

June 15-2021

Scott Johnson, City of Sacramento

I offer the following comments to the Negative Declaration statement for the 2021-2029 Housing Element.

The city determined the project will not have a significant effect on the environment because the Housing Element does not propose new development that would result in physical changes to the environment. We all know the purpose of the Housing Element and the 2040 General Plan is to eliminate single family housing to create more densification in Sacramento. This is most evident in GOAL 1 of the Housing Element – which states “Increasing Overall Housing Production”. Every city is trying to convince the public this will produce more affordable housing. There is no evidence anywhere in the country that higher density housing in single family housing zones creates affordable housing. Instead, it will create market-rate housing, gentrification and will severely tax the existing infrastructure – sewer, water, electrical, telecommunications and transportation.

There are several areas of concern that I have in the CEQA evaluation of the Housing Element.

On Page 61 – Sewer & Storm Drainage. The last line in the first paragraph states: “Within the City, there are two distinct areas: areas served by a separate sewer system, and an area served by a combined sewer system, which is described in more detail later in this section.” There is no more description of the CSS in this section – is something missing?

Public Services – The elimination of off-street parking will greatly affect public services. The streets of East Sacramento are very narrow and are often lined on both sides with vehicles. Large trucks and SUVs parked on both sides of the street do not allow two cars to pass and would cause fire, police, emergency services to be delayed.

Recreation – The parks in Sacramento are very poorly maintained. With additional density and more usage, it will only get worse. The city allows too many people to reserve parts of the park on the same day and at the same time. This causes an abundance of trash that is not picked up timely and no place to park except illegally in permit only zones. The city has almost no enforcement for parking especially during peak times which are after work during the week and weekend afternoons.

Utilities - The capacity of the Combined Sewer System (CSS) could be greatly affected by denser housing. The CSS system currently has a lack of capacity because the 100-year-old pipes, often located in the easements, are too small in diameter, are cracked and have inadequate seals that allow them to be filled with tree roots, debris, leaves, rags, and grease. An independent audit in 2019 showed the sewer system is aging faster than the assets are being repaired or replaced and critical information related to storm drainage assets is lacking. There is a real threat the combined sewer system will not provide reliable and sustainable service in the future. Until our city decides to separate the stormwater and sewage systems, the citizens of Sacramento will be at risk of flooding and toxic sewage outflows.

Respectfully,

Ann Broderick
East Sacramento Resident

From: Garcia, Benjamin@DOT
To: [Scott Johnson](#)
Cc: [Padilla, Alex@DOT](#)
Subject: Caltrans Comments: City of Sacramento General Plan Housing Element Update
Date: Thursday, June 17, 2021 5:01:24 PM
Attachments: [image001.png](#)
[image002.png](#)

Good Afternoon,

Thank you for allowing Caltrans the opportunity to review the proposed Housing Element Update for the City's General Plan. Based on the information provided, we have no comments at this time.

Regards,

Benjamin Garcia
Transportation Planner, Transportation Planning – South
Complete Streets Coordinator
California Department of Transportation, District 3
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For real-time highway conditions: <http://quickmap.dot.ca.gov/>



Written Comments on the Draft Negative Declaration for the 2021-2029 Housing Element (General Plan 2040)

To: Scott Johnson, Senior Planner
Community Development Department

Being exempt from the California Environmental Quality Act (CEQA) and having no environmental impact are two very different things. Because the Housing Element is housing policy and not a project per se, the City claims it is exempt from CEQA. However, General Plan 2040 and its Housing Element component will be the policy blueprint for ordinances that will be enacted by the City Council, according to which projects will be built that will have an environmental impact. So I feel I have to speak up. It's like the Russian nesting dolls. All planning going forward, from when the Housing Element is adopted, will track back to the Housing Element.

By allowing duplexes, triplexes and fourplexes in addition to two ADUs (or JADUs) on any city lot zoned R-1, by right, the city is creating a ministerial review process that will be exempt from CEQA. But make no mistake, there will be an environmental impact. In actual fact, the city is creating an environmental impact by creating a ministerial process that will bypass CEQA review.

The euphemisms for this upzoning in the Housing Element are “Missing Middle Housing” and “greater array of housing types.” This part of the Housing Element proposal will lead to the destruction of tree canopy and green spaces (approximately 80% of the trees in our city are on private land, including back and front yards). <http://www.cityofsacramento.org/public-works/maintenance-services/trees/about-urban-forestry>

A USC study also found that 80% of a city's trees are in residential yards.

Denser hardscape will cause the loss of green spaces and trees now in neighborhood back and front yards. There will be a loss of permeable surfaces needed to replenish our groundwater. The city will be hotter, and the environmental benefit of trees in air quality and removal of carbon and other pollutants will be lost. Neighborhoods, or parts of neighborhoods where trees are cut down to accommodate CEQA-exempt upzoning will become heat islands. How will this happen?

If trees are cut down for ADUs, JADUs, duplexes, triplex or fourplexes in R-1 zones, and these trees are “private protected trees” as defined in Sacramento City Code section 12.56.020, the property owner or developer will have to obtain a permit, as well as provide a tree replacement plan (City Code, sec. 12.56.060).

If sufficient hardscape is built there will not be enough room for replacement trees on that particular lot, and certainly not of the species type and size that have been removed. The tree ordinance provides for in-lieu fees that will go into the city's tree

planting and replacement fund. Although that is good for the overall canopy, it will be a net loss of canopy for neighborhoods, or areas of neighborhoods, where developers and homeowners take advantage of the ability to add housing density. I don't see how the tree replacement fund will mitigate the effect on that particular neighborhood, which will cause changes such as increased use of air conditioning.

In addition, the replacement trees are very small. Trees that are protected under the ordinance are generally a prescribed size of tree species formerly called "heritage trees" in the ordinance, or they are larger, mature trees. These are irreplaceable; it will take 50 years or more to get back to a comparable size. Meanwhile, Sacramento will be baking.

In addition, the greenest building is often an existing building. Construction and construction materials have environmental impact.

Thank you for your consideration of my comments.

Francesca Reitano

Elmhurst, Sacramento 95817
freitano@gmail.com

From: [Ilsa Louise Hess](#)
To: [Scott Johnson](#)
Subject: Oppose Upzoning
Date: Saturday, June 12, 2021 10:53:26 AM

Hello Mr. Johnson,

I oppose upzoning of single family and want the draft 2040 General Plan to be changed to retain existing single family zoning and neighborhoods.

I think more effort should be made to exhaust other options such as creating actual affordable housing in existing empty lots all over Sacramento's business areas.

Thank you,
Ilsa Hess
Sacramento

From: [Jill Bowers](#)
To: [Scott Johnson](#)
Subject: Concerned Citizens Objections to Housing Element
Date: Thursday, June 17, 2021 1:07:49 PM
Attachments: [Concerned Citizens Response to Sacramento"s Proposed Housing Element Negative Declaration June 17, 2021.pdf](#)

Dear Mr. Johnson:

On behalf of Concerned Citizens from Districts 5, attached is our objection to the City's proposed Housing Element.
Thank you,

Jill Bowers
6549 Fordham Way
Sacramento, CA 95831

TO: Scott Johnson
Senior Planner
Community Development Department
City of Sacramento
Sacramento, CA 95811

FROM: Concerned Citizens District 3
Concerned Citizens District 6

We submit this objection to the "Negative Declaration" prepared by the City of Sacramento (City) for the City's proposed "Housing Element." We submit that the City - as established in the Negative Declaration - fails to comply with the mandatory requirements under CEQA. Contrary to the City's representation that the Housing Element is just a policy statement, the Housing Element plainly allows for and specifically proposes development caused by the intended changes to zoning to densify existing single-family neighborhoods in all of Sacramento. The City's hollow characterization that the Housing Element is a mere policy statement is not legally sufficient to excuse the City from complying with its responsibility, mandated by CEQA, to conduct a thorough and detailed analysis of the impacts caused by the proposed upzoning to densify housing by development in all existing Sacramento single family neighborhoods.

The City presented an initial draft of the Housing Element to the California Department of Housing and Community Development (HCD) on April 8, 2021. (Initial Draft.) A subsequent draft of the Housing Element with modifications was made available to the public in April 2021. (April 2021 Draft.) The revised HCD Housing Element draft, dated May 2021, was made available by the City for public review on June 8, 2021. (May 2021 Draft.)

The HCD prepared a letter dated June 7, 2021, pursuant to Government Code section 65585, subdivision (b), reporting the results of its review. (HCD June Letter.)

The Negative Declaration dated, and signed May 17, 2021, was published by the City on June 8, 2021, indicating that public comments would be received only up to and including June 17, 2021. At page 2 of the Negative Declaration the City claims that "the Housing Element establishes policy for housing and a policy-based strategy, [and] does not provide for changes in the type, level, or location of physical development." There, the City claims that the "[r]egulation of location, type, character, and other features of physical development are established in the City's general plan and the Planning and Development Code." At page 70, the City claims that the "Housing Element does not propose new development that would result in physical changes to the environment, no new housing sites are proposed as part of this Housing Element beyond those already designated as such in the 2035 General Plan, no changes to existing zoning are proposed, and the location of development will continue to be guided by the general plan land use map and applicable zoning." The City's claim is not supported by the Housing Element and is therefore manifestly incorrect.

CEQA requires that decision makers not take any government action before the actions are fully evaluated and studied. CEQA mandates that our elected officials safeguard our interests to ensure that proposed development have no potential significant environmental impacts. However, the City's Housing Element fails to provide a careful and studied CEQA analysis on the impacts that will be caused by the proposed housing development. The City's failure violates its duty under CEQA to evaluate and study the true risks or consequences that are proposed by the significant changes to single-family housing in Sacramento. Adoption of the Housing Element will result in a permanent change to enable development in all Sacramento neighborhoods that cannot be undone. Without a CEQA review the Housing Element result in allowing the City to make a drastic change to single family neighborhoods and zoning without evidence being provided or consequences being fully vetted or studied to determine the impacts, their scope, or the opportunity to determine whether the City's upzoning proposal will even result in more affordable and inclusive housing, or if there are any viable alternatives to achieve these goals.

That said, we object to the City's Negative Declaration for the following reasons:

FIRST, the City must conduct a full CEQA review because development to single family housing will occur by adoption of the Housing Element.

Despite the City's claim that the Housing Element is only a policy statement, the City has made clear as revealed in the April 2021 Draft that it intends to substantially change development by upzoning single family housing to increase density in all single-family Sacramento neighborhoods. Thus, contrary to the City's representation, before adopting the Housing Element the City is required to conduct a full CEQA review of the impacts caused by the development.

Most revealing, the City's intended development of mass scale housing in Sacramento is contained in the Initial Draft provided to the HCD. There, shown at page 25 of the April 2021 Draft, "Goal 1. Increasing Overall Housing Production," subsection "Policies" the City specifically stated in "H-1.2" that "[t]he City shall allow for a greater array of housing types in **all neighborhoods**, including multi unit developments, such as duplexes, triplexes, and fourplexes in traditionally single unit zones" and in "H-1.3" that "[t]he City shall shift from unit based (units per acre) to floor area ratio based intensity controls citywide to increase housing capacity and variety throughout the City." (Emphasis added.)

After the City submitted the Initial Draft to HCD, as shown in the April 2021 Draft, both "H-1.2" and "H-1.3" were removed. In the April 2021 Draft the City moved the text "to allow a greater array of housing types in single-unit zones –including duplexes, triplexes, and fourplexes" to page 33, "Goal 4. Advancing Equity and Inclusion" and, **for the first time**, characterized the intended development as a policy. The City alleged, without supporting documentation, that this is being done because "revising the zoning code to allow a greater variety of housing throughout the City can lead to more inclusive neighborhoods since many of the City's highest resource neighborhoods have remained segregated in their racial composition (partly because they are zoned almost exclusively for single family homes)."

In the Initial Draft, as shown in the April 2021 Draft, “Implementation Programs” section, subsection “Program H7 – Expand Housing Types in Single Unit Zoning throughout the City” at page 55, the City stated that to implement the changes to single family housing it intended to “amend the General Plan Land Use Element and the Planning and Development Code to remove maximum densities from specific zones, adopt a floor area ratio based intensity approach, update development standards for missing middle housing types, and allow greater housing and variety of housing types throughout the City, including within single unit residential zones” with the objective that it “[a]llow additional units in residential and mixed use zones to encourage smaller and more affordable units.” The April 2021 Draft removed all of “Program H7 – Expand Housing Types in Single Unit Zoning throughout the City” and instead now states at page 4 that “[t]he 2040 General Plan is expected to increase allowable densities in certain areas of the city, which will likely increase housing capacity beyond what is described in the 2021-2019 Housing Element.”

Although the City now claims that CEQA review is not required because the Housing Element is not proposing any specific development, project, or change to housing development, the Initial Draft and the subsequent modifications in the April 2021 Draft together establish the complete opposite. The Housing Element leaves no doubt that the City intends development at a mass scale in every single-family zoned area in all of Sacramento. In fact, the City’s claim that the Housing Element is solely a policy statement is totally contradicted by its admission at page 24 of the April 2021 Draft, where the City specifically states “[t]he City’s target for this Housing Element is 45,850 [housing] units over the next eight years, an average of about 5,700 housing units annually” and reaffirmed in the Negative Declaration 6, in Goal 1, at page 6 where the City states that it intends to “facilitate the construction of 45,580 units by 2029 and “and in Goal 3, “at least 700 accessory dwelling units by 2029.” Thus, with the adoption of the Housing Element that intends to upzone single family housing, the City clearly intends to open mass scale development in every single family neighborhood in all of Sacramento.

We submit that characterizing the Housing Element as a simple policy change does not change the fact that mass scale development will occur. The City should not be allowed to use this characterization and rely on semantics to avoid its responsibility under CEQA. The City is required to conduct a thorough and comprehensive study of the impacts that will occur by the development the City intends in Sacramento single family neighborhoods.

SECOND, the City cannot be excused from its responsibility to conduct a full CEQA review by claiming that no “specific” development is being proposed by adoption of the Housing Element.

The City has not only quantified the number of housing units it intends to develop but also substantially expands housing development by opening the door to build multiple housing units on every single residential lot in all of Sacramento. By its own admission at page 68 of the Negative Declaration, the City is mandated under CEQA not only to consider projects individually but also cumulatively, which “means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other

current projects, and the effects of probable future projects.” As demonstrated and emphasized by the modifications identified above, by adopting the Housing Element the City intends to open development to each and every single-family zoned lot in all of Sacramento.

That the City is claiming there is no negative impact because the Housing Element does not identify a “specific” development is disingenuous. Once the Housing Element is adopted the City will not be required to provide any specific basis or analysis: 1) to show that the proposed changes to single family neighborhoods and zoning, as a whole, will not result in negative impacts under CEQA; 2) to demonstrate what basis the City is relying on to make the drastic changes to single family neighborhoods and zoning by densifying housing in Sacramento; 3) to substantiate that the proposed changes to single family neighborhoods and zoning are in fact necessary to comply with State of California housing requirements; 4) and to support its assumption that upzoning single family neighborhoods to densify housing development will result in diversification and racial inclusion the City claims it will resolve. Each of these four assumptions will proceed forward unchecked.

For example, one of the primary contentions the City relies on to drive the proposed change to single family neighborhoods and zoning is found at page 4 of the April 2021 Draft. There, the City claims the change to single family neighborhoods and zoning means “Sacramento’s neighborhoods will be affordable and inclusive, and every resident will have the opportunity to thrive.” Yet, the City has failed to provide any data or analysis throughout the entire process or in the Housing Element to support this assumption. This failure is particularly concerning because this drastic change to single family neighborhoods and zoning has not ever been done in any other city in California.

As reflected in an article related to upzoning changes in Minneapolis, there exist irreversible risks to housing that the City should be required to consider before dismantling the protections afforded by single family zoning. This is especially true if the City’s goal to achieve more equity in housing is sincere. For example, although the City is relying on increased density in single family areas as the only solution, the City needs to evaluate whether more units automatically equals to more affordable housing, whether more multifamily rental units increase the risks that absentee landlords will result in inadequate housing, whether streamlining the development will result in substandard construction, and whether the City’s infrastructure is even capable of handling the increased development. (See, [Minneapolis’s Residential Upzoning Risks Unintended Consequences: Alissa Luepke Pier.](#))

In addition, the City has failed to address the risk posed by investors. The demand for single family housing in California and other parts of the country pose a real risk that corporate and other institutional investors will enter the market and not only increase the cost of housing even further but also transform housing in Sacramento to a renter only community. Investors, motivated by profit, will drive away the residents the City is claiming it wants to help and essentially function as a bar to private individual ownership regardless of income. As revealed by the Wall Street Journal, in an article dated June 7, 2021: “Today, built-to-rent homes make up just over 6% of new homes built in the U.S. every year, according to Hunter Housing

Economics, a real estate consulting firm, which projects the number of these homes built annually will double by 2024. The country's largest home builders are planning for that future. Backed by banks and private investment firms, they have already bet billions on the sector, and will put down some \$40 billion more during the next 18 months ... [and Taylor Morrison Home Corp., the nation's fifth-largest builder] has said built-to-rent could soon become 50% of its total business." (See, https://www.wsj.com/articles/built-to-rent-suburbs-are-poised-to-spread-across-the-u-s-11623075610?st=6alwwlg9ajjhy4l&reflink=share_mobilewebshare.)

The profit motive associated with housing has also revealed itself in investment funds. For example, a Wall Street Journal article dated April 4, 2021, by Ryan Dezember, "If You Sell a House These Days It Might Be a Pension Fund," revealed that investors are encouraging and achieving housing investment in the billions sometimes marketing entire neighborhoods. The article reported that "[f]rom individuals with smartphones and a few thousand dollars to pensions and private-equity firms with billions, yield-chasing investors are snapping up single-family houses to rent or flip. They are competing for homes with ordinary Americans, who are armed with the cheapest mortgage financing ever, and driving up home prices." The article adds that "[l]imited housing supply, low rates, a global reach for yield, and what we're calling the institutionalization of real-estate investors has set the stage for another speculative investor-driven home price bubble..." Indeed, we have received reports that this may already be occurring in Sacramento from residents who, competing with investors to buy a home, have had to offer from \$50,000 to \$100,000 or more over the asking price or forced to forego attempts to buy a home in Sacramento.

The proposed development intended by adoption of the Housing Element with the change to single family zoning and neighborhoods is massive because it will affect every single-family housing lot in all of Sacramento. It is unrealistic and impractical for the City to claim that all CEQA impacts caused by the change to single family housing will be addressed in the future General Plan, housing ordinances, and design regulations because each of the four assumptions identified above will proceed unchecked. Moreover, to the extent the City suggests that it can rely on housing ordinances and design regulations to address CEQA environmental factors, this claim is legally invalid. This is so because housing ordinances and design regulations are solely implementing tools for development. The City should not be allowed to misrepresent its intentions by claiming it is solely a policy change to avoid its duty under CEQA that mandates it appropriately study and evaluate potential negative impacts, alternatives, or more measured options before adopting the Housing Element.

THIRD, the Negative Declaration misrepresents that the Housing Element does not allow development beyond what is currently allowed under the 2035 General Plan.

Throughout the Negative Declaration, the City claims that the Housing Element "does not allow development beyond what is currently allowed under the 2035 General Plan" and that "the Housing Element does not propose any specific projects for future development that is not currently allowed." Yet, in the April 2021 Draft at page 4, the City contradicts this claim when it concedes that the Housing Element is being "adopted ahead of the 2040 General Plan" and that

“[t]he 2040 General Plan is expected to increase the allowable densities in certain areas of the city, which will likely increase housing capacity beyond what is described in the 2021-2019 Housing Element.” Thus, the City’s claim that the Housing Element does not go beyond the 2035 General Plan is not accurate.

The City cannot be allowed to misrepresent the bases of its findings to avoid conducting a valid CEQA review. In fact, there is nothing in the Housing Element to indicate that the City has even considered the additional development anticipated by Accessory Dwelling Units (ADUs) coupled by the substantial changes intended to single housing neighborhoods and zoning. Even if the City can claim that ADUs are exempt from CEQA review, CEQA mandates that all development must be reviewed cumulatively to appropriately assess environmental impacts. As an example, in the “Utilities and Service” section of the Negative Declaration the City describes the water supply and the process the City relies on to provide wastewater collection in the City. Despite the obvious development that will result from the anticipated ADU and densification of single-family housing development intended by the Housing Element, the City incredulously finds that the Housing Element “would have no impacts pertaining to utilities and service systems.” The same failure in evidence and logic is found in the City’s findings of no impacts with regard to, energy, gas, water quality, traffic, energy use, equipment uses, noise, physical changes to existing communities, recreational changes (including neighborhood and community parks), green space, public services (including police and schools), transportation, parking, vegetation, and trees that are recognized as a symbol of Sacramento.

FOURTH, the City’s failure to engage single family homeowners and residents in the development of the Housing Element is a violation of the Government Code.

The Housing Element demonstrates a clear violation of its statutory duty to engage single family homeowners and residents, who are the members of the community most directly affected by the changes to single family zoning and neighborhood housing, when developing the Housing Element. Government Code section 65583, subdivision (c) (9) states that the Housing Element requires a local government to make “a diligent effort ... to achieve public participation of all economic segments of the community **in the development** of the housing element.” (Emphasis added.) As demonstrated in the Housing Element, in examples below, the City consistently failed to make a diligent effort to obtain input from Sacramento single family homeowners and residents in developing the Housing Element.

At page 7 of the April 2021 Draft, the City describes the methods it used in developing the Housing Element. Participants included “City staff, the Sacramento Area Council of Governments (SACOG), the Sacramento Housing and Development Agency (SHRA), housing developers, housing advocacy groups, local nonprofits, Property Business Improvement Districts (PDIDs), and the broader community from all areas of the City.” The City claims at page 9 of the April 2021 Draft that it relied on input from the “Internal Housing Working Group (HWG)” comprised of governmental staff from various entities and three City Council Representatives. At pages 9 and 10 of the April 2021 Draft, the City claims it relied on input from the “Housing Policy Working Group (HPWG)” that met with City staff throughout the

process. The HPWG is described as approximately 40 individuals representing City staff, real estate representatives, housing advocacy groups, housing developers, and staff from state agencies and departments, planning and design commissioners, property business districts, and local non-profits and again states that the City met with the HPWG throughout the process. It is important to emphasize that the City sought and included input from entities or individuals in real estate and developers at every stage in developing the Housing Element and that they represent interests that stand to benefit and profit from the increased housing development. The Housing Element reflects, however, that no Sacramento single family homeowner, resident member, or neighborhood association representative was included in any of the working groups in the development of the Housing Element.

At page 8 of the April 2021 Draft, the City claims a survey was conducted by the Sacramento Valley Fair Housing Collaborative Analysis of Impediments to Fair Housing Choice (AI) in February of 2020 and that the survey included responses from “roughly 1,300 participants from the City of Sacramento out of 3,388 total responses.” Yet, the methodology used to reach the public, and specifically single-family neighborhoods most affected by upzoning, or the types of questions posed, are not described in the Housing Element.

At page 10 of the April 2021 Draft, the City claims it “hosted two virtual focus group meetings in August 2020 to gather input from various stakeholders including developers, home builders, non-profit organizations, advocacy groups, and public agencies on two key housing issues, anti-displacement and the City’s affordable housing requirements.” Here again, the Housing Element establishes that no single-family homeowners, residents, or any neighborhood association were represented.

At page 8 of the April 2021 Draft, the City claims it initiated the update to the Housing Element in Phase I in April 2020 and that it conducted 3 citywide workshops but does not identify the dates, times, or notice methods used to notice the workshops to single family homeowners or residents. At page 9 of the April 2021 Draft, the City claims that during Phase II it “facilitated an online” self-guided workshop for community members that it claims provided draft housing goals and feedback. The City claims this virtual workshop was active between October 6, 2020, and October 20, 2020. At page 9, of the April 2021 Draft the City claims that “[t]he Housing Element section had a total of 185 individual responses and 557 responses all together.” Yet, the Housing Element fails to describe the topic covered by the workshop, how it was noticed, or and the extent of Sacramento homeowner or neighborhood association participation.

The City’s failure to comply with Government Code section 65583, subdivision (c) (9) is supported by the best practices and guidance provided by the HCD. In the HCD’s “Affirmatively Furthering Fair Housing, Guidance for All Public Entities and for Housing Elements,” the HCD at pages 18 and 19 makes clear that a public entity needs to engage early and often with the community in the development and throughout the completion of the Housing Element. Here, the Housing Element establishes that Sacramento single family homeowners and residents were never included in the development of the Housing Element. In fact, the Housing Element

indicates that the Initial Draft was not made available for public review until after the Initial Draft was completed in early 2021.

The City's complete failure to engage single family homeowners and residents to provide input in developing the Housing Element is even more serious because of the severe obstacles and undue burdens residents of Sacramento were experiencing with the COVID crisis. The economic, health, and safety concerns the world was experiencing was clearly at the forefront of residents in Sacramento and throughout the world. The Housing Element shows that the alleged community outreach was conducted at the height of the COVID crisis through the internet when the entire world was clearly focused on the pandemic crisis. Under normal circumstances the HCD's best practice supports that public entities take affirmative action to conduct broad based outreach. Given the significant COVID crisis residents of Sacramento were experiencing, the City should have used every measure at its disposal to engage single-family homeowners, residents, and neighborhood associations for input when developing the Housing Element. Because of this violation, single family homeowners and residents in Sacramento are barely learning of the significant changes intended by the City with the adoption of the Housing Element.

That the City scheduled hearings after the Housing Element was published for public review is also not sufficient to defend against this violation. As established above, the failures in the process followed by the City, which excluded the very stakeholders most affected, will not be remediated given the City's position on the intended changes to single family zoning now firmly entrenched.

Therefore, the City's failure to engage single family homeowners and residents in the development of the Housing Element as it relates to changes to single family neighborhoods and housing is a violation of the Government Code.

CONCLUSION

We submit that the Housing Element will have significant impacts which requires the City to comply with CEQA. The City is, therefore, required to prepare a detailed Environmental Impact Report before adopting the Housing Element because it calls for drastic changes to single family zoning and mass scale housing development in all neighborhoods in Sacramento.

From: [Jean Schaffer](#)
To: [Scott Johnson](#); [Katie Valenzuela](#)
Subject: Response to Negative Declaration to object to the Housing Element proposed by the City of Sacramento
Date: Thursday, June 17, 2021 2:14:21 PM

We submit this response to the Negative Declaration to object to the Housing Element proposed by the City of Sacramento (City). We submit that the City has failed to comply with CEQA because, contrary to the City's representation, the Housing Element demonstrates that development caused by changes proposed to existing single family neighborhoods and zoning is intended in all of Sacramento and that characterizing the Housing Element as merely a policy statement is not legally sufficient to excuse the City from complying with its responsibility, mandated by CEQA, to conduct a thorough and detailed analysis of the impacts caused by proposed upzoning to densify development single family neighborhoods in all of Sacramento

The City presented an initial draft of the Housing Element to the California Department of Housing and Community Development (HCD) on April 8, 2021. (Initial Draft). A subsequent draft of the Housing Element was made available to the public in April 2021 that indicates modifications were made to the Housing Element. (April 2021 Draft). The revised HCD Housing Element draft, dated May 2021, was made available by the City for public review on June 8, 2021. (May 2021 Draft).

The HCD prepared a letter dated June 7, 2021, pursuant to Government Code section 65585, subdivision (b), reporting the results of its review. (HCD June Letter).

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It is well established that CEQA requires that decision makers and the public not take any government action before the actions are fully evaluated and studied. CEQA mandates that our elected officials safeguard our interests to ensure that proposed development will have no potential for significant environmental impacts. The Housing Element fails to provide a

careful and studied CEQA analysis on the impacts that will be caused by the proposed housing development. The City's failure to is a violation of its duty under CEQA to evaluate and study the true risks or consequences that are being proposed by the significant changes to single family zoning and neighborhoods in Sacramento. Adoption of the Housing Element will result in a permanent change to enable development in all Sacramento neighborhoods that cannot be undone. Without a CEQA review the Housing Element will result allowing the City to make a drastic change to single family neighborhoods and zoning without the evidence being provided or consequences being fully vetted or studied to determine the impacts, their scope, or the opportunity to determine whether the City's upzoning proposal will even result in more affordable and inclusive housing or if there are any viable alternatives to achieve these goals.

In response to the City's Negative Declaration we present the following objections:

FIRST, the City must conduct a full CEQA review because development in existing single family housing will occur by adoption of the Housing Element.

Despite the City's claim that the Housing Element is only a policy statement, as revealed by the April 2021 Draft, the City has made clear that it intends to substantially change development by upzoning to density single family neighborhoods in all of Sacramento. Contrary to the City's claim, adoption of the Housing Element therefore requires the City to conduct a full CEQA review of the impacts caused by the development.

The City's intended development of mass scale housing in Sacramento was revealed in the Initial Draft provided to the HCD. There, shown at page 25 of the April 2021 Draft, "Goal 1. Increasing Overall Housing Production," subsection "Policies" the City specifically stated in "H-1.2" that "[t]he City shall allow for a greater array of housing types in **all neighborhoods**, including multi unit developments, such as duplexes, triplexes, and fourplexes in traditionally single unit zones" and in "H-1.3" that "[t]he City shall shift from unit based (units per acre) to floor area ratio based intensity controls citywide to increase housing capacity and variety throughout the City." (Emphasis added.)

After the City submitted the Initial Draft to HCD, as shown in the April 2021 Draft, both "H-1.2" and "H-1.3" were removed. In the April 2021 Draft the City moved the text "to allow a greater array of housing types in single-unit zones –including duplexes, triplexes, and fourplexes" to page 33, "Goal 4. Advancing Equity and Inclusion" and, for the first time, characterized the intended development as a policy. The City alleged, without any documentation, that this is being done because "revising the zoning code to allow a greater variety of housing throughout the City can lead to more inclusive neighborhoods since many of the City's highest resource neighborhoods have remained segregated in their racial composition (partly because they are zoned almost exclusively for single family homes)."

In the Initial Draft as shown in the April 2021 Draft, “Implementation Programs” section, subsection “Program H7 – Expand Housing Types in Single Unit Zoning throughout the City” at page 55, the City stated that to implement the changes to single family housing it intended to “amend the General Plan Land Use Element and the Planning and Development Code to remove maximum densities from specific zones, adopt a floor area ratio based intensity approach, update development standards for missing middle housing types, and allow greater housing and variety of housing types throughout the City, including within single unit residential zones” with the objective that it “[a]llow additional units in residential and mixed use zones to encourage smaller and more affordable units.” The April 2021 Draft removed all of “Program H7 – Expand Housing Types in Single Unit Zoning throughout the City” and instead now states at page 4 that “[t]he 2040 General Plan is expected to increase allowable densities in certain areas of the city, which will likely increase housing capacity beyond what is described in the 2021-2019 Housing Element.”

Although the City is now claiming that CEQA review is not required because the Housing Element is not proposing any specific development, project, or change to housing development, the Initial Draft and the subsequent modifications in the April 2021 Draft together establish the complete opposite. Rather, the Housing Element leaves no doubt that the City intends development at a mass scale in every single family zoned area in all of Sacramento. In fact, the City’s claim that the Housing Element is solely a policy statement is totally contradicted by its admission at page 24 of the April 2021 Draft, where the City specifically states “[t]he City’s target for this Housing Element is 45,850 [housing] units over the next eight years, an average of about 5,700 housing units annually” and reaffirmed in the Negative Declaration 6, in Goal 1, at page 6 where the City states that it intends to “facilitate the construction of 45,580 units by 2029 and “and in Goal 3, “at least 700 accessory dwelling units by 2029. “ Moreover, with the adoption of the Housing Element, the City clearly intends to open mass scale development in every single family neighborhood in all of Sacramento.

We submit that characterizing the Housing Element as a simple policy change does not change the fact that development will occur. The City should not be allowed to use this characterization and rely on semantics to avoid its responsibility under CEQA to conduct a thorough and comprehensive study of the impacts that will occur with development the City intends to single family neighborhoods in Sacramento.

SECOND, the City cannot be excused from its responsibility to conduct a full CEQA by claiming that no “specific” development is being proposed by adoption of the Housing Element.

The City has not only quantified the number of housing units it intends to develop but also substantially expands housing development by opening the door to build multiple housing units on every single residential lot in all of Sacramento. By its own admission on page 68 of

the Negative Declaration, the City is mandated under CEQA to consider projects individually but also cumulatively which “means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects’ As demonstrated and emphasized by the modifications identified above, by adopting the Housing Element the City intends to open development to each and every single family zoned lot in all of Sacramento.

That the City is claiming there is no negative impact because the Housing Element does not identify a “specific” development is disingenuous. Once the Housing Element is adopted the City will not be required to provide any specific basis or analysis: 1) to show that the proposed changes to single family neighborhoods and zoning, as a whole, will not result in negative impacts under CEQA; 2) to demonstrate what basis the City is relying on to make the drastic changes to single family neighborhoods and zoning by densifying housing in Sacramento; 3) to substantiate that the proposed changes to single family neighborhoods and zoning are in fact necessary to comply with State of California housing requirements; 4) and to support its assumption that upzoning single family neighborhoods to densify housing development will result in diversification and racial inclusion the City claims it will resolve. Each of these four assumptions will proceed forward unchecked.

For example, one of the primary contentions the City relies on to drive the proposed change to single family neighborhoods and zoning is found at page 4 of the April 2021 Draft. There, the City claims the change to single family neighborhoods and zoning means “Sacramento’s neighborhoods will be affordable and inclusive, and every resident will have the opportunity to thrive”. Yet, the City has failed to provide any data or analysis throughout the entire process or in the Housing Element to support this assumption. This failure is particularly concerning because this drastic change to single family neighborhoods and zoning has not been done in any other city in California.

As reflected in an article related to upzoning changes in Minneapolis, there exist irreversible risks to housing that the City should be required to consider before dismantling the protections afforded by single family zoning. This is especially true if the City’s goal to achieve more equity in housing is sincere. For example, although the City is relying on increased density in single family areas as the only solution, the City needs to evaluate whether more units automatically equals to more affordable housing, whether more multifamily rental units increase the risks that absentee landlords will result in inadequate housing, whether streamlining the development will result in substandard construction, and whether the City’s infrastructure is even capable of handling the increased development. (See, [Minneapolis’s Residential Upzoning Risks Unintended Consequences: Alissa Luepke Pier.](#))

In addition, the City has failed to address the risk posed by investors. The demand for single family housing in California and other parts of the country pose a real risk that corporate and other institutional investors will enter the market and not only increase the cost of housing even further but also transform housing in Sacramento to a renter only community. Investors,

motivated by profit, will drive away the residents the City is claiming it wants to help and essentially function as a bar to private individual ownership regardless of income. As revealed by the Wall Street Journal, in an article dated June 7, 2021: “Today, built-to-rent homes make up just over 6% of new homes built in the U.S. every year, according to Hunter Housing Economics, a real estate consulting firm, which projects the number of these homes built annually will double by 2024. The country’s largest home builders are planning for that future. Backed by banks and private investment firms, they have already bet billions on the sector, and will put down some \$40 billion more during the next 18 months ... [and [Taylor Morrison Home Corp.](#), the nation’s fifth-largest builder] has said built-to-rent could soon become 50% of its total business.” (See, https://www.wsj.com/articles/built-to-rent-suburbs-are-poised-to-spread-across-the-u-s-11623075610?st=6alwwlg9ajjhy4l&reflink=share_mobilewebshare.)

The profit motive associated with housing has also revealed itself in investment funds. For example, a Wall Street Journal article dated April 4, 2021, by Ryan Dezember, “If You Sell a House These Days It Might Be a Pension Fund,” revealed that investors are encouraging and achieving housing investment in the billions sometimes marketing entire neighborhoods. The article reported that “[f]rom individuals with smartphones and a few thousand dollars to pensions and private-equity firms with billions, yield-chasing investors are snapping up single-family houses to rent or flip. They are competing for homes with ordinary Americans, who are armed with the cheapest mortgage financing ever, and driving up home prices.” The article adds that “[l]imited housing supply, low rates, a global reach for yield, and what we’re calling the institutionalization of real-estate investors has set the stage for another speculative investor-driven home price bubble...” Indeed, we have received reports that this may already be occurring in Sacramento from residents who, competing with investors to buy a home, have had to offer from \$50,000 to \$100,000 or more over the asking price or forced to forego attempting to buy a home in Sacramento.

The proposed development intended by adoption of the Housing Element with the change to single family zoning and neighborhoods is massive because it will affect every single family zoned housing lot in all of Sacramento. It is unrealistic and impractical for the City to claim that all CEQA impacts caused by the change to single family housing will be addressed in the future General Plan, housing ordinances, and design regulations because each of the four assumptions identified above will proceed unchecked. Moreover, to the extent the City is relying on housing ordinances and design regulations to address CEQA environmental factors, this (WHAT IS “this” referring to) is legally invalid specifically because housing ordinance and design regulations are solely implementing tools for development. The City should not be allowed to misrepresent its intentions by claiming it is solely a policy change to avoid its duty under CEQA that mandates it appropriately study and evaluate potential negative impacts, alternatives, or more measured options before adopting the Housing Element.

THIRD, the Negative Declaration misrepresents that the Housing Element does not allow development beyond what is currently allowed under the 2035 General Plan.

Throughout the Negative Declaration, the City claims that the Housing Element “does not allow development beyond what is currently allowed under the 2035 General Plan” and that “the Housing Element does not propose any specific projects for future development that is not currently allowed.” Yet, in the April 2021 Draft at page 4, the City contradicts this claim when it concedes that the Housing Element is being “adopted ahead of the 2040 General Plan” and that “[t]he 2040 General Plan is expected to increase the allowable densities in certain areas of the city, which will likely increase housing capacity beyond what is described in the 2021-2019 Housing Element”.

The City’s claim that the Housing Element does not go beyond the 2035 General Plan is therefore not accurate. The City cannot be allowed to misrepresent the bases of their findings to avoid conducting a valid CEQA review. In fact, there is nothing in the Housing Element to indicate that the City has even considered the additional development anticipated by Accessory Dwelling Units (ADUs) coupled by the substantial changes intended to single housing neighborhoods and zoning. Even if the City can claim that ADUs are exempt from CEQA review, CEQA mandates that all development must be reviewed cumulatively to appropriately assess environmental impacts. As an example, in the “Utilities and Service” section of the Negative Declaration the City describes the water supply and the process the City relies on to provide wastewater collection in the City. Despite the obvious development that will result from the anticipated ADU and densification of single family neighborhoods intended by the Housing Element, the City incredulously finds that the Housing Element “would have no impacts pertaining to utilities and service systems.” The same failure in evidence and logic is found in the City’s findings of no impacts with regard to, energy, gas, water quality, traffic, energy use, equipment use, noise, physical changes to existing communities, recreational changes (including neighborhood and community parks), green space, public services (including police and schools), transportation, parking, vegetation, and trees that are recognized as a symbol of Sacramento.

FOURTH, the City’s failure to engage single family homeowners and residents in the development of the Housing Element is a violation of the Government Code.

The Housing Element demonstrates a clear violation of its statutory duty to engage single family homeowners and residents, who are the members of the community most directly affected by the changes to single family zoning and neighborhoods, when developing the Housing Element. Government Code section (c) (9) states that the Housing Element requires a local government to make “a diligent effort...to achieve public participation of all economic segments of the community **in the development** of the housing element.” (Emphasis added.) As demonstrated in the Housing Element, in examples below, the City consistently failed to make a diligent effort to obtain input from Sacramento single family homeowners and residents in developing the Housing Element.

On page 7 of the April 2021 Draft, the City describes the methods it used in developing the Housing Element including City staff, the Sacramento Area Council of Governments

(SACOG), the Sacramento Housing and Development Agency (SHRA), housing developers, housing advocacy groups, local nonprofits, Property Business Improvement Districts (PDIDs), and the broader community from all areas of the City.” The City claims at page 9 of the April 2021 Draft that it relied on input from the “Internal Housing Working Group (HGW)” comprised of governmental staff from various entities and three City Council Representatives. On pages 9 and 10 of the April 2021 Draft, the City claims it relied on input from the “Housing Policy Working Group (HPWG)” that met with City staff throughout the process. The HPWG is described as approximately 40 individuals representing City staff, real estate representatives, housing advocacy groups, housing developers, and staff from state agencies and departments, planning and design commissioners, property business districts, and local non-profits and again states that the City met with the HPWG throughout the process. It is important to emphasize that the City sought and included input from entities or individuals in real estate and developers at every stage in developing the Housing Element and that they represent interests that stand to benefit and profit from the increased housing development. The Housing Element reflects, however, that no Sacramento single family homeowner or resident member or neighborhood association representative was included in any of the working groups in the development of the Housing Element.

At page 8 of the April 2021 Draft, the City claims a survey was conducted by the Sacramento Valley Fair Housing Collaborative Analysis of Impediments to Fair Housing Choice (AI) in February of 2020 and that the survey included responses from “roughly 1,300 participants from the City of Sacramento out of 3,388 total responses.” Yet, the methodology used to reach the public, and specifically single family neighborhoods most affected by upzoning, or the types of questions posed are not described in the Housing Element.

On page 10 of the April 2021 Draft, the City claims it “hosted two virtual focus group meetings in August 2020 to gather input from various stakeholders including developers, home builders, non-profit organizations, advocacy groups, and public agencies on two key housing issues, anti-displacement and the City’s affordable housing requirements.” Here again, the Housing Element establishes that no single family homeowners or residents or any neighborhood association were represented.

On page 8 of the April 2021 Draft, the City claims it initiated the update to the Housing Element In Phase I in April 2020 and that it conducted 3 citywide workshops but does not identify the dates, times, or notice methods used to notice the workshops to single family homeowners or residents. At page 9 of the April 2021 Draft, the City claims that during Phase II “facilitated an online” self-guided workshop for community members that it claims provided draft housing goals and feedback. The City claims this virtual workshop was active between October 6, 2020, and October 20, 2020. At page 9, of the April 2021 Draft the City claims that “[t]he Housing Element section had a total of 185 individual responses and 557 responses all together.”

The City’s failure to comply with Government Code section (c) (9) is supported by the best

practices and guidance provided by the HCD. In the HCD's "Affirmatively Furthering Fair Housing, Guidance for All Public Entities and for Housing Elements," the HCD at pages 18 and 19 makes clear that a public entity needs to engage early and often with the community in the development and throughout the completion of the Housing Element. Here, the Housing Element establishes that Sacramento single family homeowners and residents were never included in the development of the Housing Element. In fact, the Housing Element indicates that the Initial Draft was not made available for public review until after the Initial Draft was completed in early 2021.

The City's complete failure to engage single family homeowners and residents to provide input in developing the Housing Element is even more serious because of the severe obstacles and undue burdens residents of Sacramento were experiencing with the COVID crisis. The economic, health, and safety concerns the world was experiencing was clearly at the forefront of residents in Sacramento and throughout the world. The Housing Element shows that the alleged community outreach was conducted at the height of the COVID crisis through the internet when the entire world was clearly focused on the pandemic crisis. Under normal circumstances the HCD's best practice supports that public entities take affirmative action to conduct broad based outreach. Given the significant COVID crisis residents of Sacramento were experiencing, the City should have used every measure at its disposal to engage single family homeowners and residents and neighborhood associations for input when developing the Housing Element. Because of this violation, many single family homeowners and residents in Sacramento are barely learning of the significant changes intended by the City with the adoption of the Housing Element.

That the City scheduled hearings the Housing Element was published for review by the public is also not sufficient to defend against this violation. As established above, failures in the process followed by the City, which excluded the very stakeholders most affected, will not be remediated given the policy position now firmly entrenched.

The City's failure to engage single family homeowners and residents in the development of the Housing Element as it relates to changes to single family neighborhoods and housing is a violation of the Government Code. As such, without any reference to changing the zoning should be removed from the Housing Element.



CONCLUSION

We submit that the Housing Element will have significant impacts which requires the City to comply with CEQA and is therefore required to prepare a detailed Environmental Impact Report before calling for changes that would drastically change single family zoning and neighborhoods housing in Sacramento.

Sincerely,

Jean Schaffer
on behalf of
Concerned Citizens District 4

From: [Joanne Vinton](#)
To: [Scott Johnson](#)
Subject: Comment on Housing Element
Date: Wednesday, June 9, 2021 9:32:54 AM

Good morning, Scott.

In case you haven't seen it, here's a link to an interesting article from the Axios news site about "Why we can't have cheap houses":

<https://www.axios.com/housing-prices-construction-costs-8acb0e2f-4fc4-4cf1-b3e3-8e8e41bf5c70.html>

I live in an apartment.

Joanne Vinton
Sacramento, CA 95818

From: [lisa.cooley](#)
To: [Scott Johnson](#)
Subject: Housing element comments
Date: Friday, May 21, 2021 10:56:30 AM

Create more accessible affordable housing that is near services.

Increase the number of housing vouchers available for people who have disabilities and receive disability benefits because the current income levels are still too high for people who receive either SSI or SOCIAL security.

--

Lisa cooley

From: [lisa.cooley](#)
To: [Scott Johnson](#)
Subject: Housing element ideas
Date: Friday, May 21, 2021 11:04:49 AM

Create more accessory dwelling units in the city and county of Sacramento

Create permanent supportive housing for formerly homeless families and individuals

--

Lisa cooley

From: [lisa.cooley](#)
To: [Scott Johnson](#)
Subject: Housing element ideas
Date: Friday, May 21, 2021 11:16:05 AM

Pick areas in Sacramento that are free of toxic chemicals to build affordable and market rate housing developments

Build housing that is near transportation

--

Lisa cooley

From: [lisa.cooley](#)
To: [Scott Johnson](#)
Subject: More housing element ideas
Date: Friday, May 21, 2021 11:37:26 AM

Create more accessible affordable housing that is close to colleges and universities because students who have disabilities often have a difficult time finding housing that is close to the college or university that they are affiliated with.--

Lisa cooley

From: [linda gonzalez](#)
To: [Scott Johnson](#)
Subject: Re: Concerned Citizens Objections to Housing Element
Date: Thursday, June 17, 2021 2:31:04 AM
Attachments: [Concerned Citizens Response to Sacramento"s Proposed Housing Element Negative Declaration June 17, 2021.pdf](#)

Dear Mr. Johnson,

On behalf of Concerned Citizens from Districts 3 and 6, attached is our objection to the City's proposed Housing Element.

Thank you

TO: Scott Johnson
Senior Planner
Community Development Department
City of Sacramento
Sacramento, CA 95811

FROM: Concerned Citizens District 3
Concerned Citizens District 6

We submit this objection to the "Negative Declaration" prepared by the City of Sacramento (City) for the City's proposed "Housing Element." We submit that the City - as established in the Negative Declaration - fails to comply with the mandatory requirements under CEQA. Contrary to the City's representation that the Housing Element is just a policy statement, the Housing Element plainly allows for and specifically proposes development caused by the intended changes to zoning to densify existing single-family neighborhoods in all of Sacramento. The City's hollow characterization that the Housing Element is a mere policy statement is not legally sufficient to excuse the City from complying with its responsibility, mandated by CEQA, to conduct a thorough and detailed analysis of the impacts caused by the proposed upzoning to densify housing by development in all existing Sacramento single family neighborhoods.

The City presented an initial draft of the Housing Element to the California Department of Housing and Community Development (HCD) on April 8, 2021. (Initial Draft.) A subsequent draft of the Housing Element with modifications was made available to the public in April 2021. (April 2021 Draft.) The revised HCD Housing Element draft, dated May 2021, was made available by the City for public review on June 8, 2021. (May 2021 Draft.)

The HCD prepared a letter dated June 7, 2021, pursuant to Government Code section 65585, subdivision (b), reporting the results of its review. (HCD June Letter.)

The Negative Declaration dated, and signed May 17, 2021, was published by the City on June 8, 2021, indicating that public comments would be received only up to and including June 17, 2021. At page 2 of the Negative Declaration the City claims that "the Housing Element establishes policy for housing and a policy-based strategy, [and] does not provide for changes in the type, level, or location of physical development." There, the City claims that the "[r]egulation of location, type, character, and other features of physical development are established in the City's general plan and the Planning and Development Code." At page 70, the City claims that the "Housing Element does not propose new development that would result in physical changes to the environment, no new housing sites are proposed as part of this Housing Element beyond those already designated as such in the 2035 General Plan, no changes to existing zoning are proposed, and the location of development will continue to be guided by the general plan land use map and applicable zoning." The City's claim is not supported by the Housing Element and is therefore manifestly incorrect.

CEQA requires that decision makers not take any government action before the actions are fully evaluated and studied. CEQA mandates that our elected officials safeguard our interests to ensure that proposed development have no potential significant environmental impacts. However, the City's Housing Element fails to provide a careful and studied CEQA analysis on the impacts that will be caused by the proposed housing development. The City's failure violates its duty under CEQA to evaluate and study the true risks or consequences that are proposed by the significant changes to single-family housing in Sacramento. Adoption of the Housing Element will result in a permanent change to enable development in all Sacramento neighborhoods that cannot be undone. Without a CEQA review the Housing Element result in allowing the City to make a drastic change to single family neighborhoods and zoning without evidence being provided or consequences being fully vetted or studied to determine the impacts, their scope, or the opportunity to determine whether the City's upzoning proposal will even result in more affordable and inclusive housing, or if there are any viable alternatives to achieve these goals.

That said, we object to the City's Negative Declaration for the following reasons:

FIRST, the City must conduct a full CEQA review because development to single family housing will occur by adoption of the Housing Element.

Despite the City's claim that the Housing Element is only a policy statement, the City has made clear as revealed in the April 2021 Draft that it intends to substantially change development by upzoning single family housing to increase density in all single-family Sacramento neighborhoods. Thus, contrary to the City's representation, before adopting the Housing Element the City is required to conduct a full CEQA review of the impacts caused by the development.

Most revealing, the City's intended development of mass scale housing in Sacramento is contained in the Initial Draft provided to the HCD. There, shown at page 25 of the April 2021 Draft, "Goal 1. Increasing Overall Housing Production," subsection "Policies" the City specifically stated in "H-1.2" that "[t]he City shall allow for a greater array of housing types in **all neighborhoods**, including multi unit developments, such as duplexes, triplexes, and fourplexes in traditionally single unit zones" and in "H-1.3" that "[t]he City shall shift from unit based (units per acre) to floor area ratio based intensity controls citywide to increase housing capacity and variety throughout the City." (Emphasis added.)

After the City submitted the Initial Draft to HCD, as shown in the April 2021 Draft, both "H-1.2" and "H-1.3" were removed. In the April 2021 Draft the City moved the text "to allow a greater array of housing types in single-unit zones –including duplexes, triplexes, and fourplexes" to page 33, "Goal 4. Advancing Equity and Inclusion" and, **for the first time**, characterized the intended development as a policy. The City alleged, without supporting documentation, that this is being done because "revising the zoning code to allow a greater variety of housing throughout the City can lead to more inclusive neighborhoods since many of the City's highest resource neighborhoods have remained segregated in their racial composition (partly because they are zoned almost exclusively for single family homes)."

In the Initial Draft, as shown in the April 2021 Draft, “Implementation Programs” section, subsection “Program H7 – Expand Housing Types in Single Unit Zoning throughout the City” at page 55, the City stated that to implement the changes to single family housing it intended to “amend the General Plan Land Use Element and the Planning and Development Code to remove maximum densities from specific zones, adopt a floor area ratio based intensity approach, update development standards for missing middle housing types, and allow greater housing and variety of housing types throughout the City, including within single unit residential zones” with the objective that it “[a]llow additional units in residential and mixed use zones to encourage smaller and more affordable units.” The April 2021 Draft removed all of “Program H7 – Expand Housing Types in Single Unit Zoning throughout the City” and instead now states at page 4 that “[t]he 2040 General Plan is expected to increase allowable densities in certain areas of the city, which will likely increase housing capacity beyond what is described in the 2021-2019 Housing Element.”

Although the City now claims that CEQA review is not required because the Housing Element is not proposing any specific development, project, or change to housing development, the Initial Draft and the subsequent modifications in the April 2021 Draft together establish the complete opposite. The Housing Element leaves no doubt that the City intends development at a mass scale in every single-family zoned area in all of Sacramento. In fact, the City’s claim that the Housing Element is solely a policy statement is totally contradicted by its admission at page 24 of the April 2021 Draft, where the City specifically states “[t]he City’s target for this Housing Element is 45,850 [housing] units over the next eight years, an average of about 5,700 housing units annually” and reaffirmed in the Negative Declaration 6, in Goal 1, at page 6 where the City states that it intends to “facilitate the construction of 45,580 units by 2029 and “and in Goal 3, “at least 700 accessory dwelling units by 2029.” Thus, with the adoption of the Housing Element that intends to upzone single family housing, the City clearly intends to open mass scale development in every single family neighborhood in all of Sacramento.

We submit that characterizing the Housing Element as a simple policy change does not change the fact that mass scale development will occur. The City should not be allowed to use this characterization and rely on semantics to avoid its responsibility under CEQA. The City is required to conduct a thorough and comprehensive study of the impacts that will occur by the development the City intends in Sacramento single family neighborhoods.

SECOND, the City cannot be excused from its responsibility to conduct a full CEQA review by claiming that no “specific” development is being proposed by adoption of the Housing Element.

The City has not only quantified the number of housing units it intends to develop but also substantially expands housing development by opening the door to build multiple housing units on every single residential lot in all of Sacramento. By its own admission at page 68 of the Negative Declaration, the City is mandated under CEQA not only to consider projects individually but also cumulatively, which “means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other

current projects, and the effects of probable future projects.” As demonstrated and emphasized by the modifications identified above, by adopting the Housing Element the City intends to open development to each and every single-family zoned lot in all of Sacramento.

That the City is claiming there is no negative impact because the Housing Element does not identify a “specific” development is disingenuous. Once the Housing Element is adopted the City will not be required to provide any specific basis or analysis: 1) to show that the proposed changes to single family neighborhoods and zoning, as a whole, will not result in negative impacts under CEQA; 2) to demonstrate what basis the City is relying on to make the drastic changes to single family neighborhoods and zoning by densifying housing in Sacramento; 3) to substantiate that the proposed changes to single family neighborhoods and zoning are in fact necessary to comply with State of California housing requirements; 4) and to support its assumption that upzoning single family neighborhoods to densify housing development will result in diversification and racial inclusion the City claims it will resolve. Each of these four assumptions will proceed forward unchecked.

For example, one of the primary contentions the City relies on to drive the proposed change to single family neighborhoods and zoning is found at page 4 of the April 2021 Draft. There, the City claims the change to single family neighborhoods and zoning means “Sacramento’s neighborhoods will be affordable and inclusive, and every resident will have the opportunity to thrive.” Yet, the City has failed to provide any data or analysis throughout the entire process or in the Housing Element to support this assumption. This failure is particularly concerning because this drastic change to single family neighborhoods and zoning has not ever been done in any other city in California.

As reflected in an article related to upzoning changes in Minneapolis, there exist irreversible risks to housing that the City should be required to consider before dismantling the protections afforded by single family zoning. This is especially true if the City’s goal to achieve more equity in housing is sincere. For example, although the City is relying on increased density in single family areas as the only solution, the City needs to evaluate whether more units automatically equals to more affordable housing, whether more multifamily rental units increase the risks that absentee landlords will result in inadequate housing, whether streamlining the development will result in substandard construction, and whether the City’s infrastructure is even capable of handling the increased development. (See, [Minneapolis’s Residential Upzoning Risks Unintended Consequences: Alissa Luepke Pier.](#))

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Economics, a real estate consulting firm, which projects the number of these homes built annually will double by 2024. The country's largest home builders are planning for that future. Backed by banks and private investment firms, they have already bet billions on the sector, and will put down some \$40 billion more during the next 18 months ... [and Taylor Morrison Home Corp., the nation's fifth-largest builder] has said built-to-rent could soon become 50% of its total business." (See, https://www.wsj.com/articles/built-to-rent-suburbs-are-poised-to-spread-across-the-u-s-11623075610?st=6alwwlg9ajjhy4l&reflink=share_mobilewebshare.)

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The proposed development intended by adoption of the Housing Element with the change to single family zoning and neighborhoods is massive because it will affect every single-family housing lot in all of Sacramento. It is unrealistic and impractical for the City to claim that all CEQA impacts caused by the change to single family housing will be addressed in the future General Plan, housing ordinances, and design regulations because each of the four assumptions identified above will proceed unchecked. Moreover, to the extent the City suggests that it can rely on housing ordinances and design regulations to address CEQA environmental factors, this claim is legally invalid. This is so because housing ordinances and design regulations are solely implementing tools for development. The City should not be allowed to misrepresent its intentions by claiming it is solely a policy change to avoid its duty under CEQA that mandates it appropriately study and evaluate potential negative impacts, alternatives, or more measured options before adopting the Housing Element.

THIRD, the Negative Declaration misrepresents that the Housing Element does not allow development beyond what is currently allowed under the 2035 General Plan.

Throughout the Negative Declaration, the City claims that the Housing Element "does not allow development beyond what is currently allowed under the 2035 General Plan" and that "the Housing Element does not propose any specific projects for future development that is not currently allowed." Yet, in the April 2021 Draft at page 4, the City contradicts this claim when it concedes that the Housing Element is being "adopted ahead of the 2040 General Plan" and that

“[t]he 2040 General Plan is expected to increase the allowable densities in certain areas of the city, which will likely increase housing capacity beyond what is described in the 2021-2019 Housing Element.” Thus, the City’s claim that the Housing Element does not go beyond the 2035 General Plan is not accurate.

The City cannot be allowed to misrepresent the bases of its findings to avoid conducting a valid CEQA review. In fact, there is nothing in the Housing Element to indicate that the City has even considered the additional development anticipated by Accessory Dwelling Units (ADUs) coupled by the substantial changes intended to single housing neighborhoods and zoning. Even if the City can claim that ADUs are exempt from CEQA review, CEQA mandates that all development must be reviewed cumulatively to appropriately assess environmental impacts. As an example, in the “Utilities and Service” section of the Negative Declaration the City describes the water supply and the process the City relies on to provide wastewater collection in the City. Despite the obvious development that will result from the anticipated ADU and densification of single-family housing development intended by the Housing Element, the City incredulously finds that the Housing Element “would have no impacts pertaining to utilities and service systems.” The same failure in evidence and logic is found in the City’s findings of no impacts with regard to, energy, gas, water quality, traffic, energy use, equipment uses, noise, physical changes to existing communities, recreational changes (including neighborhood and community parks), green space, public services (including police and schools), transportation, parking, vegetation, and trees that are recognized as a symbol of Sacramento.

FOURTH, the City’s failure to engage single family homeowners and residents in the development of the Housing Element is a violation of the Government Code.

The Housing Element demonstrates a clear violation of its statutory duty to engage single family homeowners and residents, who are the members of the community most directly affected by the changes to single family zoning and neighborhood housing, when developing the Housing Element. Government Code section 65583, subdivision (c) (9) states that the Housing Element requires a local government to make “a diligent effort ... to achieve public participation of all economic segments of the community **in the development** of the housing element.” (Emphasis added.) As demonstrated in the Housing Element, in examples below, the City consistently failed to make a diligent effort to obtain input from Sacramento single family homeowners and residents in developing the Housing Element.

At page 7 of the April 2021 Draft, the City describes the methods it used in developing the Housing Element. Participants included “City staff, the Sacramento Area Council of Governments (SACOG), the Sacramento Housing and Development Agency (SHRA), housing developers, housing advocacy groups, local nonprofits, Property Business Improvement Districts (PDIDs), and the broader community from all areas of the City.” The City claims at page 9 of the April 2021 Draft that it relied on input from the “Internal Housing Working Group (HWG)” comprised of governmental staff from various entities and three City Council Representatives. At pages 9 and 10 of the April 2021 Draft, the City claims it relied on input from the “Housing Policy Working Group (HPWG)” that met with City staff throughout the

process. The HPWG is described as approximately 40 individuals representing City staff, real estate representatives, housing advocacy groups, housing developers, and staff from state agencies and departments, planning and design commissioners, property business districts, and local non-profits and again states that the City met with the HPWG throughout the process. It is important to emphasize that the City sought and included input from entities or individuals in real estate and developers at every stage in developing the Housing Element and that they represent interests that stand to benefit and profit from the increased housing development. The Housing Element reflects, however, that no Sacramento single family homeowner, resident member, or neighborhood association representative was included in any of the working groups in the development of the Housing Element.

At page 8 of the April 2021 Draft, the City claims a survey was conducted by the Sacramento Valley Fair Housing Collaborative Analysis of Impediments to Fair Housing Choice (AI) in February of 2020 and that the survey included responses from “roughly 1,300 participants from the City of Sacramento out of 3,388 total responses.” Yet, the methodology used to reach the public, and specifically single-family neighborhoods most affected by upzoning, or the types of questions posed, are not described in the Housing Element.

At page 10 of the April 2021 Draft, the City claims it “hosted two virtual focus group meetings in August 2020 to gather input from various stakeholders including developers, home builders, non-profit organizations, advocacy groups, and public agencies on two key housing issues, anti-displacement and the City’s affordable housing requirements.” Here again, the Housing Element establishes that no single-family homeowners, residents, or any neighborhood association were represented.

At page 8 of the April 2021 Draft, the City claims it initiated the update to the Housing Element in Phase I in April 2020 and that it conducted 3 citywide workshops but does not identify the dates, times, or notice methods used to notice the workshops to single family homeowners or residents. At page 9 of the April 2021 Draft, the City claims that during Phase II it “facilitated an online” self-guided workshop for community members that it claims provided draft housing goals and feedback. The City claims this virtual workshop was active between October 6, 2020, and October 20, 2020. At page 9, of the April 2021 Draft the City claims that “[t]he Housing Element section had a total of 185 individual responses and 557 responses all together.” Yet, the Housing Element fails to describe the topic covered by the workshop, how it was noticed, or and the extent of Sacramento homeowner or neighborhood association participation.

The City’s failure to comply with Government Code section 65583, subdivision (c) (9) is supported by the best practices and guidance provided by the HCD. In the HCD’s “Affirmatively Furthering Fair Housing, Guidance for All Public Entities and for Housing Elements,” the HCD at pages 18 and 19 makes clear that a public entity needs to engage early and often with the community in the development and throughout the completion of the Housing Element. Here, the Housing Element establishes that Sacramento single family homeowners and residents were never included in the development of the Housing Element. In fact, the Housing Element

indicates that the Initial Draft was not made available for public review until after the Initial Draft was completed in early 2021.

The City's complete failure to engage single family homeowners and residents to provide input in developing the Housing Element is even more serious because of the severe obstacles and undue burdens residents of Sacramento were experiencing with the COVID crisis. The economic, health, and safety concerns the world was experiencing was clearly at the forefront of residents in Sacramento and throughout the world. The Housing Element shows that the alleged community outreach was conducted at the height of the COVID crisis through the internet when the entire world was clearly focused on the pandemic crisis. Under normal circumstances the HCD's best practice supports that public entities take affirmative action to conduct broad based outreach. Given the significant COVID crisis residents of Sacramento were experiencing, the City should have used every measure at its disposal to engage single-family homeowners, residents, and neighborhood associations for input when developing the Housing Element. Because of this violation, single family homeowners and residents in Sacramento are barely learning of the significant changes intended by the City with the adoption of the Housing Element.

That the City scheduled hearings after the Housing Element was published for public review is also not sufficient to defend against this violation. As established above, the failures in the process followed by the City, which excluded the very stakeholders most affected, will not be remediated given the City's position on the intended changes to single family zoning now firmly entrenched.

Therefore, the City's failure to engage single family homeowners and residents in the development of the Housing Element as it relates to changes to single family neighborhoods and housing is a violation of the Government Code.

CONCLUSION

We submit that the Housing Element will have significant impacts which requires the City to comply with CEQA. The City is, therefore, required to prepare a detailed Environmental Impact Report before adopting the Housing Element because it calls for drastic changes to single family zoning and mass scale housing development in all neighborhoods in Sacramento.

17 June 2021

Scott Johnson, Senior Planner
Community Development Department
City of Sacramento Sacramento, CA 95811

Land Park Community Association, Land Use Committee - Response to the Negative Declaration EIR – 2021-2029 Housing Element of the 2040 General Plan Update

We submit this response to the Negative Declaration to object to the Housing Element as proposed by the City of Sacramento (City). Contrary to the City's representation, we submit that the City has failed to comply with CEQA because the Housing Element inclusive of the declared policy to Up-zone all existing Single-Family designations:

- Proposes significant increases in density supported by additional City policies and programs;
- And, will produce substantive changes to our neighborhoods resulting in negative impacts to our infrastructure, personal safety, and environment.

Characterizing the Housing Element as merely a policy statement is not legally sufficient to excuse the City from complying with its responsibility, mandated by CEQA, to conduct a thorough and detailed analysis of the impacts caused by this proposal. Alternatively, should the City remove the Single-Family Up-Zoning Strategy from the Housing Element, our objections would be satisfied. Given that Staff has affirmed that this strategy is neither necessary nor sufficient to achieve the primary objectives of the RHNA Housing Goals, we find the policy an arbitrary and unsubstantiated exposure to risk.

The following objections are the finding of a collaborative review effort of concerned citizens from City Council Districts #3-4&6 and has the full support of Land Park Community Association, Land Use Committee. We applaud the engagement of these neighbors in this active response to citizen duties.

The City presented an initial draft of the Housing Element to the California Department of Housing and Community Development (HCD) on April 8, 2021. (Initial Draft). A subsequent draft of the Housing Element was made available to the public in April 2021 that indicates modifications were made to the Housing Element. (April 2021 Draft). The revised HCD Housing Element draft, dated May 2021, was made available by the City for public review on June 8, 2021. (May 2021 Draft).

The HCD prepared a letter dated June 7, 2021, pursuant to Government Code section 65585, subdivision (b), reporting the results of its review. (HCD June Letter).

The Negative Declaration dated, and signed May 17, 2021, was published by the City on June 8, 2021, indicating that public comments would be received only up to and including June 17, 2021. At page 2 of the Negative Declaration the City claims that "the Housing Element establishes policy for housing and a policy-based strategy, [and] does not provide for changes in the type, level, or location of physical development." Therein, the City claims that the "[r]egulation of location, type, character, and other features of physical development are established in the City's general plan and the Planning and Development Code." At page 70, the City claims that the "Housing Element does not propose new development that would result in physical changes to the environment, no new housing sites are proposed as part of this Housing Element beyond those already designated as such in the 2035 General Plan, no changes to existing zoning are proposed, and the location of development will continue to be guided by the general plan land use map and applicable zoning."

It is well established that CEQA requires that decision makers and the public not take any government action before the actions are fully evaluated and studied. CEQA mandates that our elected officials safeguard our interests to ensure that proposed development will have no potential for significant environmental impacts. The Housing Element fails to provide a careful and studied CEQA analysis on the impacts that will be caused by the proposed housing development. The City's failure to do so is a violation of its duty under CEQA to evaluate and study the true risks or consequences that are being proposed by the significant changes to single family zoning and neighborhoods in Sacramento. Adoption of the Housing Element will result in a permanent change to enable development in all Sacramento neighborhoods that cannot be undone. Without a CEQA review the Housing Element will result in allowing the City to make a drastic change to single family neighborhoods and zoning without the evidence being provided or consequences being fully vetted or studied to determine the impacts, their scope, or the opportunity to determine whether the City's upzoning proposal will even result in more affordable and inclusive housing or if there are any viable alternatives to achieve these goals.

In response to the City's Negative Declaration we present the following objections:

FIRST, the City must conduct a full CEQA review because development in existing single family housing will occur by adoption of the Housing Element.

Despite the City's claim that the Housing Element is only a policy statement, as revealed by the April 2021 Draft, the City has made clear that it intends to substantially change development by upzoning to increase density in single family neighborhoods in all of Sacramento. Contrary to the City's claim, adoption of the Housing Element therefore requires the City to conduct a full CEQA review of the impacts caused by the development.

The City's intended development of mass scale housing in Sacramento was revealed in the Initial Draft provided to the HCD. There, shown at page 25 of the April 2021 Draft, "Goal 1. Increasing Overall Housing Production," subsection "Policies" the City specifically stated in "H-1.2" that "[t]he City shall allow for a greater array of housing types in **all neighborhoods**, including multi unit developments, such as duplexes, triplexes, and fourplexes in traditionally single unit zones" and in "H-1.3" that "[t]he City shall shift from unit based (units per acre) to floor area ratio based intensity controls citywide to increase housing capacity and variety throughout the City." (Emphasis added.)

After the City submitted the Initial Draft to HCD, as shown in the April 2021 Draft, both "H-1.2" and "H-1.3" were removed. In the April 2021 Draft the City moved the text "to allow a greater array of housing types in single-unit zones –including duplexes, triplexes, and fourplexes" to page 33, "Goal 4. Advancing Equity and Inclusion" and, for the first time, characterized the intended development as a policy. The City alleged, without any documentation, that this is being done because "revising the zoning code to allow a greater variety of housing throughout the City can lead to more inclusive neighborhoods since many of the City's highest resource neighborhoods have remained segregated in their racial composition (partly because they are zoned almost exclusively for single family homes)."

In the Initial Draft as shown in the April 2021 Draft, "Implementation Programs" section, subsection "Program H7 – Expand Housing Types in Single Unit Zoning throughout the City" at page 55, the City stated that to implement the changes to single family housing it intended to "amend the General Plan Land Use Element and the Planning and Development Code to remove maximum densities from specific zones, adopt a floor area ratio based intensity approach, update development standards for missing middle housing types, and allow greater housing and variety of housing types throughout the City,

including within single unit residential zones” with the objective that it “[a]llow additional units in residential and mixed use zones to encourage smaller and more affordable units.” The April 2021 Draft removed all of “Program H7 – Expand Housing Types in Single Unit Zoning throughout the City” and instead now states at page 4 that “[t]he 2040 General Plan is expected to increase allowable densities in certain areas of the city, which will likely increase housing capacity beyond what is described in the 2021-2019 Housing Element.”

Although the City is now claiming that CEQA review is not required because the Housing Element is not proposing any specific development, project, or change to housing development, the Initial Draft and the subsequent modifications in the April 2021 Draft together establish the complete opposite. Rather, the Housing Element leaves no doubt that the City intends development at a mass scale in every single family zoned area in all of Sacramento. In fact, the City’s claim that the Housing Element is solely a policy statement is totally contradicted by its admission at page 24 of the April 2021 Draft, where the City specifically states “[t]he City’s target for this Housing Element is 45,850 [housing] units over the next eight years, an average of about 5,700 housing units annually” and reaffirmed in the Negative Declaration 6, in Goal 1, at page 6 where the City states that it intends to “facilitate the construction of 45,580 units by 2029 and “and in Goal 3, “at least 700 accessory dwelling units by 2029.” Moreover, with the adoption of the Housing Element, the City clearly intends to open mass scale development in every single family neighborhood in all of Sacramento.

We submit that characterizing the Housing Element as a simple policy change does not change the fact that development will occur. The City should not be allowed to use this characterization and rely on semantics to avoid its responsibility under CEQA to conduct a thorough and comprehensive study of the impacts that will occur with development the City intends to single family neighborhoods in Sacramento.

SECOND, the City cannot be excused from its responsibility to conduct a full CEQA review by claiming that no “ specific” development is being proposed by adoption of the Housing Element.

The City has not only quantified the number of housing units it intends to develop but also substantially expands housing development by opening the door to build multiple housing units on every single residential lot in all of Sacramento. By its own admission on page 68 of the Negative Declaration, the City is mandated under CEQA to consider projects individually but also cumulatively which “means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.” As demonstrated and emphasized by the modifications identified above, by adopting the Housing Element the City intends to open development to each and every single family zoned lot in all of Sacramento.

That the City is claiming there is no negative impact because the Housing Element does not identify a “specific” development is disingenuous. Once the Housing Element is adopted the City will not be required to provide any specific basis or analysis: 1) to show that the proposed changes to single family neighborhoods and zoning, as a whole, will not result in negative impacts under CEQA; 2) to demonstrate what basis the City is relying on to make the drastic changes to single family neighborhoods and zoning by densifying housing in Sacramento; 3) to substantiate that the proposed changes to single family neighborhoods and zoning are in fact necessary to comply with State of California housing requirements; 4) and to support its assumption that upzoning single family neighborhoods to densify housing development will result in diversification and racial inclusion the City claims it will resolve. Each of these four assumptions will proceed forward unchecked.

For example, one of the primary contentions the City relies on to drive the proposed change to single family neighborhoods and zoning is found at page 4 of the April 2021 Draft. There, the City claims the change to single family neighborhoods and zoning means “Sacramento’s neighborhoods will be affordable and inclusive, and every resident will have the opportunity to thrive.” Yet, the City has failed to provide any data or analysis throughout the entire process or in the Housing Element to support this assumption. This failure is particularly concerning because this drastic change to single family neighborhoods and zoning has not been done in any other city in California.

As reflected in an article related to upzoning changes in Minneapolis, there exist irreversible risks to housing that the City should be required to consider before dismantling the protections afforded by single family zoning. This is especially true if the City’s goal to achieve more equity in housing is sincere. For example, although the City is relying on increased density in single family areas as the only solution, the City needs to evaluate whether more units automatically equals to more affordable housing, whether more multifamily rental units increase the risks that absentee landlords will result in inadequate housing, whether streamlining the development will result in substandard construction, and whether the City’s infrastructure is even capable of handling the increased development. (See, [Minneapolis’s Residential Upzoning Risks Unintended Consequences: Alissa Luepke Pier.](#))

In addition, the City has failed to address the risk posed by investors. The demand for single family housing in California and other parts of the country pose a real risk that corporate and other institutional investors will enter the market and not only increase the cost of housing even further but also transform housing in Sacramento to a renter only community. Investors, motivated by profit, will drive away the residents the City is claiming it wants to help and essentially function as a bar to private individual ownership regardless of income. As revealed by the Wall Street Journal, in an article dated June 7, 2021: “Today, built-to-rent homes make up just over 6% of new homes built in the U.S. every year, according to Hunter Housing Economics, a real estate consulting firm, which projects the number of these homes built annually will double by 2024. The country’s largest home builders are planning for that future. Backed by banks and private investment firms, they have already bet billions on the sector, and will put down some \$40 billion more during the next 18 months ... [and [Taylor Morrison Home Corp.](#), the nation’s fifth-largest builder] has said built-to-rent could soon become 50% of its total business.” (See, https://www.wsj.com/articles/built-to-rent-suburbs-are-poised-to-spread-across-the-u-s-11623075610?st=6alwwlg9ajjhy4l&reflink=share_mobilewebshare.)

The profit motive associated with housing has also revealed itself in investment funds. For example, a Wall Street Journal article dated April 4, 2021, by Ryan Dezember, “If You Sell a House These Days It Might Be a Pension Fund,” revealed that investors are encouraging and achieving housing investment in the billions sometimes marketing entire neighborhoods. The article reported that “[f]rom individuals with smartphones and a few thousand dollars to pensions and private-equity firms with billions, yield-chasing investors are snapping up single-family houses to rent or flip. They are competing for homes with ordinary Americans, who are armed with the cheapest mortgage financing ever, and driving up home prices.” The article adds that “[l]imited housing supply, low rates, a global reach for yield, and what we’re calling the institutionalization of real-estate investors has set the stage for another speculative investor-driven home price bubble...” Indeed, we have received reports that this may already be occurring in Sacramento from residents who, competing with investors to buy a home, have had to offer from \$50,000 to \$100,000 or more over the asking price or forced to forego attempting to buy a home in Sacramento.

The proposed development intended by adoption of the Housing Element with the change to single family zoning and neighborhoods is massive because it will affect every single family zoned housing lot in all of Sacramento. It is unrealistic and impractical for the City to claim that all CEQA impacts caused by the change to single family housing will be addressed in the future General Plan, housing ordinances, and design regulations because each of the four assumptions identified above will proceed unchecked. Moreover, to the extent the City is relying on housing ordinances and design regulations to address CEQA environmental factors, this (WHAT IS “this” referring to) is legally invalid specifically because housing ordinance and design regulations are solely implementing tools for development. The City should not be allowed to misrepresent its intentions by claiming it is solely a policy change to avoid its duty under CEQA that mandates it appropriately study and evaluate potential negative impacts, alternatives, or more measured options before adopting the Housing Element.

THIRD, the Negative Declaration misrepresents that the Housing Element does not allow development beyond what is currently allowed under the 2035 General Plan.

Throughout the Negative Declaration, the City claims that the Housing Element “does not allow development beyond what is currently allowed under the 2035 General Plan” and that “the Housing Element does not propose any specific projects for future development that is not currently allowed.” Yet, in the April 2021 Draft at page 4, the City contradicts this claim when it concedes that the Housing Element is being “adopted ahead of the 2040 General Plan” and that “[t]he 2040 General Plan is expected to increase the allowable densities in certain areas of the city, which will likely increase housing capacity beyond what is described in the 2021-2019 Housing Element.”

The City’s claim that the Housing Element does not go beyond the 2035 General Plan is therefore not accurate. The City cannot be allowed to misrepresent the bases of their findings to avoid conducting a valid CEQA review. In fact, there is nothing in the Housing Element to indicate that the City has even considered the additional development anticipated by Accessory Dwelling Units (ADUs) coupled by the substantial changes intended to single housing neighborhoods and zoning. Even if the City can claim that ADUs are exempt from CEQA review, CEQA mandates that all development must be reviewed cumulatively to appropriately assess environmental impacts. As an example, in the “Utilities and Service” section of the Negative Declaration the City describes the water supply and the process the City relies on to provide wastewater collection in the City. Despite the obvious development that will result from the anticipated ADUs and densification of single family neighborhoods intended by the Housing Element, the City incredulously finds that the Housing Element “would have no impacts pertaining to utilities and service systems.” The same failure in evidence and logic is found in the City’s findings of no impacts with regard to, energy, gas, water quality, traffic, energy use, equipment use, noise, physical changes to existing communities, recreational changes (including neighborhood and community parks), green space, public services (including police and schools), transportation, parking, vegetation, and trees that are recognized as a symbol of Sacramento.

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The Housing Element demonstrates a clear violation of its statutory duty to engage single family homeowners and residents, who are the members of the community most directly affected by the changes to single family zoning and neighborhoods, when developing the Housing Element. Government Code section 65583, subdivision (c) (9) states that the Housing Element requires a local government to make “a diligent effort....to achieve public participation of all economic segments of the

community **in the development** of the housing element... ." (Emphasis added.) As demonstrated in the Housing Element, in examples below, the City consistently failed to make a diligent effort to obtain input from Sacramento single family homeowners and residents in developing the Housing Element.

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The City's complete failure to engage single family homeowners and residents to provide input in developing the Housing Element is even more serious because of the severe obstacles and undue burdens residents of Sacramento were experiencing with the COVID crisis. The economic, health, and safety concerns the world was experiencing was clearly at the forefront of residents in Sacramento and throughout the world. The Housing Element shows that the alleged community outreach was conducted at the height of the COVID crisis through the internet when the entire world was clearly focused on the pandemic crisis. Under normal circumstances the HCD's best practice supports that public entities take affirmative action to conduct broad based outreach. Given the significant COVID crisis residents of Sacramento were experiencing, the City should have used every measure at its disposal to engage single family homeowners and residents and neighborhood associations for input when developing the Housing Element. Because of this violation, many single family homeowners and residents in Sacramento are barely learning of the significant changes intended by the City with the adoption of the Housing Element.

That the City scheduled hearings the Housing Element was published for review by the public is also not sufficient to defend against this violation. As established above, failures in the process followed by the City, which excluded the very stakeholders most affected, will not be remediated given the policy position now firmly entrenched.

The City's failure to engage single family homeowners and residents in the development of the Housing Element as it relates to changes to single family neighborhoods and housing is a violation of the Government Code. As such, without any reference to changing the zoning should be removed from the Housing Element.

CONCLUSION

We submit that the Housing Element will have significant impacts which requires the City to comply with CEQA and is therefore required to prepare a detailed Environmental Impact Report before calling for changes that would drastically change single family zoning and neighborhoods housing in Sacramento.

Respectfully

Kirk Vyverberg, Land Use Chair
Land Park Community Association – District #4
Landuse@landpark.org
916-212-7693.

From: [Maggie Coulter](#)
To: [Scott Johnson](#)
Cc: publiccomment@cityofsacramento.org
Subject: RE: Objection to Negative Declaration for 2021- 2029 Housing Element
Date: Wednesday, June 16, 2021 5:15:07 PM

I want this to be considered a formal objection.
Do I have to send this to another email?

From: Maggie Coulter
Sent: Wednesday, June 16, 2021 10:47 AM
To: 'srjohnson@cityofsacramento.org' <srjohnson@cityofsacramento.org>
Cc: 'publiccomment@cityofsacramento.org' <publiccomment@cityofsacramento.org>
Subject: Objection to Negative Declaration for 2021- 2029 Housing Element

As a resident and taxpayer in Sacramento, I object to the Negative Declaration filed by the City of Sacramento for the proposed 2021-2029 Housing Element.

The Housing Element proposes radical changes to City zoning and other ordinances for the that will densify existing neighborhoods and result in environment impacts that need to be assessed, including but not limited to: emergency response, fire & flood management; air quality, water resources, waste and storm water management, loss of trees and vegetation, increased traffic, decreased land for ground water recharge.

Maggie Coulter
Sacramento, CA

From: [Maggie Coulter](#)
To: [Scott Johnson](#)
Cc: publiccomment@cityofsacramento.org
Subject: Objection to Negative Declaration for 2021- 2029 Housing Element
Date: Wednesday, June 16, 2021 10:47:15 AM

As a resident and taxpayer in Sacramento, I object to the Negative Declaration filed by the City of Sacramento for the proposed 2021-2029 Housing Element.

The Housing Element proposes radical changes to City zoning and other ordinances for the that will densify existing neighborhoods and result in environment impacts that need to be assessed, including but not limited to: emergency response, fire & flood management; air quality, water resources, waste and storm water management, loss of trees and vegetation, increased traffic, decreased land for ground water recharge.

Maggie Coulter
Sacramento, CA

From: [Matt Krauel](#)
To: [Scott Johnson](#)
Subject: Housing Element Environmental Review Questions
Date: Tuesday, June 8, 2021 11:13:37 AM

Dear Scott Johnson,

I was curious who to contact to ask questions surrounding the Housing Element Environmental Review.

Ultimately, I am curious where the water comes from to supply the new housing and development. The report only states the project will not "substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin." However, it doesn't appear to state what 'substantially' means.

I have the following questions:

- (1) How much will the project decrease groundwater supplies?
- (2) How is the term 'substantially' defined in this context, and how is that number determined?
- (3) How much more housing development can take place with what water we have so as to not negatively interfere with the environment, including the environment beyond the City of Sacramento?

Thank you in advance for any information on answers to these questions!

Best wishes,
Matt



Virus-free. www.avg.com

From: [Steve Johnson](#)
To: [Scott Johnson](#)
Subject: FW: North Natomas Community Coalition comments on Housing Element Negative Declaration
Date: Thursday, June 17, 2021 2:58:26 PM
Attachments: [NNCC Comments DraftNegDec City2021-2029HE.docx](#)

From: lisa@crabray.com <lisa@crabray.com>
Sent: Thursday, June 17, 2021 2:37 PM
To: Steve Johnson <sjohnson@cityofsacramento.org>
Subject: North Natomas Community Coalition comments on Housing Element Negative Declaration

Hi Scott,

Attached please find the North Natomas Community Coalition's (NNCC) comments on the Housing Element 2021 – 2019 Negative Declaration.

Although the recent announcement of California Northstate University's construction of a hospital on the former Sleep Train Arena site changes the context of our comments, it reinforces our opinion that the Housing Element 2021 – 2019 fails to address the need for more above-moderate priced housing. Between the over 3,000 jobs at Centene and the coming 3,000 jobs at the Cal Northstate University Medical Center, many more of these homes will be needed. To fail to provide them will lead to employees moving to Roseville, Rocklin or Granite Bay. This will impact traffic and the environment.

Thanks for your consideration of our comments.

Lisa Pray, President
NNCC

Date: June 13, 2021

To: Scott Johnson
Senior Planner
City of Sacramento Community Development Department

Subject: NNCC Comments, 2021-2029 Housing Element Update, Draft Negative Declaration

I am writing this letter on behalf of the North Natomas Community Coalition (NNCC). We are a community-based group consisting of residents from many HOAs and Community Associations in the North Natomas area. Our goal is to analyze any new projects in our area and determine how they may or may not benefit our area.

After reviewing the City of Sacramento Draft 2021-2029 Housing Element and the Draft Negative Declaration, we have the following comments:

- The Draft Land Use Map (2040 General Plan, attachment 6, exhibit A) incorrectly zones large land areas in North Natomas as “Residential Mixed Use” when they are currently zoned as Employment Center (EC), Sports Complex (SC) and Commercial use. We strongly oppose any rezoning of EC, SC and commercial land to residential uses and request they be revised to “Employment Mixed Use” and “Commercial Mixed Use.” Changing the land use of large areas such as the former Arena site, the major EC land along the east side of I-5, and the Natomas Marketplace area is a zoning change, and requires an EIR analysis if not revised back to current zoning.
- It is premature for the city to rezone all Natomas land along the light rail route to the Airport as “Residential Mixed Use” when there is no plan to complete the green light rail line by the 2029 plan period. Per attachment 6, p.2 Residential Mixed Use “...areas are located adjacent to high quality transit.” The City’s TOD ordinance needs to be conditioned to not impose high density housing “by right” along the Natomas light rail corridor until there is a realistic likelihood of “high quality transit availability” in the area by the Plan’s completion date.
- There are no statements addressing the impact of the updated General Plan and Housing Element on area community plans. Per the Neg Dec, section III, pg 10, para 2: “When a project diverges from an adopted plan, ... it may affect planning in the community regarding infrastructure and services, and the new demands generated by the project may result in later physical changes in response to the project.”
 - All infrastructure in North Natomas - water supply, sewer, drainage, flood control, traffic, etc. - has been planned based on the current zoning in the North Natomas Community Plan (NNCP). Therefore, any changes from zoning in the NNCP need to be evaluated for impact, if changed.
- Though NNCC supports the City’s efforts to increase housing affordability and address workforce, low- and very-low-income needs, it is imperative that the city not ignore the largest housing need in the RHNA allocation - the 20,266 units needed for “Above-Moderate” incomes (almost 50% of RHNA needs). SACOG specifically addressed the need for regional income parity in their draft RHNA methodology menu document. SACOG Objective 4 (p.3) seeks to “Promote Regional Income Parity”, and the RHNA allocation to the City essentially says that we are becoming a “poor city” relative to our regional neighbors. This is not good for Sacramento’s economic

sustainability. Per SACOG's allocation, jurisdictions need to "...address the needs at all income levels through zoning..." as per the methodology noted on page 1.

- NNCC has long identified the concern that residents are moving away from Sacramento to obtain "move-up" housing. It is imperative the City keep its single-family zoning and identify some larger lot size zones to meet the above-moderate housing needs.
- HE policy H-2.14, pg 29. We oppose allowing multifamily affordable housing approval "by right", which bypasses community review. Though we do not oppose allowing housing developments that have 20 percent affordable units, we have learned through previous experience that these projects require community review and input to ensure the projects are "good neighbors" in the community. The City's RHNA allocation for low and very low incomes does not justify bypassing community review for these projects.
- The HE does not evaluate the impact on Home Owner Associations (HOAs) of revising single family zoning. Many HOAs own their streets and facilities. HE page 31 states that ADUs will be allowed "by right" and be "... exempt from density calculations, environmental review, and public hearings." This could pose an unacceptable cost risk for HOAs.
 - We request the City establish a notification document that lists all pending "by right" projects in review that will be sent to community groups for their awareness and ability to respond within the 60-day approval period.
 - Exempting ADU's from density calculations is a serious concern. The city has identified "expanding extensive tree canopy" as a key goal of the GP. Trees are critical to fighting climate change and reducing air pollution and heat. But Lot densities have increased to the point where setbacks are too small for trees to grow adequately without damaging foundations, sewer lines, and roadways. Many communities are having to remove mature trees at great cost for this reason. The city needs to establish minimum lot setbacks that would ensure adequate space for mature tree growth needs.

We recommend the City of Sacramento 2021-2029 Housing Element (HE) focus on promoting more use of the *existing* ADU ordinance and other policies, instead of changing policies and land use zones. Incentivizing and promoting ADUs could achieve the City's 2029 allocation for VLI, LI, & Moderate-Income RHNA needs without the need to bypass community review or change land uses. However, the HE does need to address what SACOG has assessed as Sacramento's largest RHNA need: Above-Moderate Income households (i.e., "move-up homebuyers"). More than 20,000 of these housing units are needed to achieve regional income parity, attract job centers, and prevent Sacramento from becoming a "poor" city.

Thank you for the opportunity to comment.

Sincerely,

Lisa Pray

Lisa Pray
President, North Natomas Community Coalition (NNCC)



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June 17, 2021

Scott Johnson, Senior Planner
Community Development Department
300 Richards Blvd, 3rd floor
Sacramento, CA 95811

NAME OF DEVELOPMENT: City of Sacramento Housing Element Update

TYPE OF DOCUMENT: Initial Study/Negative Declaration (IS/ND)

The Sacramento Regional Transit District (SacRT) has reviewed the Initial Study/Negative Declaration (IS/ND) for the City of Sacramento 2021-2029 Housing Element. The Housing Element is one of the eight mandated elements of the General Plan and is the only element for which State law establishes a mandated schedule for updating and adopting the element. SacRT has the following comments regarding the IS/ND:

SacRT supports the City of Sacramento updating the Housing Element, which could potentially decrease vehicle miles traveled (VMTs) projects. The City of Sacramento provided specific sections of the 2035 General Plan Policies in the IS/ND as justification for the approval of the Housing Element impacts on the transit system. SacRT notes the inclusion of the following General Plan policies:

Air Quality:

- M 3.1.20 City Defined Transit Infrastructure and Services. The City shall work with transit operators toward delivery of public transit facilities and services that are aligned with the City's priorities consistent with the goals and policies of the General Plan.
- M 3.1.2 Increase Transit Service. The City shall work with transit operators and community partners to increase public transit service (i.e., frequency, number of lines and stops, dedicated transit lanes) above and beyond what is already planned in the MTP/SCS, as funding is available.
- M 3.1.5 Variety of Transit Types. The City shall consider a variety of transit types including high speed rail, intercity rail, regional rail, light rail transit, bus rapid transit, trolleys (streetcars), enhanced buses, express buses, local buses, car sharing, bike sharing, neighborhood shuttles, pedi-cabs, and jitneys to meet the needs of residents, workers, and visitors.
- LU 2.6.1 Sustainable Development Patterns. The City shall promote compact development patterns, mixed use, and higher-development intensities that use land efficiently; reduce pollution and automobile dependence and the expenditure of energy and other resources; and facilitate walking, bicycling, and transit use.

Transportation and Circulation:

- Policies M1.1.1 to M 1.1.4 and Goal M2.1 address provision of a multimodal transportation system including automobile rights-of-way, prioritize emergency services during the planning process, and address facilities and infrastructure.
- Policy M 1.2.1. promotes development of a multimodal transportation system.
- Policies M1.4.1 to M1.4.4 require the City to study and implement Transportation Demand Management measures to reduce reliance on automobile transport.
- Policies M 4.1.1 to Policy M 4.1.7 address emergency access, community engagement, coordination with other transportation agencies, bridge crossing and roundabout design, and the Sutter's Landing Interchange.
- Policies M 4.2.1 to M 4.2.6: Require the City to implement "complete streets" design standards, including accommodating adequate space for all travel modes including bicycling and walking, transit, and automobile use on applicable facilities such as roadways and bridges.
- Policies LU 1.1.1, and LU 1.1.5 direct the City to support infill development and creation of a sustainable transportation system through policy mechanisms including rezoning, updating regulations, preserving integrity of historic districts; and through funding and development related mechanisms such as habitat conservation, promoting a multimodal transportations system, increasing housing diversity, and encouraging infill housing.
- Policies LU 2.5.1: LU 2.5.2, LU 2.6.1, LU 2.7.6, LU 4.1.3, LU 4.1.6, Address neighborhood connectivity, neighborhood walkability, sustainable development patterns, and reducing barriers to connectivity amongst neighborhoods and the City center.

Regarding the specific language within the 2021-2029 Housing Element document, SacRT wants to highlight, and commend the City of Sacramento on the inclusion of the following programs/policies:

- Goal 1. Increasing Overall Housing Production sites: The City has taken action by establishing a Transit Oriented Development (TOD) ordinance to incentivize and protect areas near light rail stations for housing and other TOD uses.
- Policy H-1.4 Facilitate Infill Housing Development: The City shall facilitate infill housing along commercial corridors, near employment centers, and near high-frequency transit areas as a way to revitalize commercial corridors, promote walkability and increased transit ridership, and provide increased housing options.
- Policy H-8.3 Encourage Accessible Housing Near Transit and Amenities: The City shall encourage development, rehabilitation, and preservation of accessible housing, particularly in neighborhoods that are accessible to public transit, commercial services, and health and community facilities.

SacRT appreciates the City's coordination during the development distribution and agency review phase. SacRT would like to continue to be an integral partner to ensure transit can be of benefit to the development and the development adds value to the transit system.

Staff appreciated the opportunity to comment, and we look forward to partnering with the City of Sacramento on future housing development projects. If you have further questions regarding these recommendations, please contact me at (279) 234-8374 or kschroder@sacrt.com.

Sincerely,



Kevin Schroder
Senior Planner, SacRT

Cc: James Boyle, Director of Planning, SacRT
Sarah Poe, Planner, SacRT



June 17, 2021

Scott Johnson, Senior Planner
City of Sacramento Community Development Department
300 Richards Boulevard,
Sacramento, CA 95811

Subject: City of Sacramento Draft Housing Element

Dear Scott Johnson:

The Sacramento Metropolitan Air Quality Management District (Sac Metro Air District) thanks the City of Sacramento for the opportunity to review the City's Draft Housing Element. Our primary comments pertain to Sac Metro Air District efforts to reduce urban heat island effect impacts in our region.

The Sac Metro Air District participated in the 2020 Capital Region Transportation Sector Urban Heat Island Mitigation Project ([UHI Project](#)),¹ producing a report on urban heat island effect impacts on the Sacramento region, and mitigation strategies for these impacts. The urban heat island effect already presents a serious challenge for our region, according to the report. Urbanized areas in Sacramento range 3 to 9 degrees Fahrenheit warmer than surrounding areas, which results in decreased air quality and associated public health impacts. This is especially important for residential projects, as lower temperatures improve health and reduce utility bills.

To help reduce temperatures in the immediate vicinity of housing projects, as well as to contribute regionally to a reduction in the urban heat island effect, Sac Metro Air District recommends that it incorporate the following policies into the Housing Element and discuss them in Appendix H-6: Opportunities for Energy Conservation. These policies are consistent with existing City General Plan policy LU 2.6.8, which stipulates that "The City shall reduce the 'heat island effect' by promoting and requiring, where appropriate, such features as reflective roofing, green roofs, light-colored pavement, and urban shade trees and by reducing the unshaded extent of parking lots."

- The City shall require cool roofs for all new construction consistent with [The 2019 California Building Energy Efficiency Standards](#)² suggestion of an aged solar reflectance of at least 0.63 for low-sloped roofs and at least 0.20 for steep-sloped roofs, and minimum thermal emittance of 0.75.
- The City shall require cool pavement with an albedo of at least 0.25-0.5 for all new construction with one acre or more of paved area.

¹ UHI Project - <https://urbanheat-smaqmd.hub.arcgis.com/>

² 2019 California Building Energy Efficiency Standards - <https://ww2.energy.ca.gov/2018publications/CEC-400-2018-020/CEC-400-2018-020-CMF.pdf>

- The City shall prioritize enforcement of the parking lot tree-shading ordinance at multi-family residential projects and require cool pavement surface applications in areas non-compliant with tree shading standards until compliance is reached.

Thank you for your attention to our comments. If you have questions, please contact me at pphilley@airquality.org or 916-874-4882.

Sincerely,

A handwritten signature in black ink that reads "Paul Philley". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Paul Philley, AICP
Program Supervisor

cc: Molly Wright, AICP, Air Quality Planner / Analyst