



July 20, 2021

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

Subject: Sacramento Housing Element Response to Comments Memo

Dear Scott,

Ascent has reviewed the 16 public comments received on the Initial Study/Negative Declaration (IS/ND) prepared for the 2021-2029 Housing Element, which was circulated for comment from May 18, 2021, to June 17, 2021. Following is Ascent's views of the issues raised. In sum, we do not believe a fair argument can be made that the project may have a significant adverse environmental impact.

The Housing Element and Concerns Regarding Increased Residential Development

Several of the commenters, including Concerned Citizens and the Land Park Community Association, raised concerns with the adequacy of the IS/ND. (The letter was modified slightly between commenters, but the primary points raised were similar.) Specifically, these commenters asserted that the CEQA document was inadequate based on their view that the Housing Element would cause additional residential development that should be evaluated in the IS/ND.

As stated in the IS/ND, the Housing Element will not result in a change to the environment: "While the Housing Element establishes policy for housing, and a policy-based strategy, it does not provide for changes in the type, level, or location of physical development. Regulation of location, type, character, and other features of physical development are established in the City's General Plan and the Planning and Development Code."

Instead, the Housing Element accommodates housing development already contemplated under the 2035 General Plan (and evaluated in the 2035 General Plan Master Environmental Impact Report (EIR)). Specifically—

1. The Housing Element demonstrates that there is currently sufficient land zoned to provide housing capacity that is adequate to meet the Regional Housing Needs Allocation (RHNA) at each income level, as required by the State of California. The capacity of housing identified in the sites inventory to meet those RHNA targets reflects what is currently allowed under the adopted 2035 General

Plan land use designations. No rezoning or changes to land use designations are necessary to meet the targets.

2. The Housing Element does not make changes to the current 2035 General Plan land use diagram, zoning, or Planning and Development Code that would allow development beyond what is currently allowed. The Housing Element does not allow for any additional density in single-unit residential areas, or any other areas in the City.
3. Residential development will occur throughout the City with or without approval and implementation of the Housing Element.
4. The development considered under the Housing Element has already been evaluated under previous documents prepared pursuant to the California Environmental Quality Act (CEQA), including the 2035 General Plan Master Environmental Impact Report (MEIR), Downtown Specific Plan Environmental Impact Report (EIR), as well as other CEQA documents prepared for plans and projects proposed throughout the City.
5. For the reasons described above, adoption and implementation of the Housing Element would not result in increased housing density and would therefore not result in increased demand for utilities (including the Combined Sewer System), parks, or public services.

Responses to Other Points Raised in Public Comments

The following discussion responds to the other points raised in the comment letters. Note that no response is provided for points that did not raise environmental issues.

First, the letter suggests that policies and programs that were included in previous iterations of the Draft Housing Element, but which were removed in later iterations, reveal the City's intentions for "development at a mass scale in every single-family zoned area in all of Sacramento."

The City has the right to modify the Housing Element during the drafting and public review phase. While the City initially considered addressing the provision of a greater array of housing types in the Housing Element, the City Council, on January 19, 2021, adopted a resolution directing staff to proceed with this policy discussion as part of the 2040 General Plan Update discussion—i.e. not as part of the Housing Element update. Specifically, the City Council directed staff to proceed with a draft land use map, proposed roadway changes, and other "key strategies" for the purposes of the preparation of the 2040 General Plan, Climate Action and Adaptation Plan, and the MEIR. The "key strategies" include permitting a greater array of housing types in existing single-unit neighborhoods. Accordingly, any policies and programs aimed at increasing the density allowed in single-unit residential neighborhoods will be considered as part of the 2040 General Plan Update and evaluated in the 2040 General Plan MEIR. As such, the proposed Housing Element does not include policies or programs that would allow any additional development in areas zoned and/or designated for single-unit residential development and it would have been inappropriate for the IS/ND to evaluate them.

Second, commenters also voiced concern that the Housing Element's stated numeric housing targets are evidence that the City intends to "open mass scale development" in single-family neighborhoods. Commenters specifically cited the Housing Element's statement that the City's target is 45,850 units over

the next eight years and the IS/ND's statement that the City intends to accommodate the construction of 45,580 units by 2029 and at least 700 accessory dwelling units by 2029. The State of California requires all cities and counties to identify housing needs and to demonstrate that there is sufficient land zoned to provide housing capacity to meet the RHNA targets. Identifying housing targets does not mean that the Housing Element would result in changes to the level of allowed development. In fact, as explained above and indicated on page 6 of the IS/ND, the City is able to meet these housing targets under the current 2035 General Plan land use designations and Planning and Development Code with residential development capacity of 52,492 units—a surplus of 6,912 units beyond the 45,580 units identified in the RHNA. (As stated on page 4 of the Housing Element, the sites inventory reflects the capacity under the current 2035 General Plan. It should be noted that page H-2-16 in Appendix H2 of the Housing Element states that densities assumed for the parcels in the inventory are based on what is currently allowed by the Planning and Development Code and land use designations in the 2035 General Plan. Because there are many instances where the General Plan and Planning and Development Code are inconsistent, as a conservative estimate of capacity, the sites inventory applies the more restrictive density standard of either the Zoning or the General Plan.) Also, as part of its analysis of population and housing, the 2035 General Plan MEIR (p. 3-9) identifies the need for an additional 68,000 units to meet SACOG's target and concludes that the 2035 General Plan designates adequate land to accommodate the projected increase in housing. Adoption of the proposed Housing Element would not allow one additional unit beyond what is allowed under the current 2035 General Plan and Planning and Development Code.

Third, some commenters suggested that the IS/ND's statements that the Housing Element does not allow development beyond what is currently allowed under the 2035 General Plan are a misrepresentation. To support this claim, the comments point out that the Housing Element indicates the 2040 General Plan Update is expected to increase allowable densities in certain areas of the City, which would increase housing capacity beyond what is described in the Housing Element. However, the Housing Element's reference to potential development capacity currently being shaped in the 2040 General Plan Update does not refute the IS/ND's statements that the Housing Element does not allow development beyond what is currently allowed under the 2035 General Plan. As explained above, the City may consider a change to development capacity as part of the 2040 General Plan Update process. As part of that process, an EIR will be prepared that will evaluate any potential environmental impacts associated with additional development capacity. That the City may consider this as part of the 2040 General Plan Update process does not negate the fact that additional development capacity is not being considered at this time nor are any changes to zoning regulations that would increase housing beyond what was contemplated under the 2035 General Plan. It is also worth noting that approval of the 2040 General Plan is not necessary to implement the Housing Element, and approval of the Housing Element is not necessary to implement the 2040 General Plan—both projects have independent utility, and separate CEQA review is appropriate.

Fourth, comments were raised regarding water supply and groundwater. Regarding water supply, the IS/ND (p. 61) describes the City's water supply services, facilities, and sources: "Domestic water services within the Policy Area are provided by the City and other water purveyors. The City provides domestic water service to the area within the City Limits and to several small areas within Sacramento County. The City's water facilities also include water storage reservoirs, pumping facilities, and a system of transmission and distribution mains. The City's water supply comes from the American and Sacramento Rivers and groundwater pumped from the North and South American Subbasins." The City's 2015 Urban Water

Management Plan is a primary planning tool for the City for development and delivery of municipal water supplies to the City's water service area. This is an important planning document for ensuring adequate water supply, and Ascent recommends that a reference to this document be added to the IS/ND for increased clarity. This added reference does not change the conclusion stated on page 63 of the IS/ND that it is not anticipated that the Housing Element would result in a substantial increased demand for water and "no impact" would result.

Groundwater-related comments questioned the IS/ND's use of the word "substantially" when indicating that the Housing Element would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge. As indicated on page 41 of the IS/ND, the Housing Element does not propose new development or housing that would result in physical changes or environmental effects that would affect groundwater supply, quality, or recharge. In this context, the term "substantially" originates from question "b" in Section X, Hydrology and Water Quality of Appendix G of the State CEQA Guidelines. CEQA (Section 21068) defines "significant effect on the environment" as a "substantial, or potentially substantial, adverse change in the environment." As described in the response to the first question, the proposed Housing Element would not result in a physical change or environmental effects that would affect groundwater supply, quality, or recharge. These comments also inquired why projections for potential groundwater decrease were not provided. Because the Housing Element would not affect groundwater supply, this calculation is not necessary for this CEQA analysis.

Finally, concerns regarding the public outreach process were also raised. However, the concerns did not focus on the public review aspects of CEQA, but rather focused more on the outreach process for the Housing Element, itself. To be clear, the IS/ND was prepared and circulated in accordance with state law—the document was submitted to the State Clearinghouse and made available for public review for a period of 30 days pursuant to Public Resources Code Section 21091(b) and California Code of Regulations Section 15105(b).

Please contact me if you have any questions regarding these responses.

Sincerely,



Mike Parker
Principal