

Marshall B. Hunt, P. E.  
123 C Street  
Davis, California 95616

October 23, 2007

William D. Kopper  
Attorney at Law  
417 E Street  
Davis, CA 95616

Re: Review of the Metropolitan Project Final EIR  
State Clearinghouse Number: 2006042161

Dear William Kopper:

At your request I have reviewed the Final Environmental Impact Report (EIR) for the proposed "The Metropolitan Project" (P05- 205), a 39-story, 652,00 gross square foot high rise building with a parking garage. In response to the questions and issues raised during the Draft EIR the Final report repeats the positions stated in the Draft with little if any information that answers the concerns expressed.

Comment G-7:

The response with its emphasis on "where relevant" ignores the very real energy and climate change issues that are the focus of public policy. Any increase in the demand for electricity during peak demand hours in the summer is relevant. The ratepayers of California pay for power plants operating at peak and the cost to build the new plants cost \$1500 per peak kW and higher. The AB 32 goals for green house gas emission reduction will impact the society and makes all additional emissions relevant to the public debate. The City of Sacramento can contribute to meeting broadly held public policy by requiring that the project mitigate emissions.

Comment G-16:

The comments by Charles Erhlich pointed to the fact that Title 24 requirements for energy efficiency are minimum allowed by law and that a variety of cost effect mitigation measures need to be explored. The Final EIR restates the position that meeting Title 24 is all that is required. This is unresponsive to the issue of mitigating the projects energy demand and use.

Comment G-17:

The Final EIR fails to address the issues raised and directs the reader to sections of the Draft that were originally brought into question.

Comment G-18:

The existence of the Leadership in Energy and Environmental Design (LEED) is noted and an abstract of the benchmarks of performance is given and is in fact not a foregone conclusion. But, no goal is set for the project to achieve. The statement, "it is assumed it will meet the 'Certified' level at a minimum" (page 4-93) is not supported anywhere in the EIR. It is the public policy of governmental agencies, like the California Department of General Services, that buildings they occupy meet a level of Silver or better. In practice achieving a Silver rating will benefit the owner, occupants and citizens by requiring mitigation of energy, water, solid waste, and other impacts of the building. At a minimum the project should be required to meet the LEED Silver level of performance.

Comment G-19:

Achieving LEED Silver would help mitigate ozone and PM<sub>10</sub> emissions.

Comments G-20 through G-22:

The Final EIR restates the position of the Draft and is consistent with the position that meeting the bare minimums for energy conservation and efficiency are all that is required to mitigate the impacts of the project. This position is contrary to the public policy position of the Governor and the State of California. The failure to explore mitigation measures, whether cost effective or not, does not allow the City of Sacramento reviewing agencies and public commissions to assess the impacts and mitigation to those impacts.

The position taken by the Final EIR is that everything that can be considered as mitigation measures for the impact of the project's energy consumption, green house gas emissions, and water use is covered by existing minimum standards. That this is not the case is demonstrated by the hundreds of millions of dollars being spent by energy utilities and water utilities to decrease the negative impacts of the built environment. It is most cost effective to build into new structures mitigation measures, rather than have to retrofit them later. To approve the project as proposed adds to the problems we are all working to address. Impacts of buildings are the accumulated impacts of each structure, thus the impact of each structure is significant and must be mitigated.

Sincerely,



Marshall B. Hunt  
Professional Mechanical Engineer

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**MARSHALL B. HUNT**


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Davis, CA 95616

**POSITION:** Programs Director, UC Davis Western Cooling Efficiency Center  
1450 Drew Avenue, Davis, CA 95618 (1/1/08, temporarily 123 C Street)  
[mbhunt@ucdavis.edu](mailto:mbhunt@ucdavis.edu), 530.747.3976

**EDUCATION:** Bachelor of Science, University of Davis, California  
University of California at Davis, in Atmospheric Science, Micrometeorology.  
Course work completed for a Masters of Science in Atmospheric Science,  
Micrometeorology with an emphasis on Arctic Air/Ice interactions as they  
impact global climate change

**PROFESSIONAL  
REGISTRATION:** Professional Engineer, Mechanical Engineering, registered in the State of  
California, #024975

**EXPERIENCE:** Valley Energy Efficiency Corporation  
Director, Yolo Energy Efficiency Project, a \$3 million dollar third party energy  
efficiency project by the City of Davis. Project completed on time, under  
budget successfully accomplishing the goals.

Pacific Gas & Electric Company  
Senior Program Engineer, Customer Energy Management, assigned to the  
internal technical support group for the purpose of Energy Efficiency program  
design, implementation and support with special emphasis in codes &  
standards. Also, taught classes in HVAC design at the Energy Training Center  
at Stockton.

MBH Associates  
Owner, Principal Engineer  
Conducted Energy Conservation studies for the following local governments:  
Roseville, Chico, Davis, Yolo County, and Lake County. Worked as a  
Technical consultant to Sacramento Municipal Utility District on a continuing  
basis for six years. Technical consultant to Carrier Corporation for energy  
efficiency codes & standards. Managed the design and construction of the  
model complex for a 120-unit passive solar subdivision in West Sacramento,  
which received an energy award from Pacific Gas and Electric Company.

California Energy Commission  
Energy Specialist III, Solar Energy Office, team lead of the Passive Solar team.  
One of the authors of the technical sections of the California Solar Tax Credit.

**VOLUNTEER  
POSITIONS:** Board Member/first Chairman of the Board of the California Association of  
Building Energy Consultants (CABEC).  
Member of the City of Davis Building Code Board of Appeals.  
Member of the City of Davis Citizens Electric Energy Task Force  
Member of ASHRAE

References available on request.

LEED Rating Systems
LEED Certification
Register Your Project
LEED-Online
Education
LEED AP Directory
LEED Project Lists
TSAC
LSC
CIR
Help

Home > LEED

## Leadership in Energy and Environmental Design

### What is LEED®?

The Leadership in Energy and Environmental Design (LEED) Green Building Rating System™ is the nationally accepted benchmark for the design, construction, and operation of high performance green buildings. LEED gives building owners and operators the tools they need to have an immediate and measurable impact on their buildings' performance. LEED promotes a whole-building approach to sustainability by recognizing performance in five key areas of human and environmental health: sustainable site development, water savings, energy efficiency, materials selection, and indoor environmental quality.

LEED provides a roadmap for measuring and documenting success for every building type and phase of a building lifecycle. Specific LEED programs include:

- [New Commercial Construction and Major Renovation projects](#)
- [Existing Building Operations and Maintenance](#)
- [Commercial Interiors projects](#)
- [Core and Shell Development projects](#)
- [Homes](#)
- [Neighborhood Development](#)
- [Guidelines for Multiple Buildings and On-Campus Building Projects](#)
- [LEED for Schools](#)
- [LEED for Retail](#)

USGBC is also developing LEED for Healthcare, and LEED for Labs.

We also have the [LEED Resources](#) page which has informative PowerPoint presentations, brochures, and case studies, as well as [LEED News](#) and LEED-Online sample credit templates.

### How is LEED Developed?

The LEED Rating System was created to transform the built environment to sustainability by providing the building industry with consistent, credible standards for what constitutes a green building. The rating system is developed and continuously refined via an open, consensus-based process that has made LEED the green building standard of choice for [Federal agencies and state and local governments](#) nationwide. [Click here](#) for more information on the LEED Development Process.

### What is LEED Certification?

The first step to LEED certification is to [Register](#) your project. A project is a viable candidate for LEED certification if it can meet all prerequisites and achieve the minimum number of points to earn the Certified level of LEED project certification. To earn [certification](#), a building project must meet certain prerequisites and performance benchmarks ("credits") within each category. Projects are awarded



U.S. Green Building Council

Certified, Silver, Gold, or Platinum certification depending on the number of credits they achieve. This comprehensive approach is the reason LEED-certified buildings have reduced operating costs, healthier and more productive occupants, and conserve our natural resources.

**Note for Product Manufacturers and Service Providers:**

Although USGBC does not certify, promote, or endorse products and services of individual companies, products and services do play a role and can help projects with credit achievement. (Note that products and services do not earn projects points.) [Learn more here](#) about how you and your company can help advance green building, while also achieving your own environmental and economic goals.

**Who Can Use LEED?**

Everyone: Architects, real estate professionals, facility managers, engineers, interior designers, landscape architects, construction managers, lenders, government officials...

The LEED program also includes a full suite of [training workshops](#) and a [Professional Accreditation](#) program to develop and encourage green building expertise across the entire building industry.

**Questions?**

[Visit the LEED Help section of our website.](#)

<ul style="list-style-type: none"> <li>LEED Rating Systems</li> <li>  New Construction</li> <li>  Existing Buildings</li> <li>  Commercial Interiors</li> <li>  Core and Shell Development</li> <li>  Homes</li> <li>  Schools</li> <li>  Neighborhood Development</li> <li>  Market Sector Rating Systems</li> <li>  LEED Public Drafts</li> <li>LEED Certification</li> <li>Register Your Project</li> <li>LEED-Online</li> <li>Education</li> <li>LEED AP Directory</li> <li>LEED Project Lists</li> <li>TSAC</li> <li>LSC</li> <li>CIR</li> <li>Help</li> </ul>	<p>Home &gt; LEED &gt; LEED Rating Systems</p> <h2>Rating Systems</h2> <p>LEED® is the nationally accepted benchmark for the design, construction, and operation of high performance green buildings. LEED provides building owners and operators with the tools they need to have an immediate and measurable impact on their buildings performance.</p> <p>LEED can be applied to every building type and phase of a building lifecycle. Specific programs exist for:</p> <ul style="list-style-type: none"> <li>• <a href="#">New Commercial Construction and Major Renovation projects</a></li> <li>• <a href="#">Guidelines for Multiple Buildings and On-Campus Building Projects</a></li> <li>• <a href="#">Existing Building Operations and Maintenance</a></li> <li>• <a href="#">Commercial Interiors projects</a></li> <li>• <a href="#">Core and Shell development projects</a></li> <li>• <a href="#">Homes</a></li> <li>• <a href="#">Neighborhood Development</a></li> <li>• <a href="#">LEED for Schools</a></li> <li>• <a href="#">LEED for Retail</a></li> </ul> <p>LEED for Health Care is currently under development.</p> <h3>New Optimize Energy Mandatory Point Minimum for LEED projects</h3> <p>In accordance with direction from its Board of Directors and its LEED Steering Committee to immediately increase the LEED Green Building Rating System's impact in reducing building energy related greenhouse gas emissions, USGBC's membership has approved the update of all balloted commercial LEED Green Building Rating Systems with the following change:</p> <p>All newly registered LEED projects are required to achieve at least two (2) Optimize Energy. Performance points. This requirement is mandatory for all LEED projects registering after June 26, 2007. Projects registered prior to June 26, 2007 will not be held to this requirement; however USGBC encourages all LEED projects to strive to achieve building energy performance commensurate with this new requirement. LEED for Homes and LEED for Neighborhood Development projects are exempt from this requirement.</p> <p>To help projects achieve this new mandate, a prescriptive path has been developed for all LEED for New Construction, LEED for Core and Shell, LEED for Schools and LEED for Retail projects. When complete, this prescriptive path will be outlined in the appropriate rating system documents available soon.</p> <p>The two mandatory points will count towards a project's LEED certification. Project teams will be reminded of this change at time of registration, through LEED Online, and illustrated in the rating system and reference guide documents.</p> <p>Go <a href="#">here</a> to view the current Optimize Energy Performance credits in LEED for New Construction, Existing Buildings, Commercial Interiors and Core &amp; Shell, and the</p>
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