision, but I am sure someone can send it along. This item is also on the agenda. My thanks to Amy Clymo for leading this months meeting as I will not be able to attend. Thanks, Dave

Dave Vintze

Friant Ranch Appellate Court Decision

In a decision that will likely impact projects all across the state, the Court of Appeal for the Fifth Appellate District issued its second major CEQA decision of the year, finding that when a project will result in pollutant emissions that exceed thresholds established by an air quality district, an Environmental Impact Report ("EIR") must provide a detailed evaluation of the human health risks associated with each exceedance. (Sierra Club v. County of Fresno (2014) 2014 Cal.App. LEXIS 459.) As such, the decision arguably raises the bar with respect to a lead agency's obligation to analyze a project's air quality impacts on human health.

The EIR estimated that a proposed master-planned community for persons age 55 or older located in north-central Fresno County (the "project") would emit approximately 117.38 tons per year of PM10, 109.52 tons per year of reactive organic gases ("ROG"), and 102.19 tons per year of nitrogen oxides (NOx) at build out. These amounts were approximately 7 to 10 times great than the respective thresholds established by the San Joaquin Valley Air Pollution Control District. While the EIR provided an air quality mitigation measure (which is discussed further below), it concluded that the mitigation measure would not reduce the emissions below the thresholds, and thus there was an unavoidable significant impact with respect to air quality. The County subsequently approved the project with a statement of overriding consideration.

While the Superior Court denied the Sierra Club's challenge to the EIR, the Court of Appeal reversed that decision, finding that (1) the EIR failed to adequately analyze the project's air

quality impacts on human health, (2) the mitigation measures for the project’s long term air quality impacts failed to comply with CEQA, and (3) the conclusion that the mitigation measure would "substantially reduce" air quality impacts was not supported by substantial evidence.